TAMIL NADU LEGISLATIVE ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION

(2014-2015)

(FOURTEENTH ASSEMBLY)

NINETEENTH REPORT

Report on action taken by the Government on the recommendations of the Committee contained in the Eleventh Report (Thirteenth Assembly)

(Presented to the Assembly on 25 SEP 2015)

Legislative Assembly Secretariat,
Chennai- 600 009.

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TRUTH ALONE TRIUMPHS

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TAMIL NADU LEGISLATIVE ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION (2014-2015)

(Constituted on 13th August, 2014)

CHAIRMAN

1. Thiru. G. Senthamizhan

MEMBERS

2. Thiru T. Ramachandran
3. Thiru. M.K. Selvaraju
4. Dr. Govi. Chezhiaan
5. Thiru. U. Thaniyarasu
* 6. Thiru R.M. Babu Murugavel
* 7. Thiru S.R. Parthiban
8. Selvi K. Balabharathi
9. Thiru. M.K. Muthukaruppannasamy
10. Thiru. N. Murugumaran
11. Thiru. S. Ravi
12. Thiru. P.K. Vairamuthu

SECRETARIAT

Thiru A.M.P. Jamaludeen . . . Secretary

Thiru V. Kalairajan . . . Deputy Secretary

Thiru P. Padmakumar . . . Deputy Secretary

* Suspended from the service of the House from 19.2.2015 till the end of the session.

REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE CONTAINED IN THE ELEVENTH REPORT (THIRTEENTH ASSEMBLY)

PART - I

INTRODUCTION

I, the Chairman of the Committee on Delegated Legislation having been authorised by the Committee, present this Nineteenth Report on its behalf.

2. This Report relates to the action taken by the Government on the recommendations of the Committee contained in its Eleventh Report (Thirteenth Assembly) which was presented to the Assembly on the 10th February, 2011.

3. The Committee for the year 2014-2015 was constituted on the13th August, 2014.

4. The Committee considered the statement of action taken by the Government on the recommendations of the Committee contained in the said Report at its meeting held on the11th August, 2015.

5. All the recommendations contained in the said Report were either treated as implemented or the statement of action taken furnished by the Government were read and recorded, as the case may be, subject to the observations made in Part-II of this Report.

6. Detailed statement showing the subject matter of the notifications considered, the recommendations made, the statement of action taken on them by the Government and the decision of the Committee thereon are appended to this Report as Annexure.

7. The Committee approved this Report at its meeting held on the 16th September, 2015.

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PART-II

1. NOTIFICATIONS ISSUED UNDER TAMIL NADU VALUE ADDED TAX ACT, 2006.

In paragraph 3 of the Eleventh Report (Thirteenth Assembly) the Committee recommended as follows:

(i) (G.O.Ms.No.71, Commercial Taxes and Registration Department, Dated 15.3.2007)

The Committee recommended that a specific provision or condition be imposed in the notification, to the effect that the tax waiver be permitted as long as the vehicle was exclusively used for humanitarian service.

(ii) (G.O.Ms.No.121, Commercial Taxes and Registration (B2) Department, dated 14.6.2007)

The Committee recommended that sub-section (2) of Section 30 also be invoked in addition to the existing provision in the notification as certain conditions have been imposed.

(iii) (G.O.Ms. No. 30, Commercial Taxes and Registration (B2) Department dated 17.3.2008)

The Committee suggested to consider the inclusion of the expression 'dealers who use their goods so purchased in manufacture of their goods meant for physically disabled persons' in the notification, as the exemption was given mainly with the intention to rehabilitate the physically handicapped persons and also to prevent loss of revenue to Government exchequer.

(iv) (G.O.Ms.No.63, Commercial Taxes and Registration (B2) Department, dated 24.6.2008)

The Committee recommended that the certificate appended to the notification be suitably modified so as to include the words 'except petrol, diesel and cement' in appropriate places in order to have clarity while issuing such certificates.

