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Tamil Nadu Bills

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**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY
OF THE STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th April, 2023 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 13 of 2023

A Bill to repeal certain enactments

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or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

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

- | | |
|-------------------------------|---|
| Short title. | 1. This Act may be called the Tamil Nadu Repealing (Second) Act, 2023. |
| Repeal of certain enactments. | 2. The enactments specified in the Schedule are hereby repealed. |
| Savings. | 3. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;
and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;
nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;
nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force. |

THE SCHEDULE**REPEALS**

(See section 2)

S.No.	Year	Number	Short Title
(1)	(2)	(3)	(4)
<i>President's Acts</i>			
1.	1976	12	The Tamil Nadu General Clauses (Amendment) Act, 1976.
2.	1976	18	The Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1976.
3.	1976	39	The Chennai City Police (Amendment) Act, 1976.
4.	1977	3	The Tamil Nadu Debt Relief Laws (Amendment) Act, 1977.
5.	1988	3	The Dr. M.G.R. Medical University, Tamil Nadu, (Amendment) Act, 1988.
6.	1988	13	The Pachaiyappa's Trust and the Scheduled Public Trusts and Endowments (Taking Over of Management) Amendment Act, 1988.
<i>Tamil Nadu Acts</i>			
7.	1973	30	The Tamil Nadu Private Electricity Supply Undertakings (Acquisition) Act, 1973.
8.	1975	4	The Chennai City Police and Tamil Nadu Towns Nuisances (Amendment) Act, 1974.
9.	1975	17	The Chennai City Police (Amendment) Act, 1975.
10.	1975	30	The Tamil Nadu Towns Nuisances (Amendment) Act, 1975.
11.	1975	35	The Tamil Nadu Payment of Salaries (Amendment) Act, 1975.
12.	1975	37	The Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy (Amendment) Act, 1975.
13.	1975	46	The Tamil Nadu Educational Institutions (Temporary Control of Property) Amendment and Validation Act, 1975.
14.	1975	50	The Tamil Nadu Private Electricity Supply Undertakings (Acquisition) Amendment Act, 1975.
15.	1977	1	The Tamil Nadu Debt Relief Laws (Second Amendment) Act, 1977.
16.	1977	10	The Chennai University (Amendment) Act, 1977.
17.	1978	2	The Tamil Nadu Debt Relief Laws (Amendment) Act, 1978.
18.	1978	32	The Tamil Nadu Prohibition (Amendment) Act, 1978.
19.	1979	15	The Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1979.
20.	1979	42	The Chennai University and Madurai-Kamaraj University (Amendment) Act, 1979.
21.	1979	45	The Tamil Nadu Forest (Amendment) Act, 1979.
22.	1979	63	The Chennai City Police (Amendment) Act, 1979.
23.	1980	7	The Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1979.
24.	1980	9	The Chennai University and Madurai-Kamaraj University (Second Amendment) Act, 1979.

<i>S.No.</i>	<i>Year</i>	<i>Number</i>	<i>Short Title</i>
(1)	(2)	(3)	(4)
25.	1980	10	The Tamil Nadu Payment of Salaries (Amendment) Act, 1980.
26.	1980	17	The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Amendment Act, 1980.
27.	1981	19	The Tamil Nadu Revenue Recovery (Amendment) Act, 1981.
28.	1981	38	The Tamil Nadu Payment of Salaries (Second Amendment) Act, 1981.
29.	1981	41	The Tamil Nadu Forest (Amendment) Act, 1981.
30.	1981	51	The Tamil Nadu Prohibition (Second Amendment) Act, 1981.
31.	1981	58	The Tamil Nadu Payment of Salaries (Third Amendment) Act, 1981.
32.	1981	59	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1981.
33.	1981	65	The Tamil Nadu Agricultural Labourer Fair Wages (Second Amendment) Act, 1981.
34.	1982	24	The Tamil Nadu Payment of Salaries (Second Amendment) Act, 1982.
35.	1982	42	The Tamil Nadu Prohibition (Amendment) Act, 1982.
36.	1983	5	The Tamil Nadu Legislature (Prevention of Disqualification) Amendment Act, 1983.
37.	1983	27	The Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1983.
38.	1983	33	The Tamil Nadu Prohibition (Second Amendment) Act, 1983.
39.	1983	45	The Bharathiar University (Amendment) Act, 1983.
40.	1983	46	The Chennai University and Madurai-Kamaraj University (Amendment) Act, 1983.
41.	1983	48	The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Validation) Act, 1983.
42.	1984	2	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1983.
43.	1984	11	The Tamil Nadu Payment of Salaries (Amendment) Act, 1984.
44.	1984	12	The Tamil Nadu Cinemas (Regulation) Amendment Act, 1984.
45.	1984	16	The Pachaiyappa's Trust (Taking Over of Management) Amendment Act, 1984.
46.	1984	17	The Tamil Nadu Stage Carriages and Contract Carriages (Acquisition) Amendment Act, 1984.
47.	1984	19	The Chennai City Police and the Tamil Nadu District Police (Amendment) Act, 1984.
48.	1985	15	The Tamil University (Amendment) Act, 1985.
49.	1985	20	The Bharathiar University and the Bharathidasan University (Amendment) Act, 1985.
50.	1985	22	The Pachaiyappa's Trust (Taking Over of Management) Amendment Act, 1985.
51.	1985	29	The Tamil Nadu Prohibition (Amendment) Act, 1985.
52.	1985	44	The Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Amendment Act, 1985.

