Higher Education Dept
Revenue
L & E
Co-op, Exc.P
P & A.R
Home P & E

TAMIL NADU LEGISLATIVE ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION

(2007-2008)

(THIRTEENTH ASSEMBLY)

SIXTH REPORT

(Presented to the Assembly on 17 APR 2008)

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

(CONSTITUTED ON 15 TH MAY 2007)

CHAIRMAN

1. Thiru Durai Chandrasekaran

MEMBERS

2. Thiru O. Subramaniam
3. Thiru M. Anbazhagan
4. Thiru P.N. Periyannan
5. Dr.M. Tambidurai
6. Thiru G. Senthamizhan
7. Thiru R. Nedunchezhian
8. Thiru P. Veldurai
9. Thiru R.M. Palanisamy
10. Thiru T.A. Meganathan
11. Thiru D. Moorthy
12. Thiru G. John Joseph

SECRETARIAT

Thiru M. Selvaraj - Secretary

Thiru A.M.P. Jamaludeen - Deputy Secretary

Thiru P.S.K. Singaravelu - Under Secretary

REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION

PART-I

INTRODUCTION

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

This Report includes some of the observations and decisions of the Committee for the year 2003-2004, 2004-2005 2005-2006, 2006-2007 and 2007-2008 based on the consideration of the Memoranda that were placed before it. The present Committee for 2007-2008 after having carefully perused the Memoranda and the proceedings thereon, endorses those observations and decisions without any modifications.

SITTINGS OF THE COMMITTEE

The Committee for 2003-2006, which was constituted on 21.5.2003, met for 20 days. It also undertook a Study Tour in the States of New Delhi, Utharanchal and Uttar Pradesh from 6.8.2005 to 13.8.2005. The Committee for the year 2006-2007 and 2007-2008 met for 10 days. It also undertook a Study Tour in the States of Maharastra, New Delhi, Uttar pradesh, Punjab, West Bengal, and Andaman and Nicobar Islands from 3.1.2007 to 12.1.2007 and in the States of new Delhi Rajesthan, Punjab, Himachal Pradesh, and Gujarat from 15.2.2208 to 24.2.2008.

ITEMS CONSIDERED BY THE COMMITTEE

The Committee considered 165 Memoranda and 11 Notes for Committee covering rules, amendments to rules, notifications etc., laid on the Table of the House besides the seventh report (XII Assembly) on Tamil Nadu Prohibition Act, 1937 and Eleventh Report (XII Assembly) on Tamil Nadu Panchayat Act, 1994 and statement of action taken and further action taken on the recommendations of the Committee Contained in the Twenty Fifth Report (XI Assembly), Twelfth Report (XI Assembly), Thirteenth Report (XI Assembly) , Eighth Report (XII Assembly) Fourteenth Report (XI Assembly),First Report (XII Assembly), Eleventh Report (X Assembly)

Sixth Report (XII Assembly), Tenth Report (XI Assembly) Sixteenth Report (XI Assembly) and Twentieth Report (XI Assembly)

This Report exclusively deals with notifications and amendments to the rules issued under the Tamil Nadu Regulatory Laws.. Extract of the proceedings of the meetings of the Committee are appended to this Report.

The Committee approved this Report on the 3rd April, 2008.



PART - II

1. NOTIFICATIONS ISSUED UNDER TAMIL NADU STATE COUNCIL FOR HIGHER EDUCATION RULES, 1998

1. G.O Ms.121, Higher Education (H2) Department dated 25.3.1998

2. Higher Education Department U.O. Note No.16814/H2 /2002-03 dated 6.9.2002.

In exercise of the powers conferred by Section 21 (1) of the Tamil Nadu council for Higher Education Act,1992 (Tamil Nadu Act 40 of 1992) the Government had issued the notification relating to the Tamil Nadu State Council for Higher Education Rules,1998

The Committee observed that Tamil Nadu State Council for Higher Education Act received the assent of the governor on 10th July,1992 and it was published on the same day in the Tamil Nadu government Gazette. But the rules were issued in, G.O. Ms. No.121, Higher Education Department, dated 25th March 1998, after a delay of nearly six years and above notification had been published in the Tamil Nadu Government Gazette dated 10.6.1998 whereas the copies of the same were placed on the Table of the House only on 2.2.2001, i.e. after a delay of nearly three years.