The Government in Commercial Taxes and Registration Department in its U.O.Note dated 26.9.2011 furnished its reply as under:

> "The recommendation of the Committee is accepted and it will be considered in the notifications to be issued under the Tamil Nadu Value Added Tax Act, 2006 in future cases".

The Committee is unhappy to note that the reply furnished by the Department was very mechanical and far from convincing. The Committee is of the opinion that the Department should desist from giving such replies to the recommendations made by the Committee.

However, the Committee is inclined to drop further action in the matter with the observation that the Department should give appropriate and credible replies to the recommendations of the Committee preferably within one month after presentation of the Report to the Assembly.

2. NOTIFICATION ISSUED UNDER TAMIL NADU SPECIFIED COMMODITIES MARKETS (REGULATION OF LOCATON) ACT, 1996

(G.O. (Ms) No. 136, Housing and Urban Development (UD - III (1)) Department, dated 12.4.2007)

In paragraph 5, the Committee recommended that the Government should issue the Tamil version of the notification and also include an explanatory note both in English and Tamil along with the notification.

The Committee is unhappy to note that the reply has not been furnished even after four years of presentation of the Report to the Assembly.

The Secretary to Government, Housing and Urban Development Department who appeared in person before the Committee on Delegated Legislation assured that in future the Department would issue the Tamil version of the notifications and also append an explanatory note along with the notifications while placing them on the Table of the House.

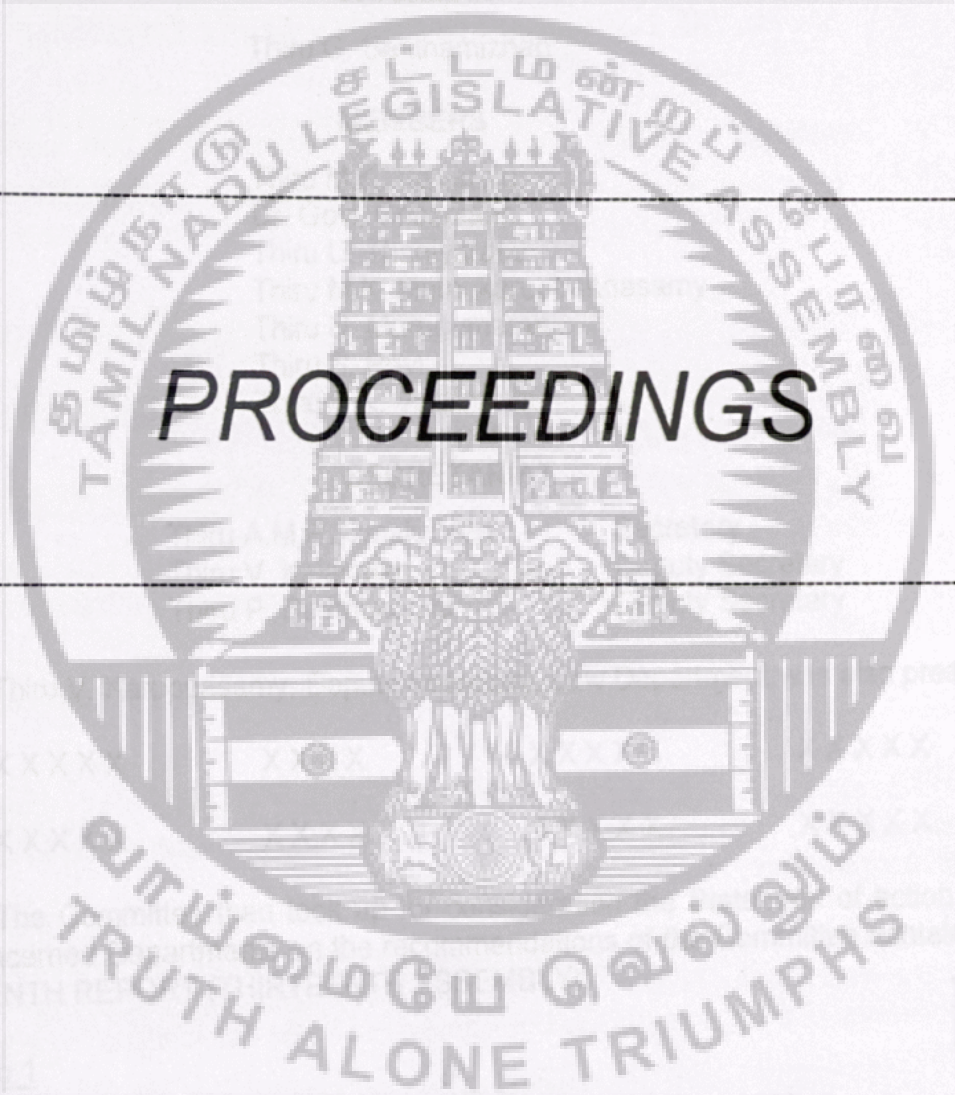
The Committee records the assurance given by the Secretary, Housing and Urban Development Department and decided not to pursue the matter further.