<i>S.No.</i>	<i>Year</i>	<i>Number</i>	<i>Short Title</i>
(1)	(2)	(3)	(4)
53.	1985	45	The Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1985.
54.	1986	14	The Pachaiyappa's Trust (Taking Over of Management) Amendment Act, 1986.
55.	1986	16	The Tamil Nadu Prohibition (Amendment) Act, 1986.
56.	1986	19	The Tamil Nadu Payment of Salaries (Amendment) Act, 1986.
57.	1986	20	The Bharathiar University and the Bharathidasan University (Amendment) Act, 1986.
58.	1986	21	The Anna University (Amendment) Act, 1986.
59.	1986	22	The Tamil University (Amendment) Act, 1986.
60.	1986	33	The Tamil Nadu Prohibition (Second Amendment) Act, 1986.
61.	1986	34	The Tamil Nadu Legislature (Prevention of Disqualification) Amendment Act, 1986.
62.	1986	38	The Tamil Nadu Cinemas (Regulation) Amendment Act, 1986.
63.	1986	50	The Tamil Nadu Recognised Private Schools (Regulation) Amendment Act, 1986.
64.	1986	52	The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Goondas, Immoral Traffic Offenders and Slum-grabbers (Amendment) Act, 1986.
65.	1986	57	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1986
66.	1986	69	The Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986.
67.	1986	72	The Tamil University (Second Amendment) Act, 1986.
68.	1987	1	The Tamil Nadu Recognised Private Schools (Regulation) and Private Colleges (Regulation) Amendment Act, 1986.
69.	1987	9	The Pachaiyappa's Trust (Taking Over of Management) Amendment Act, 1987.
70.	1987	21	The Alagappa University (Amendment) Act, 1987.
71.	1987	24	The Tamil Nadu Cinemas (Regulation) Amendment Act, 1987.
72.	1987	25	The Tamil Nadu Motor Vehicles Taxation(Second Amendment) Act, 1987.
73.	1987	29	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1985.
74.	1987	30	The Tamil Nadu Private Colleges (Regulation) Amendment Act, 1987.
75.	1987	39	The Tamil Nadu Recognised Private Schools (Regulation) Amendment Act, 1987.
76.	1987	44	The Tamil Nadu Payment of Salaries (Amendment) Act, 1987.
77.	1987	45	The Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions (Amendment) Act, 1987.
78.	1987	47	The Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1987.
79.	1987	48	The Tamil Nadu Cinemas (Regulation) Third Amendment Act, 1987.
80.	1987	50	The Tamil Nadu Medical University (Amendment) Act, 1987.

<i>S.No.</i>	<i>Year</i>	<i>Number</i>	<i>Short Title</i>
(1)	(2)	(3)	(4)
81.	1987	55	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1987.
82.	1987	57	The Pachaiyappa's Trust and the Scheduled Public Trusts and Endowments (Taking Over of Management) Third Amendment Act, 1987.
83.	1988	1	The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Goondas, Immoral Traffic Offenders and Slum-grabbers (Amendment) Act, 1987.
84.	1989	1	The Tamil Nadu Prohibition (Amendment) Act, 1989.
85.	1989	2	The Tamil Nadu Prohibition (Second Amendment) Act, 1989.
86.	1989	11	The Tamil Nadu Payment of Salaries (Amendment) Act, 1989.
87.	1989	12	The Tamil Nadu Legislature (Prevention of Disqualification) Amendment Act, 1989.
88.	1989	13	The Tamil Nadu Borstal Schools (Amendment) Act, 1989.
89.	1989	25	The Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1989.
90.	1989	29	The Tamil Nadu Universities Laws (Amendment) Act, 1989.
91.	1989	30	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment (Amendment) Act, 1989.
92.	1989	33	The Tamil Nadu Payment of Salaries (Second Amendment) Act, 1989.
93.	1990	4	The Tamil Nadu Payment of Salaries (Amendment) Act, 1990.
94.	1990	7	The Chennai Metropolitan Water Supply and Sewerage (Amendment) Act, 1990.
95.	1990	8	The Pachaiyappa's Trust and the Scheduled Public Trusts and Endowments (Taking Over of Management) Amendment Act, 1990.
96.	1990	12	The Tamil Nadu Prohibition (Amendment) Act, 1990.
97.	1990	18	The Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions (Amendment) Act, 1990.
98.	1990	20	The Tamil Nadu Advocates Welfare Fund (Amendment) Act, 1990.
99.	1990	25	The Tamil Nadu Public Health (Amendment) Act, 1990.
100.	1990	28	The Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1990.
101.	1990	32	The Dr. M.G.R. Medical University, Tamil Nadu, (Amendment and Validation) Act, 1989.
102.	1990	37	The Tamil Nadu Payment of Salaries (Second Amendment) Act, 1990.
103.	1990	39	The Tamil Nadu Kudiyiruppu Laws (Amendment) Act, 1990.
104.	1991	5	The Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1991.
105.	1991	9	The Dr. M.G.R. Medical University, Tamil Nadu, (Amendment) Act, 1991.
106.	1991	16	The Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment , 1991.
107.	1991	17	The Pachaiyappa's Trust and the Scheduled Public Trusts and Endowments (Taking Over of Management) Amendment Act, 1991.

<i>S.No.</i>	<i>Year</i>	<i>Number</i>	<i>Short Title</i>
(1)	(2)	(3)	(4)
108.	1991	25	The Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Second Amendment Act, 1991.
109.	1991	26	The Tamil Nadu Universities Laws (Amendment) Act, 1991.
110.	1991	31	The Tamil Nadu Court-fees and Suits Valuation (Amendment) Act, 1991.
111.	1991	33	The Tamil Nadu Motor Vehicles Taxation (Second Amendment) Act, 1991.
112.	1991	37	The Tamil Nadu Prohibition (Amendment) Act, 1991.
113.	1991	39	The Tamil Nadu Dr. M.G.R. Medical University, Chennai (Third Amendment) Act, 1991.
114.	1991	41	The Tamil Nadu Town and Country Planning (Amendment) Act, 1991.
115.	1991	42	The Tamil Nadu Dr. M.G.R. Medical University, Chennai (Second Amendment) Act, 1991.
116.	1991	44	The Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991.
117.	1992	1	The Tamil Nadu Urban Land Tax (Amendment) Act, 1991.
118.	1992	2	The Tamil Nadu Private Colleges (Regulation) Amendment Act, 1991.
119.	1992	3	The Tamil Nadu Universities Laws (Amendment) Act, 1992.
120.	1992	5	The Tamil Nadu State Housing Board (Amendment and Validation) Act, 1992.
121.	1992	6	The Chennai Metropolitan Water Supply and Sewerage (Amendment) Act, 1992.
122.	1992	8	The Tamil Nadu Dr. M.G.R. Medical University, Chennai (Amendment) Act, 1992.
123.	1992	9	The Tamil Nadu Universities Laws (Second Amendment) Act, 1991.
124.	1992	10	The Pachaiyappa's Trust and the Scheduled Public Trusts and Endowments (Taking Over of Management) Amendment Act, 1992.
125.	1992	21	The Tamil Nadu Universities Laws (Second Amendment) Act, 1992.
126.	1992	25	The Tamil Nadu Bhoodan Yagna (Amendment) Act, 1992.
127.	1992	28	The Tamil Nadu Town and Country Planning (Amendment) Act, 1992.
128.	1992	34	The Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1992.
129.	1992	35	The Tamil Nadu Motor Vehicles Taxation (Second Amendment) Act, 1992.
130.	1992	38	The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1992.
131.	1992	47	The Tamil Nadu Prohibition (Amendment) Act, 1992.
132.	1992	48	The Tamil Nadu Prohibition (Third Amendment) Amendment Act, 1992.
133.	1993	1	The Chennai University and the Annamalai University (Amendment) Act, 1992.
134.	1993	5	The Tamil Nadu Agricultural University (Second Amendment) Act, 1992.