Chennai,
16th September, 2015,
Manmatha, Aavani 30,
Thiruvalluvar Aandu-2046.

G. SENTHAMIZHAN
CHAIRMAN

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தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
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PROCEEDINGS


தமிழ்நாடு சட்டமன்றப் பேரவை
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PROCEEDINGS OF THE COMMITTEE ON DELEGATED LEGISLATION

Tuesday, the 11th August, 2015

The Committee on Delegated Legislation met at 10-30 a.m. on Tuesday, the 11th August, 2015 in the Committee Room, Legislators' Residential Quarters, Omanthoorar Government Estate, Chennai-600 002.

The following members were present:

CHAIRMAN

Thiru G. Senthamizhan

MEMBERS

Thiru M.K. Selvaraju
Dr. Govi. Chezhiaan
Thiru U. Thaniyarasu
Thiru M.K. Muthukaruppannasamy
Thiru N. Murugumaran
Thiru S. Ravi
Thiru P.K. Vairamuthu

SECRETARIAT

Thiru A.M.P.Jamaludeen	-	Secretary
Thiru V. Kalairajan	-	Deputy Secretary
Thiru P. Padmakumar	-	Deputy Secretary

Thiru V. Karuppasamy, Deputy Secretary, Law Department was also present.

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The Committee then took up for consideration the Statement of action taken by the concerned Departments on the recommendations of the Committee contained in the ELEVENTH REPORT (THIRTEENTH ASSEMBLY).

Item No.1

Sub: Amendment to Tamil Nadu Brewery Rules, 1983

(G.O.Ms.No.28, Home, Prohibition & Excise (III) Department, dated 1.4.2007)

The Committee read and recorded the Statement of action taken by the Department.

Sub : Amendment to Tamil Nadu Indian Made Foreign Spirits (Manufacture) Rules, 1981

(G.O.Ms.No.27, Home, Prohibition Excise (III) Department, dated 1.4.2007)

The Committee read and recorded the Statement of action taken by the Department.

Item No.2

Sub : Notification issued under Tamil Nadu General Sales Tax Act, 1959

(G.O. Ms. No. 196, Commercial Taxes and Registration Department, dated 31.12.2006)

The Committee read and recorded the Statement of action taken by the Department.

Item No.3

Sub : Notifications issued under Tamil Nadu Value Added Tax Act, 2006

(G.O. Ms. No.71, Commercial Taxes and Registration Department, Dated, 15.3.2007)

(G.O. Ms. No.121, Commercial Taxes and Registration (B2) Department, Dated 14.6.2007)

(G.O. Ms. No.30, Commercial Taxes and Registration (B2) Department, Dated 17.3.2008)

(G.O. Ms. No.63, Commercial Taxes and Registration (B2) Department, Dated 24.6.2008)

The Committee is not convinced with the Statement of action taken furnished by the Department. The Committee is of the view that the Statement of Action furnished by the Department was very mechanical and stereo type.

The Department should specifically state the action taken by the Department in respect of the recommendations of the Committee and avoid giving vague replies like the recommendations of the Committee will be considered in the notifications to be issued in future cases.

However, the Committee is inclined to drop further action in the matter with the hope that the Department would give appropriate and specific replies to the recommendations of the Committee.

Item No.4

Sub : Amendment to Tamil Nadu Motor Vehicles Rules, 1989

(G.O. Ms. No. 637, Home (Tpt.VII) Department, dated 25.4.2007)

The Committee read and recorded the Statement of action taken by the Department.

Item No.5

Sub : Notification issued under Tamil Nadu Specified Commodities Markets (Regulation of Location) Act, 1996.

(G.O. (Ms) No. 136, Housing and Urban Development (UD - III (1) Department, dated 12th April, 2007)

The Committee is unhappy to note that the reply has not been furnished even after four years of presentation of the report to the Assembly.

The Committee records the assurance given by the Secretary, Housing and Urban Development Department that in future, the Department would issue the notification in Tamil and also append an explanatory note along with the notifications to be placed on the Table of the House.

After some discussion, the Committee decided not to pursue the matter.

Item No.6

Sub : Amendment to Tamil Nadu Cinemas (Regulation) Rules, 1957

(G.O.Ms.No.754, Home (Cine-II) Department, dated 25.5.2007)

The Committee read and recorded the Statement of action taken by the Department.

Item No.7

Sub : Notification issued under Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987

(G.O. Ms. No. 198, Agriculture (AM2) Department, dated 10.8.2006)

The Committee read and recorded the Statement of action taken by the Department.

Item No.8

Sub: Amendment to the Assessment, Levy and Recovery of Contribution Costs Rules

(G.O. Ms. No. 152, Tamil Development, Culture and Religious Endowments (RE4.2) Department, dated 26.7.2006)

The Committee read and recorded the Statement of action taken by the Department.

Item No.9

Sub : Amendment to Tamil Nadu Transparency in Tenders Rules, 2000

(G.O. Ms. No. 177, Finance (Salaries) Department, dated 22.5.2007)

The Committee read and recorded the Statement of action taken by the Department.

Item No.10

Sub : Amendment to Tamil Nadu Public Service Commission Regulations, 1954

(G.O.Ms.No.79, Personnel and Administrative Reforms (M) Department, Dated 28.3.2007)

The Committee read and recorded the Statement of action taken by the Department.

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Wednesday, the 16th September, 2015

The Committee on Delegated Legislation met at 1.00 p.m. on Wednesday, the 16th September, 2015 in the Legislature Committee Room, Secretariat, Chennai -9.

The following members were present:

CHAIRMAN

Thiru G. Senthamizhan

MEMBERS

Thiru M.K. Selvaraju
Thiru U. Thaniyarasu
Thiru M.K. Muthukaruppannasamy
Thiru N. Murugumaran
Thiru. S. Ravi
Thiru. P.K. Vairamuthu

SECRETARIAT

Thiru A.M.P.Jamaludeen	-	Secretary
Thiru V. Kalairajan	-	Deputy Secretary
Thiru P. Padmakumar	-	Deputy Secretary