<i>S.No.</i>	<i>Year</i>	<i>Number</i>	<i>Short Title</i>
(1)	(2)	(3)	(4)
135.	1993	9	The Chennai University and the Annamalai University (Second Amendment) Act, 1992.
136.	1993	14	The Tamil Nadu Prohibition (Amendment) Act, 1993.
137.	1993	15	The Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1993.
138.	1993	16	The Tamil Nadu Motor Vehicles Taxation (Second Amendment) Act, 1993.
139.	1993	33	The Tamil Nadu Motor Vehicles Taxation (Third Amendment) Act, 1993.
140.	1993	34	The Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions (Amendment) Act, 1993.
141.	1994	4	The Tamil Nadu Agricultural University (Amendment) Act, 1993.
142.	1994	8	The Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1994.
143.	1994	10	The Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1994.
144.	1994	11	The Tamil Nadu Cinemas (Regulation) Amendment Act, 1994.
145.	1994	13	The Tamil Nadu Labour Welfare Fund (Amendment) Act, 1994.
146.	1994	16	The Tamil Nadu Societies Registration (Amendment) Act, 1993.
147.	1994	30	The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1994.
148.	1994	36	The Tamil Nadu Motor Vehicles Taxation(Second Amendment) Act, 1994.
149.	1994	39	The Tamil Nadu Hindu Religious and Charitable Endowments (Fourth Amendment) Act, 1994.
150.	1994	40	The Tamil Nadu Water Supply and Drainage Board (Amendment) Act, 1994.
151.	1994	41	The Chennai Metropolitan Water Supply and Sewerage (Amendment) Act, 1994.
152.	1994	44	The Tamil Nadu Prevention of Begging (Amendment) Act, 1994.
153.	1994	46	The Tamil Nadu Public Property (Prevention of Damage and Loss) Amendment Act, 1994.
154.	1994	47	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1994.
155.	1994	50	The Tamil Nadu Borstal Schools (Amendment) Act, 1994.
156.	1994	54	The Tamil Nadu Motor Vehicles Taxation (Third Amendment) Act, 1994.
157.	1994	60	The Pachaiyappa's Trust and the Scheduled Public Trusts and Endowments (Taking Over of Management) Amendment Act, 1994.
158.	1995	13	The Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1995.
159.	1995	14	The Tamil Nadu Water Supply and Drainage Board (Second Amendment) Act, 1995.
160.	1995	17	The Tamil Nadu Water Supply and Drainage Board (Amendment) Act, 1995.
161.	1995	25	The Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1995.

<i>S.No.</i>	<i>Year</i>	<i>Number</i>	<i>Short Title</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
162.	1995	41	The Chennai City Police (Second Amendment) Act, 1995.
163.	1997	24	The Tamil Nadu Right to Information Act, 1997.
164.	1997	64	The Tamil Nadu Electricity (Taxation on Consumption) Amendment Act, 1997.
165.	1999	18	The Tamil Nadu Shops and Establishments (Amendment) Act, 1999.
166.	2000	45	The Tamil Nadu Agricultural University (Amendment) Act, 2000.
167.	2003	37	The Tamil Nadu Essential Services Maintenance (Amendment) Act, 2003.
168.	2008	32	The Tamil Nadu Value Added Tax (Amendment) Act, 2008.
169.	2008	60	The Tamil Nadu Sales Tax (Settlement of Arrears) Act, 2008.
170.	2009	17	The Tamil Nadu Value Added Tax (Amendment) Act, 2009.
171.	2009	23	The Tamil Nadu Value Added Tax (Third Amendment) Act, 2009.
172.	2010	10	The Tamil Nadu Entertainments Tax (Amendment) Act, 2010.
173.	2010	20	The Tamil Nadu Sales Tax (Settlement of Arrears) Act, 2010.
174.	2010	41	The Tamil Nadu Sales Tax (Settlement of Arrears) Amendment Act, 2010.
175.	2017	46	The Tamil Nadu Agricultural University (Amendment) Act, 2017.

STATEMENT OF OBJECTS AND REASONS.

The State Law Commission, Tamil Nadu has recommended in its various Reports (Twentieth Report to Sixty Sixth Report) during the period commencing from May 2018 and ending with September 2022 to repeal various enactments, as they have become obsolete and redundant. The Government considered the said recommendations of the State Law Commission and have decided to repeal the obsolete and redundant laws.

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

S. REGUPATHY,
Minister for Law.

Secretariat,
Chennai-600 009,
19th April 2023.

K. SRINIVASAN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th April, 2023 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 14 of 2023

A Bill to amend the Tamil Nadu Town and Country Planning (Third Amendment) Act, 2018.

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

1. This Act may be called the Tamil Nadu Town and Country Planning (Third Amendment) Amendment Act, 2023. Short title.

Tamil Nadu Act
31 of 2018.

2. In section 2 of the Tamil Nadu Town and Country Planning (Third Amendment) Act, 2018 (hereinafter referred to as the Amendment Act), for clause (3), the following clause shall be substituted, namely:— Amendment of section 2.

“(3) after clause 22, the following clause shall be inserted, namely:—

(22-A)- “land pooling area development scheme” means the scheme in which land owned by individual or group of individuals are pooled together and developed by the appropriate planning authority and part of such developed land is transferred to the original owner and the remaining part of such land is used for establishing common facilities and amenities or for sale.”

Substitution of
section 6.

3. For section 6 of the Amendment Act, the following section shall be substituted, namely:—

“6. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

CHAPTER-IV A

LAND POOLING AREA DEVELOPMENT SCHEME.