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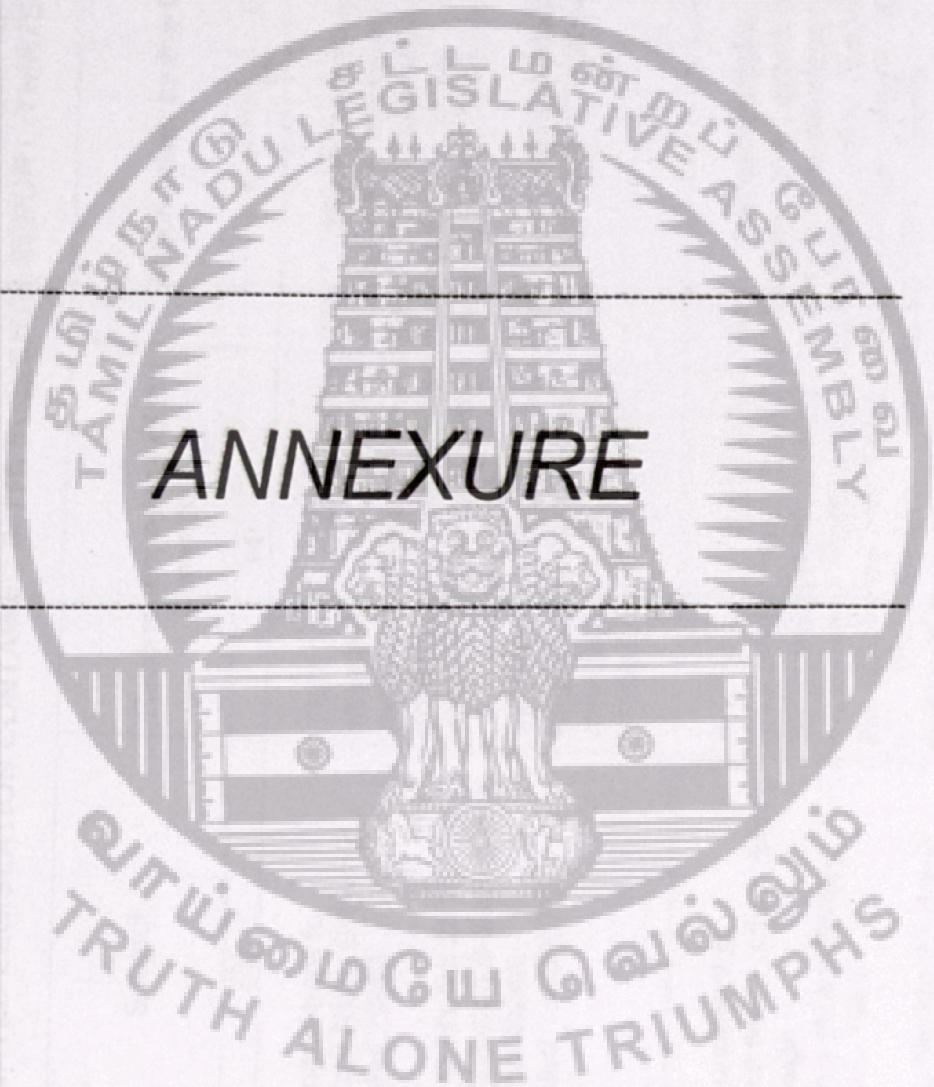
The Committee then took up for consideration the draft Report on the Statement of Action Taken by the Government on the recommendations of the Committee on Delegated Legislation contained in the Eleventh Report (Thirteenth Assembly).

After some discussion, the Committee approved the Draft Report without any modifications and authorised the Chairman to sign and present the Report to the Assembly on its behalf.

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தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS


TAMILNADU LEGISLATIVE ASSEMBLY
தமிழ்நாடு சட்டமன்றப் பேரவை
வாய்மையே வெல்லும்
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ANNEXURE


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
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STATEMENT OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON DELEGATED LEGISLATION CONTAINED IN ITS ELEVENTH REPORT (THIRTEENTH ASSEMBLY)

Sl. No.	Item No. in Part-II of the Main Report	Subject		Recommendations of the Committee	Action taken by the Government	Remarks
(1)	(2)	(3)		(4)	(5)	(6)
1.	1.	(i)	Amendment to Tamil Nadu Brewery Rules, 1983 (G.O.Ms.No.28 Home, Prohibition & Excise (III) Department, dated 1.4.2007).	The Committee reiterated its earlier recommendation that whenever notifications are placed on the Table of the House, an explanatory note both in English and Tamil should also be included in the notification itself.	The recommendation of the Committee is accepted and it will be taken into consideration, while issuing notifications under Tamil Nadu Brewery Rules, 1983, in future. (Vide U.O. Note No.3895/H,P&E(V)/ 2011-19, dated 17.3.2014)	The Committee read and recorded the Statement of action taken.
		(ii)	Amendment to Tamil Nadu Indian Made Foreign Spirits (Manufacture) Rules, 1981. (G.O.Ms.No.27 Home, Prohibition & Excise (III) Department, dated 1.4.2007).	The Committee reiterated its earlier recommendation that whenever notifications are placed on the Table of the House, an explanatory note should also be appended in the notification.	The recommendation of the Committee is accepted and it will be taken into consideration, while issuing notifications under Tamil Nadu Indian Made Foreign Spirits (Manufacture) Rules, 1981, in future. (Vide U.O. Note No.3895/H,P&E(V)/ 2011-19,dated 17.3.2014)	The Committee read and recorded the Statement of action taken.

(1)	(2)	(3)	(4)	(5)	(6)
2.	2.	Notification issued under Tamil Nadu General Sales Tax Act,1959 (G.O.Ms.No.196, Commercial Taxes and Registration Department dated 31.12.2006).	The Committee decided to reiterate its earlier recommendation that the rules framed or notifications issued in pursuance of delegation of Legislative powers be placed on the Table of the House within a period not exceeding six months from the date of their publication in the Government Gazette.	The notification granting exemption on coir ropes was published in the Extraordinary gazette, dated 31.12.2006. Subsequently, notification and the explanatory note were got translated from the Tamil Development, Religious Endowments and Information (Translation) Department and sent for printing to the Government Central Press. Later, the printed copies were sent to Tamil Nadu Legislative Assembly on 28.6.2007 for placing them on the Table of the House. Since the Assembly was not in session at that point of time the papers could not be laid on the Table of the House. Hence, the Assembly Secretariat had despatched the notifications to the members of the Assembly by post on 4.7.2007 and the entries were made in the Agenda for 17.10.2007 deeming to have been placed on the Table of the House. In future, adequate care would be taken to not only send the papers relating to the notification within the period of six months, but also ensure that the papers are placed on the Table of the House within the stipulated period not exceeding six months from the date of publication of the notification. (Vide U.O. Note No.2874/B2/2011-3,dated 26.9.2011)	The Committee read and recorded the Statement of action taken.

(1)	(2)	(3)		(4)	(5)	(6)
3.	3.		Notifications issued under Tamil Nadu Value Added Tax Act, 2006.	The Committee recommends that a specific provision or condition be imposed in the notification, to the effect that the tax waiver be permitted as long as the vehicle was exclusively used for humanitarian service.	The recommendation of the Committee is accepted and it will be considered in the notifications to be issued under TNVAT Act, 2006 in future cases. (Vide U.O. Note No.2874/B2/ 2011- 3, dated 26.9.2011).	The Committee is inclined to drop further action in the matter with the observation that the Department would give appropriate and credible replies to the recommendations of the Committee.
		(i)	(G.O.Ms.No.71, Commercial Taxes and Registration Dept., dated 15.3.2007).			
		(ii)	G.O.Ms.No.121, Commercial Taxes and Registration (B2) Dept., dated 14.6.2007.	The Committee recommends that sub-section (2) of Section 30 also be invoked in addition to the existing provision in the notification as certain conditions have been imposed	The recommendation of the Committee is accepted and it will be considered in the notifications to be issued under TNVAT Act, 2006 in future cases. (Vide U.O.Note No.2874/ B2/2011-3, dated 26.9.2011)	
		(iii)	G.O.Ms. No. 30, Commercial Taxes and Registration (B2) Dept., dated 17.3.2008.	The Committee suggested to consider the inclusion of the expression 'dealers who use their goods so purchased in manufacture of their goods meant for physically disabled persons' in the notification, as the exemption was given mainly with the intention to rehabilitate the physically handicapped persons and also to prevent loss of revenue to Government exchequer.	As the exemption was granted mainly with the intention to rehabilitate the physically handicapped persons, the recommendation of the Committee is accepted and it will be considered in the notifications to be issued under TNVAT Act, 2006 in future cases. (Vide U.O. Note No.2874/B2/ 2011-3, dated 26.9.2011)	
		(iv)	G.O.Ms.No.63, Commercial Taxes and Registration (B2) Dept., dated 24.6.2008.	The Committee recommends that the certificate appended to the notification be suitably modified so as to include the words 'except petrol, diesel and cement' in the appropriate places in order to have clarity while issuing such certificates.	The recommendation of the Committee is accepted and it will be considered in the notifications to be issued under TNVAT Act, 2006 in future cases. (Vide U.O. Note No.2874/B2/2011-3, dated. 26.9.2011)	