39-A. Declaration of intention to make a Land Pooling Area Development Scheme.— (1) The appropriate planning authority may, by notification, for the purpose of development of any area within its jurisdiction in an orderly holistic manner, declare its intention to make a land pooling area development Scheme (hereinafter in this Chapter referred to as the Scheme) for that area:

Provided that the appropriate planning authority shall obtain prior approval of the Government before notification of such declaration:

Provided further that any appropriate planning authority other than the Chennai Metropolitan Development Authority shall send such proposal to the Government through the Director:

Provided also that the appropriate planning authority may adopt, with or without any modification, the Scheme proposed by any Government department, public sector undertaking or statutory body owned or controlled by any State Government or the Central Government or by seventy per cent of the land owners in the Scheme area.

Explanation.— For the purpose of this section and sub-section (1) of section 39-C, “statutory body owned or controlled by any State Government or Central Government” means any body corporate established by or under a Central or State Act and includes a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (Central Act 18 of 2013), a society registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975), or under any corresponding law for the time being in force in a State being a society established or administered by any State Government and a Co-operative society within the meaning of any law relating to Co-operative societies for the time being in force in the State in which not less than fifty one per cent of the paid-up share capital is held by the Central Government or by any State Government or partly by the Central Government and partly by one or more State Governments.

(2) The declaration under sub-section (1) shall be published by the appropriate planning authority in such manner as may be prescribed, by notification in the District Gazette of that area and in two leading daily newspapers in that area of which one shall be in Tamil and such notification shall contain such particulars as may be prescribed and specify the time and place where a plan showing the boundaries of the proposed Scheme area may be inspected by the public.

39-B. Power of Government to require appropriate planning authority to make Scheme.— Notwithstanding anything contained in section 39-A, the Government may direct any appropriate planning authority to make a Scheme for any specific area and submit for their approval. In such cases, the appropriate planning authority shall proceed further for declaration of the intention of the Scheme under section 39-A and for preparation of the Scheme as provided in this Chapter.

39-C. Restrictions on land development work.— (1) On or after the date of publication of declaration of the intention to make a Scheme under section 39-A, no person shall within the area covered under the Scheme, carry out any development work without obtaining permission from the appropriate planning authority:

Provided that on or after the date of publication of the approved Draft Scheme, the appropriate planning authority may, in consultation with the designated officer, grant permission to any department of the Government, Public Sector Undertaking or a statutory body owned or controlled by any State Government or the Central Government to carry out any development work:

Provided further that any other person may also apply for permission in the form and in the manner as may be prescribed, to carry out any development work after publication of the approved Draft Scheme.

(2) On receipt of an application for permission to carry out any development work in the Scheme area, the appropriate planning authority shall send a written acknowledgement therefor.

(3) The appropriate planning authority, after consultation with the designated officer, may grant permission to carry out the development work within the Scheme area, having regard to the purpose for which the permission is required and the suitability of the place for such purpose and subject to such conditions as it may deem fit, or refuse to grant permission stating the reason therefor:

Provided that any such condition shall be in accordance with the approved Draft Scheme.

(4) If any person contravenes the provisions of sub-section (1) or of any condition imposed under sub-section (4), the appropriate planning authority may direct such person by notice in writing to stop the work in progress, and after making an inquiry in the prescribed manner, remove, pull down, or alter any building or other development and restore the land or building in respect of which such contravention is made, to its original condition.

(5) The restrictions imposed in this section shall cease to operate in the event of lapse of declaration of intention under sub-section (2) of section 39-I or on the publication of the Preliminary Scheme under sub-section (2) of section 39-O or on withdrawal of the Scheme under section 39-U.

(6) Notwithstanding anything contained in sub-section (1), after publication of the Draft Scheme under sub-section (1) of section 39-I, the appropriate planning authority may carry out any development work within the Scheme area for the purposes of the Scheme.

(7) The provisions of this section shall not apply to any operational construction undertaken by the Central Government or a State Government.

Explanation.— “operational construction” means any construction whether temporary or permanent, which is necessary for the operation, maintenance, development, or execution of any of the following services, namely: -

- (a) Railways;
- (b) National Highways;
- (c) National Waterways;
- (d) Major Ports;
- (e) Airways and Aerodromes;
- (f) Posts, Telephones, Wireless, Broadcasting and other like forms of communication;
- (g) Regional grid for electricity;
- (h) Defence;
- (i) Metro Rail;
- (j) Minor Ports; or
- (k) any other service which the State Government is of the opinion that the operation, maintenance, development or execution of such service is essential to the life of the community, by notification, declare to be a service for the purposes of this clause.

(8) For removal of doubts, it is hereby declared that,—

(i) new residential buildings (other than gate lodges, quarters for limited essential operational staff and the like), roads and drains in railway colonies, hotels, clubs, institutes and schools, in the case of railways; and

(ii) a new building, new structure or new installation or any extension thereof, in the case of any other service, shall not be deemed to be an operational construction.

39-D. Appointment of designated Officer.— Within one month from the date of publication of declaration of intention under sub-section (1) of section 39-A, the Director shall appoint an officer not lower in rank than that of the Assistant Director of Town Planning and the Chennai Metropolitan Development Authority or the Urban development authority concerned, as the case may be, shall appoint an officer not lower in rank than that of the Deputy Planner as the designated officer, for the purposes of the Scheme.

39-E. Duties of designated Officer.— The duties of the designated officer are,—

(a) to assist the appropriate planning authority, in the examination of objections and suggestions received on a Draft Scheme;

(b) to prepare Preliminary Scheme and Final Scheme;

(c) to demarcate final plots including public purpose plots and decide on the allottees of final plots;

(d) to estimate the amount to be collected from or to be paid to the land owners;

(e) to determine the compensation amount payable to the land owners; and

(f) such other matters as may be prescribed.

39-F. Certain decisions of designated Officer to be final.— Every decision of the designated officer in matters, other than estimation of costs, estimation of the amount payable to or by the owners, determination of the compensation payable to the owners and transfer of development rights shall be final and binding on all concerned.

39-G. Disputed ownership.— (1) Where there is a disputed claim to the ownership of any land or building included in an area in respect of which declaration of intention to prepare a Scheme has been made, and any entry in the revenue records or mutation relevant to such disputed claim is inaccurate or inconclusive, on the request of the appropriate planning authority or the designated officer, at any time before the Scheme is made, the Government may cause an inquiry to be made by such officer, within such time, as may be prescribed, for the purpose of deciding as to who shall be deemed to be the owner of the land or building and the decision of the Government thereon shall be final:

Provided that if any dispute regarding the ownership of land or building is pending before any civil court or any other authority, it is not a bar to include such land or building in the Scheme area, unless the civil court or the authority, otherwise directs and the order or decision of the civil court or authority thereon shall bind the appropriate planning authority or the designated Officer.