(1)	(2)	(3)	(4)	(5)	(6)
4	4	Amendment to Tamil Nadu Motor Vehicles Rules, 1989, (G.O. Ms.No.637, Home (Tpt.VII) Department, dated 25-4-2007).	The Committee recommended that the Government may consider whether the words "open tender system" could be incorporated in the rule itself.	The mode of acquiring vehicles either on lease or hire need not be covered under the Tamil Nadu Motor Vehicles Rules, since it is only a procedural formality. Further, the Government in Transport Dept. has given instructions to the State Transport Undertakings to follow the procedures laid down under the Transparency in Tenders Act / Rules while acquiring buses on lease or hire from private owners. Hence, rule 289 of the Tamil Nadu Motor Vehicles Rules, 1989 amended in G.O.Ms.No.637, Home, dated 25.4.2007 need not be further amended by incorporating the expression "Open Tender System" (Vide U.O. Note No.15342/Tr.VII/2011-10,dated20.5.2013)	The Committee read and recorded the Statement of action taken.
5.	5.	Notification issued under Tamil Nadu Specified Commodities Markets (Regulation of Location) Act, 1996. (G.O. (Ms) No. 136, Housing and Urban Development (UD - III (1) Department, dated 12th April 2007).	The Committee recommends that the Government should issue the Tamil version of the notification and also include an explanatory note both in English and Tamil along with the notification	Reply awaited	The Committee decided not to pursue the matter .

(1)	(2)	(3)	(4)	(5)	(6)
6.	6.	Amendment to Tamil Nadu Cinemas (Regulation) Rules, 1957. (G.O.Ms.No.754, Home (Cine-II) Department, dated 25.5.2007).	The Committee recommends that the Government should issue the Tamil version of the notification and also include an explanatory note both in English and Tamil along with the notification	The recommendation of the Committee is noted. Action is being taken to place the Tamil version of the notification along with Explanatory Notes on the Table of the House. In future all notifications will be issued in Tamil along with English for placing on the Table of the House. Further Explanatory Note will also be appended to the notification to be placed on the Table of the House. (Vide Lr. No.32045/ Cinema/2015-2, dt 10.8.2015)	The Committee read and recorded the Statement of action taken.
7.	7.	Notification issued under Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987. (G.O.Ms.No.198, Agriculture (AM2) Dept, dated 10.8.2006).	The Committee expresses its displeasure for the inordinate delay in placing the notification on the Table of the House. The Committee, therefore reiterates its earlier recommendation that the notifications published under the various Acts be placed on the Table of the House by the Government within a period not exceeding six months from the date of its publication in the Tamil Nadu Govt. Gazette.	Amendment issued in G.O.Ms.No.198, Agri, (AM2) Dept, dated 10.8.2006 regulating the agri produces in Trichy, Thanjavur, Dharmapuri and Pudukkottai Districts sent to Government Central Press, Chennai for publication of Government Gazette and to publish the same in two local dailies in the concerned Districts and delay was occurred in publication. However, instructions were issued to avoid such delay in future. (Vide U.O. Note No.4706/AM.2/11-6,dated 16.3.2012)	The Committee read and recorded the Statement of action taken.

(1)	(2)	(3)	(4)	(5)	(6)
8.	8.	Amendment to the Assessment, Levy and Recovery of Contribution costs Rules. (G.O.(Ms.)No.152, Tamil Development, Culture and Religious Endowments (RE 4.2) Dept, dt 26.7.2006).	The Committee suggested that the Department should include the details of 'existing rule' and 'the rule proposed' in the notification, as annexure.	The Committee's observations and recommendations are taken note of. As suggested by the Committee this department will include the details of 'existing rule' and 'rule as proposed' in the notification as annexure in future.(Vide U.O. Note No.4963/RE4-2/2011-5, dated 11.10.2013)	The Committee read and recorded the Statement of action taken.
9.	9.	Amendment to Tamil Nadu Transparency in Tenders Rules, 2000. (G.O.Ms.No.177, Finance (Salaries) Dept, dated 22.5.2007).	The Committee recommends that sub rule (4) of rule 16 may be suitably amended to include the words "tender forms pertaining to procurement value below Rs.10 Lakhs to avoid ambiguity in reading the sub rule".	As per Section 16 (d) of TNTIT Act, 1998, the open tender procedure prescribed in Section 9 & 10 of the Act, need not be followed for the low value procurement defined in Rule 32 of TNTIT Rules, 2000. When the low value procurement was less than Rs.5/- Lakhs, there was some ambiguity in reading about making available the tender documents free of cost in the website. The tender documents were made available for free downloading for the tenders valuing Rs.10/- lakhs and above, but there is no mention about tenders valuing less than Rs.10 lakhs. This ambiguity in making available the tender documents free of cost as per the procurement value stands removed after the issue of G.O.Ms.No.392, Fin. (Sal.) Dept, and dated 18.8.2009. As per above G.O. the minimum value for open tender has been enhanced to Rs.10 lakhs. Hence, the necessity of providing tender document for tenders valuing less than Rs.10 lakhs does not arise. Thus the ambiguity pointed out by the Committee has been removed and amendment recommended to the Act seems not necessary now. (Vide U.O. Note No.11990/Salaries/2011-1,dated 27.9.2011)	The Committee read and recorded the Statement of action taken.

(1)	(2)	(3)	(4)	(5)	(6)
10.	10.	Amendment to Tamil Nadu Public Service Commission Regulations, 1954. (G.O.Ms.No.79, P & AR (M) Department, dated 28.03.2007).	The Committee recommends that the comparative statement of the 'existing rules' and 'rules as amended' should be printed side by side in the notification. The Committee also recommended that explanatory note both in Tamil and English should be included in the notification.	A new Rule 40-A was inserted in the General Rules for the Tamil Nadu State and Subordinate Services enabling the Government to effect transfer of Government Servants from one category or class of one service to another category or class of another service on administrative grounds. Consequently, a new regulation, namely Regulation 16(h) was inserted in the Tamil Nadu Public Service Commission Regulations, 1954 to the effect that while transferring Government servants as above, Tamil Nadu Public Service Commission need not be consulted. Subsequently, rule 40-A of the General rules for the Tamil Nadu State and Subordinate Services was deleted. Consequent to the above Regulation 16(h) was also deleted vide G.O.(Ms) No.79, P&AR (M) Department, dated 28.3.2007. The Committee of Delegated Legislation has recommended to place the comparative statement showing the existing rule and rules as amended along with the explanatory notes. This Department will lay the comparative statement showing the existing rule and rules as amended along with the explanatory notes on the Table of the House in future.	The Committee read and recorded the Statement of action taken.

A.M.P. JAMALUDEEN
Secretary.

TRUTH ALONE TRIUMPHS