(2) Where any decree is passed by the civil court, after the Final Scheme has been approved by the Government under section 39-S, such Final Scheme shall be deemed to have been suitably varied to the extent of such decree.

39-H. Contents of Draft Scheme.— The Draft Scheme may provide for all or any of the following matters, namely:—

(a) laying out or re-laying out, of land, either vacant or already built upon, as building sites;

(b) construction, diversion, extension, alteration, improvement or closure of lanes, streets, roads and communications;

(c) construction, alteration, removal or demolition of buildings, bridges and other structures;

(d) redistribution of boundaries and reconstitution of plots belonging to owners of properties in the Scheme area;

(e) disposal by sale, exchange, lease or otherwise of land acquired or owned by the appropriate planning authority;

(f) transport facilities;

(g) water-supply;

(h) lighting;

(i) drainage, inclusive of sewerage and of surface drainage and sewage disposal;

(j) allotment or reservation of land for streets, roads, squares, houses, buildings for religious or charitable purpose, open spaces, gardens, recreation grounds, schools, markets, shops, factories, hospitals, dispensaries, public buildings and public purposes of all kinds and defining and demarcating of the reconstituted plots or the areas allotted to or reserved for the above mentioned purposes;

(k) demarcation of places or objects and buildings of archaeological or historical interest or natural scenic beauty or used for religious purposes or regarded by the public with veneration, or protection of canal, tank or river sides, coastal areas and other places of natural or landscape beauty;

(l) imposition of conditions and restrictions in regard to the character, density, architectural features and height of buildings, building or control lines for roads, railway lines and power supply lines and the purposes for which buildings or specified areas may or may not be appropriated and the provision and maintenance of sufficient open spaces;

(m) filling up or reclamation of low lying, swampy or unhealthy areas, or leveling up of land;

(n) layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of utility connections, communication lines etc.;

(o) allotment of land to the extent of not more than forty per cent of the total area covered under the Scheme, in the aggregate, for any or all of the following purposes, namely:—

(i) for roads;

(ii) for parks, play grounds, gardens and open spaces;

(iii) for social infrastructure such as school, dispensary, fire and rescue service and public utilities;

(iv) for sale by appropriate planning authority for residential, commercial, institutional or industrial use, depending upon the nature of development;

(v) reservation of land up to the extent of ten per cent of the total area covered under the Scheme, in the aggregate, for the purpose of providing housing accommodation to the members of economically weaker section and for persons dispossessed of their properties in the Scheme area:

Provided that the proceeds from the sale of land referred to in sub-clause (iv) shall be used for the purpose of providing infrastructural facilities and payment of compensation as per the Final Scheme;

(p) returning reconstituted plots to the extent of not less than sixty per cent or for providing compensation in accordance with the Final Scheme ; and

(q) such other matters as may be prescribed.

Explanation.—For the purpose of this Chapter, ‘reconstituted plot’ means a plot which is in any way altered by the making of the Scheme and includes alteration of ownership of a plot.

39-I. Making and publication of Draft Scheme.— (1) Within nine months from the date of publication of declaration of the intention to make a Scheme under section 39-A, the appropriate planning authority shall, in consultation with the designated officer, make a Draft Scheme for the Scheme area and publish the same in the District Gazette, along with draft regulations, if any, for carrying out the provisions of the Scheme, in such manner as may be prescribed:

Provided that on a request by the appropriate planning authority, the Government may, by notification, extend the aforesaid period, for a further period of six months.

(2) If publication of a Draft Scheme is not made within the said total period of fifteen months, the declaration of intention to make a Scheme shall lapse:

Provided that, any such lapse of declaration shall not prevent the Government from making a fresh declaration at any time in respect of the same area.

39-J. Reconstitution of plots.— (1) In the Draft Scheme referred to in section 39-I, the size and shape of every plot shall be determined, so far as may be, to render it suitable for building purposes and where a plot is already built upon, suitable alterations shall be made to the buildings, so as to comply with the provisions of the Scheme as regards open spaces.

(2) For the purposes of sub-section (1), the Draft Scheme may contain the following proposals, namely:—

(a) to form a final plot by reconstitution of an original plot, by alteration of the boundaries of the original plot, if necessary;

(b) to form a final plot from an original plot by re-adjusting wholly or partly of the adjoining lands;

(c) to provide, with the consent of the owners, that two or more original plots each of which is held in ownership severally or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a final plot;

(d) to allot a final plot to any owner dispossessed of land in furtherance of the Scheme; or

(e) to pass on the ownership of an original plot from one person to another.

Explanation.— For the purpose of this Chapter.—

(i) "final plot" means a plot reconstituted from an original plot and allotted in a Scheme as a final plot;

(ii) "original plot" means the corresponding plot held in single or joint ownership and numbered to be shown as one single plot by the appropriate planning authority for the purposes of a Scheme.

39-K. Public consultation to Draft Scheme.— Any person may, within sixty days from the date of publication of a Draft Scheme under section 39-I, submit his objection or suggestion in writing to the appropriate planning authority. The appropriate planning authority shall consider such objection or suggestion and may modify the Draft Scheme, as it deems fit and submit the same not later than thirty days to the Government for approval.

39-L. Approval of Draft Scheme by Government.— (1) The Government may, on receipt of the Draft Scheme under section 39-K, after making such inquiry as they may deem fit and after consulting the Director or the Chennai Metropolitan Development Authority or the Urban development authority concerned, as the case may be, not later than three months from the date of its receipt,—

(i) either approve the Draft Scheme, with or without modifications and subject to such conditions as they may deem fit; or

(ii) refuse to approve the Draft Scheme; or

(iii) return the Draft Scheme to the appropriate planning authority to carry out such modifications and within such period as may be directed, including a direction to include or exclude any land in the Draft Scheme. The appropriate planning authority, in consultation with the designated officer, shall comply with such directions of the Government and resubmit the Draft Scheme within one month from the date of receipt of such directions to the Government for approval.

(2) As soon as on receipt of the modified Draft Scheme from the appropriate planning authority, the Government may approve the Draft Scheme and the approved Draft Scheme shall be published in the *Tamil Nadu Government Gazette* and in two leading daily newspapers in that area, of which one shall be in Tamil. The approved Draft Scheme shall also be placed in the public domain for inspection during office hours in the office of the designated officer.

(3) Any person affected by the approved Draft Scheme, may submit his objection in the manner prescribed, to the designated officer within two months from the date of its publication in the *Tamil Nadu Government Gazette*.

(4) If persons owning more than fifty per cent of the lands in the Scheme area submit their objections to the Draft Scheme, the designated officer shall forward the objections to the Government through the appropriate planning authority and the Government in turn shall, by notification withdraw the Scheme.

39-M. Vesting of land with appropriate planning authority.— On expiry of a period of two months from the date of publication of the approved Draft Scheme under sub-section (2) of section 39-L, all lands required for the purposes specified in clauses (g), (h), (i) and (o) of section 39-H, shall vest with the appropriate planning authority free from all encumbrances. The appropriate planning authority may take appropriate measures as may be required including eviction, removal of structures or buildings in contravention of the Scheme, locking and sealing and recover the cost incurred therefor, in such manner as may be prescribed, in the said lands for enforcement of the said public purposes:

Provided that such vesting of lands with the appropriate planning authority shall not affect the ownership right of the owners of such lands.

39-N. Preparation of Preliminary Scheme.— (1) The designated officer shall, after taking into consideration the objections, if any, received on the approved Draft Scheme within a period of nine months from the date of its publication, prepare the Preliminary Scheme in the prescribed manner and in the prescribed form, after giving notice to the owners of the land in the Scheme area. The Preliminary Scheme shall,-

(a) define and demarcate the areas allotted to, or reserved for, any public purpose, or for the purpose of the appropriate planning authority and also demarcate the final plots;

(b) decide the person or persons to whom a final plot is to be allotted and when such plot is to be allotted to persons in common ownership, decide the shares of such persons;

(c) provide for the total or partial transfer of any right in an original plot to a final plot;

(d) record the rights of secured creditors, mortgagees, lessees or other persons who claim to have secured interest in the original plot; and

(e) specify the period within which the works provided in the Scheme may be completed by the appropriate planning authority.

(2) The designated officer shall submit the Preliminary Scheme so prepared, through the appropriate planning authority, to the Government for approval.

39-O. Approval of Preliminary Scheme by Government.— (1) On receipt of the Preliminary Scheme, the Government shall, within two months from the date of its receipt, either approve or approve with such modifications as may be considered necessary or may return the said Scheme to the designated officer to modify the Scheme or to prepare a fresh Scheme, in accordance with such directions and within such period as the Government may specify in this behalf.

(2) The Preliminary Scheme, as approved by the Government shall be published in the Tamil Nadu Government Gazette and in two leading daily newspapers in that area, of which one shall be in Tamil and such notification shall state the place and time at which the said Scheme shall be open to inspection by the public.

(3) A notification under sub-section (2) shall be the conclusive evidence that the Preliminary Scheme has been duly made and approved.

39-P. Effect of Preliminary Scheme.— (1) On and after the date on which the Preliminary Scheme is published in the Tamil Nadu Government Gazette,-

(a) all lands required by the appropriate planning authority shall, unless it is otherwise determined in such Scheme, vest absolutely in the appropriate planning authority free from all encumbrances; and

(b) all rights in the original plot which have been reconstituted into final plots shall be determined and the final plots shall be subject to the rights of the original land owners, as settled by the designated officer.

(2) The appropriate planning authority shall take such measures as may be required,—

(a) to enforce the Scheme, including eviction, removal of structures or buildings in contravention of the Scheme, locking and sealing and recover the cost incurred therefor, in such manner as may be prescribed; and

(b) to carry out mutation in the records of the Revenue, Survey and Settlement and Registration departments as per the allotment of the final plots including plots reserved for public purposes, made in the Preliminary Scheme.

39-Q. Preparation of Final Scheme.—(1) The designated officer shall, after publication of the Preliminary Scheme in the Tamil Nadu Government Gazette within a period of nine months therefrom, prepare the Final Scheme in the manner specified hereunder:—

(a) estimate the value of the original plots and fix the difference between the values of the original plots and the values of the final plots in the Scheme area, in the manner prescribed;

(b) determine whether the areas allotted or reserved for public purposes or for development by the appropriate planning authority are beneficial wholly or partly to the land owners or residents in the Scheme area;

(c) estimate in the manner prescribed, the sums payable as compensation on each plot used, allotted or reserved for a public purpose or for the purpose of the appropriate planning authority, which is beneficial partly to the owners or residents within the Scheme area and partly to the general public, and the compensation so payable shall be included in the cost of the Scheme;

(d) estimate the increment in value, in the manner prescribed, that may accrue in respect of each plot included in the Scheme area;

(e) calculate the betterment contribution, in the manner prescribed, to be levied on each plot in the Final Scheme, in proportion to the increment in value estimated to accrue in respect of such plot:

Provided that no betterment contribution shall be levied in respect of plots exclusively allotted for religious or charitable purpose:

(f) estimate in the manner prescribed with reference to the claims made before him for compensation to be paid to any land owner for his right prejudicially affected because of the Scheme;

(g) record the person to whom the final plot is allotted in accordance with the Preliminary Scheme in the form and in the manner as may be prescribed;

(h) do such other acts as may be prescribed.

(2) As soon as on preparation of the Final Scheme, the designated officer shall communicate the details including the quantum of amount arrived at with respect to clauses (a) to (f) of sub-section (1) to the persons concerned and to the appropriate planning authority before submission of the Final Scheme to the Government for approval.

39-R. Appeal.— (1) Any person aggrieved by the decision of the designated officer communicated under sub-section(2) of section 39-Q may, within one month from the date of its receipt, appeal to the Director or the Chennai Metropolitan Development authority or the Urban Development Authority concerned, as the case may be, in such manner, as may be prescribed.

(2) On receipt of an appeal under sub-section (1), the Director, the Chennai Metropolitan Development Authority or the Urban Development Authority concerned shall, within a period of two months, dispose of the appeal after giving the appellant an opportunity of being heard.

(3) Any person aggrieved by the decision of the Director or the Chennai Metropolitan Development Authority or the Urban Development Authority concerned, as the case may be, may within one month from the date of communication of such decision under sub-section (2), appeal to the Government in such form and in such manner as may be prescribed:

Provided that the Government may entertain an appeal made beyond the said period, if they are satisfied that the appellant was prevented by sufficient cause for not making the appeal in time.

(4) On receipt of an appeal under sub-section (3), the Government shall within two months, after giving the appellant an opportunity of being heard, pass such order as they think fit.

39-S. Approval of Final Scheme by Government.—

(1) On receipt of the Final Scheme from the designated officer, the Government shall, within two months from the date of its receipt either approve or approve with such modifications as may be considered necessary. The designated officer shall thereafter modify the Scheme, if so directed by the Government and submit it to the Government for approval.

Explanation.— For the purpose of calculating the time limit of two months, the period during which appeals, if any, were pending before the Director, the Chennai Metropolitan Development Authority or the Urban Development Authority concerned, as the case may be and the Government shall be excluded.

(2) The Final Scheme, as approved shall be published in the Tamil Nadu Government Gazette and in two leading daily newspapers in that area, of which one shall be in Tamil and such notification shall state the place and time at which the Scheme shall be open to inspection by the public.

(3) A notification under sub-section (2) shall be conclusive evidence that the Final Scheme has been duly made and approved.

39-T. Variation of Scheme.— (1) After publication of the Final Scheme, if the Chennai Metropolitan Development Authority, the Urban Development Authority concerned or the appropriate planning authority, either suo motu or on application by a owner of any land in the Scheme area, considers that the Scheme is defective on account of any error, irregularity or infirmity, it may request the Government for appropriate variation of the Scheme:

Provided that any request for further variation of the Scheme shall not be entertained by the Government.

(2) On receipt of such request from the appropriate planning authority, the Chennai Metropolitan Development Authority or the Urban Development Authority concerned, as the case may be, the Government may, if satisfied, vary the Scheme by publishing the variation in the *Tamil Nadu Government Gazette* and in two leading daily newspapers in that area, of which one shall be in Tamil:

Provided that the use of land allotted for the purposes of parks, playgrounds, gardens and open spaces shall not be changed for any other purpose.

(3) Notwithstanding anything contained in sub-sections (1) and (2), a Final Scheme may be varied or revoked by a subsequent Scheme prepared and approved in accordance with this Act.

39-U. Withdrawal of Scheme.— Notwithstanding anything contained in this Chapter, the Government may by order, for reasons to be recorded, withdraw any Scheme:

Provided that no such withdrawal shall be ordered after approval of the Preliminary Scheme:

Provided further that on such withdrawal of the Scheme, the lands shall be restored to the original condition, as it stood on the date of publication of declaration of the intention under section 39-A, at the cost of the Government.

39-V. Revision by High Court.—Any person aggrieved by an order of the Government under sub-section (4) of section 39-R may, within a period of sixty days from the date on which a copy of the order was communicated to him, file an application for revision of the order in the High Court:

Provided that the High Court may entertain an application for a further period of thirty days, if it is satisfied that the petitioner had sufficient cause for not filing the application within the said period of sixty days.

39-W. Recovery of arrears.—(1) Any sum due to the appropriate planning authority under this Act or any rule or regulation made thereunder, shall be the first charge on the final plot on which it is due, subject to payment of land revenue, if any, due to the Government thereon.

(2) Any sum due to the appropriate planning authority under this Act or any rule or regulation made thereunder, which is not paid on demand, shall be recovered as an arrear of land revenue.

39-X. Execution of works in Scheme area.— The appropriate planning authority shall complete all the works in the Scheme area within the period stipulated in the Final Scheme:

Provided that the Government may, on a request from the appropriate planning authority, grant further period of time not exceeding twice the stipulated period for completion of the works.

39-Y. Cessation of application of local body Act.— (1)

The Government may direct that any power or function exercisable by a local authority under a local body Act within a Scheme area shall stand transferred to, and be performed by, the appropriate planning authority under the said Act for such period and for such purposes as may be notified, in relation to such Scheme.

Explanation.— For the purpose of this section,-

(a) "local authority" means,-

(i) any Municipal Corporation or Municipality constituted under the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999);

(ii) a District Panchayat or a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994); or

(iii) a Board constituted under the Tamil Nadu Water Supply and Drainage Board Act, 1970 (Tamil Nadu Act 4 of 1971) or the Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978) ;

(b) "local body Act" means,-

(i) The Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999);

(ii) The Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) ;

(iii) The Tamil Nadu Water Supply and Drainage Board Act, 1970 (Tamil Nadu Act 4 of 1971) and

(iv) The Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).

(2) After expiry of the period notified under sub-section (1), all assets and facilities such as public street, drinking water and sewerage system, street light and such other facilities created by the appropriate planning authority or the designated officer in the Scheme area shall stand vested with the local authority."

STATEMENT OF OBJECTS AND REASONS

The Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) was amended by the Tamil Nadu Town and Country Planning (Third Amendment) Act, 2018 (Tamil Nadu Act 31 of 2018) to implement Land Pooling Area Development Schemes in the State. The said Act has not been brought into force so far. Land Pooling Area Development Scheme enables planned development of new areas, provides basic amenities and mobilizes land for trunk infrastructure proposals of the Government, which otherwise have to be acquired through land acquisition process. Land Pooling Area Development Schemes will be a game changer in urban development of the State when implemented in an acceptable format to the landowners and the promoting agencies of the Government. The existing provisions of the said Tamil Nadu Act 31 of 2018 are not effective to promote such Schemes in the State. Legislations of various States which are successfully implementing such Schemes were studied and the short comings in the said Tamil Nadu Act 31 of 2018 were identified. In order to encourage larger participation of land owners in such Schemes and for its effective implementation and development of infrastructure in the State, it is proposed to revamp the provisions of the said Scheme. To give effect to the above decision, the Government have decided to amend the said Tamil Nadu Town and Country Planning (Third Amendment) Act, 2018 (Tamil Nadu Act 31 of 2018) suitably.

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

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sections 39-A, 39-B, 39-C, 39-E, 39-G, 39-H, 39-I, 39-L, 39-M, 39-N, 39-P, 39-Q, 39-R, 39-U and 39-Y proposed to be inserted by Clause 3 of the Bill authorises the Government to make rules or issue notifications or orders or directions, 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.*

Secretariat,
Chennai-600 009,
19th April 2023.

K. SRINIVASAN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th April, 2023 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 15 of 2023

A Bill further to amend the Tamil Fisheries University Act, 2012.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Fisheries University (Amendment) Act, 2023.

(2) It shall come into force at once.

Amendment of section 11.

2. In section 11 of the Tamil Nadu Fisheries University Act, 2012 (hereinafter referred to as the principal Act),—

Tamil Nadu Act 21 of 2012.

(1) in sub-section (1),—

(1) in sub-section (1), —

(a) for the expression “Chancellor”, the expression “Government” shall be substituted;

(b) in the proviso, for the expressions “the Chancellor” and “he”, the expressions “the Government” and “they” shall, respectively, be substituted;

(2) in sub-section (2-D), for the expression “Chancellor” occurring in three places, the expression “Government” shall be substituted;

(3) for the first proviso to sub-section (3), the following proviso shall be substituted, namely:—

“Provided that—

(a) the Vice-Chancellor may, by writing under his hand addressed to the Government and after giving two months’ notice resign his office;

(b) the Vice-Chancellor shall not be removed from his office except by an order of the Government passed on the ground of wilful omission or refusal to carry out the provisions of this Act or abuse of the powers vested in him. In a case where it is proposed to remove the Vice-Chancellor, the Government shall order an inquiry by such a person who is or has been,—

(i) a Judge of the High Court; or

(ii) an officer of the Government, not below the rank of the Chief Secretary to Government,

in which the Vice-Chancellor shall be given an opportunity to make a representation. On consideration of the inquiry report, the Vice-Chancellor shall be furnished a copy of the inquiry report and called upon to submit his further representation, if any thereon, before making an order or removal.”.

STATEMENT OF OBJECTS AND REASONS

Earlier, in line with certain State University Laws of Gujarat, Telangana and Karnataka States, the Government decided to empower themselves to appoint the Vice-Chancellors of the State Universities and accordingly the Tamil Nadu Universities Laws (Amendment) Bill, 2022 (L.A. Bill No.24 of 2022) for amending twelve State University Laws was passed in the Legislative Assembly of the State on the 25th April, 2022. In line with the aforesaid decision, the Government have also decided to amend the Tamil Nadu Fisheries University Act, 2012 (Tamil Nadu Act 21 of 2012) suitably for the purpose.

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

ANITHA R. RADHAKRISHNAN,
*Minister for Fisheries – Fishermen Welfare
and Animal Husbandry.*

Secretariat,
Chennai-600 009,
19th April 2023.

K. SRINIVASAN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th April, 2023 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 16 of 2023

A Bill further to amend the Tamil Nadu Shops and Establishments (Amendment) Act, 2018.

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

1. This Act may be called the Tamil Nadu Shops and Establishments (Amendment) Amendment Act, 2023.

Short title.

Tamil Nadu Act
27 of 2018.

2. For section 3 of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018, the following section shall be substituted, namely:—

Substitution of
section 3.

“3. Registration of shops and establishments.— (1) On and from the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018, the employer of every establishment employing ten or more workers shall, within a period of six months from the date of commencement of his business, apply for registration and obtain a registration certificate.

(2) Every application for registration under sub-section (1) shall be made in such form and in such manner together with such fee as may be prescribed.

(3) The Inspector, on receipt of an application under sub-section (2), register the establishment and issue a registration certificate to the employer within twenty four hours in such form as may be prescribed. If the registration certificate is not issued within a period of twenty four hours from the date of receipt of application by the Inspector, the registration certificate shall be deemed to have been granted under this Act.

(4) The Inspector shall maintain a Register of establishments, in such form, as may be prescribed.

(5) The registration certificate shall be prominently displayed in the establishment by the employer.

(6) The employer shall give intimation to the Inspector, of any change in any of the particulars furnished in the application form submitted under sub-section (2) together with such fee as may be prescribed, within a period of thirty days of such change. The Inspector shall, on receipt of such intimation, amend the registration certificate or issue a fresh registration certificate.

(7) The employer shall, within a period of thirty days of the closure of the establishment, give intimation of such closure to the Inspector and on receipt of such intimation, he shall cancel the registration certificate:

Provided that where the Inspector is satisfied otherwise than on receipt of such intimation that the establishment has been closed, he shall cancel such registration certificate:

Provided further that no cancellation shall be made under the first proviso, unless the employer has been given an opportunity of making representation.

(8) Notwithstanding anything contained in sub-section (1), the employer of every existing establishment employing ten or more workers on the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018 shall furnish the details of the establishment along with a self declaration in such form as may be prescribed to the Inspector, within a period of one year from the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018. The Inspector shall after recording the intimation furnished by the employer in the Register of the establishments, issue a registration certificate

(9) Where a registration certificate issued under sub-section (3) is lost, defaced or destroyed, the employer shall make an application to the Inspector together with such fee as may be prescribed for the issue of a duplicate registration certificate. The Inspector, on receipt of such application, shall furnish a duplicate copy of the registration certificate to the employer.”.

STATEMENT OF OBJECTS AND REASONS

The Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) regulates the conditions of work such as working hours, weekly rest, holidays, health and safety etc., of the persons employed in shops and establishments.

2. Earlier, considering the suggestions of the Government of India, the said Tamil Nadu Act XXXVI of 1947 was amended *vide* Tamil Nadu Shops and Establishments (Amendment) Act, 2018 (Tamil Nadu Act 27 of 2018), so as to provide for registration of Shops and Establishments, for renewal of registration and for prohibition of discrimination against women employees etc., The said Amendment Act 27 of 2018 was thereafter amended, so as to dispense with the provision for renewal of registration and also to ensure that registration certificate is issued within a day from the date of application *vide* Tamil Nadu Act 26 of 2021. The said Amendment Act 27 of 2018 has not yet been brought into force.

3. The said Tamil Nadu Act XXXVI of 1947, as amended by the said Amendment Act 27 of 2018 does not provide, for prescribing fee for issue of registration certificate or amendment of registration certificate, and for issue of duplicate registration certificate. The Government have, therefore, decided to amend the Tamil Nadu Shops and Establishments (Amendment) Act, 2018 for the said purposes.

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

C.V. GANESAN,
*Minister for Labour Welfare
and Skill Development.*

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 3 proposed to be substituted by Clause 2 of the Bill authorises the Government to make rules for the purposes specified therein.

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

C.V. GANESAN,
*Minister for Labour Welfare
and Skill Development.*

Secretariat,
Chennai-600 009,
19th April 2023.

K. SRINIVASAN,
Secretary.