The Committee also decided to hear the Secretary to Government Higher Education Department to seek Clarification as to the reasons for the inordinate delay in framing the rules and also in placing the same on the Table of the House.

The government in Higher Education Department in its U.O. Note. dated 6.9.2002 clarified as under:-

The delay in framing rules and placing the notification relating to the Tamil Nadu State Council for Higher Education Rules for 1992 on the Table of the House was due to the Administrative reasons. and as such, it may be considered as administrative delay. The Department of Higher Education has also tendered apology for the inordinate delay in framing rules and also in placing the Notification on Table of the House after its publication

After some discussion, the Committee decided to recommend that disciplinary action might be taken against those responsible for the inordinate delay in framing the rules and also in placing the copies of the same on the Table of the House

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TRUTH ALONE TRIUMPHS

2. NOTIFICATIONS ISSUED UNDER TAMIL NADU AGRICULTURAL INCOME TAX RULES, 1955

1. G.O.Ms.No.288/Revenue (LA IV-1), Department, Dated 1.6.1999.
2. Revenue Department U.O.Note No.52126/ LA III/2005-1, dated 13.1.2006

In exercise of the powers conferred under Section 61 of the Tamil Nadu Agricultural Income Tax Act, 1955, (Tamil Nadu Act V of 1955), the Government issued the Notification amending the said Act referred to therein. Rule 4(1) of the Tamil Nadu Agricultural Income Tax Act, 1955, has been substituted. The amended rule provides that the depreciation calculated as per the Table thereunder is allowed to be deducted in respect of the assets while computing the agricultural income tax of a person.

The Committee observed that the Revenue Department had taken nearly three and a half years for furnishing the reply to the clarification sought for by the Committee during its meeting held on 8.7.2002 and further pointed out that as per the Secretariat Office Manual, 'all notifications issued should be placed on the Table of the House within a period of 6 months from the date of its publication in the Government Gazette. Whenever a rule is amended and amendment is placed on the Table of the House, the original rule and the rule as amended should be printed side by side and placed in the annexure as is done in the case of amending Acts. And "... a separate Register on Papers placed on the Table of the House shall be maintained in each Section as given in Appendix 31 of the Rules and shall be verified periodically by an higher officer once in a month...."

The Committee decided to hear in person, the Secretary to Government in Revenue Department for explaining the reasons, for the delay in furnishing the reply as sought for by the Committee during its meeting held on 8-7-2002, and also decided to record its deep sense of disappointment and dismay over the way in which the clarifications sought for by the Committee are being treated by the Department concerned. The Committee expects that prompt and speedy replies are sent to the Committee for its consideration.

The Government in Agriculture Department in its U.O. Note dated 13.1.2006 clarified as under :-

The delay in placing the Notification relating to the Tamil Nadu Agricultural Income Tax Rules, 1955 on the Table of the House was due to the administrative reasons and as such, it may be considered as administrative delay.

It may be pointed out that the Committee sought the reasons for the delay in placing the Notification during August, 2002, whereas the reply has been furnished by the Government only during the month of January, 2006, that is, nearly after a lapse of three and a half years.

The Committee further decided to reiterate its earlier recommendation, that the department should give immediate attention to the clarification sought for by the Committee and at the latest they should send their replies within a month and also to follow the instructions issued in para 156 of the S.O.M. scrupulously.

3. NOTIFICATIONS ISSUED UNDER TAMIL NADU INDUSTRIAL EMPLOYMENT (STANDING ORDER) RULES, 1947

(G.O.(D) No.1261, L&E (G) Department , Dated 28-11-2005)

In exercise of the powers conferred under section 15 of the Industrial Employment (Standing Orders) Act,1946 (Central Act, XX of 1946) The Government had issued orders substituting the Rule (1) of rule 3 of the Tamil Nadu Industrial Employment (Standing order) Rule 1947.

Rule 3 related to submission of draft standing orders of an industrial establishment to certifying officer before being adopted.

The Committee observed that the substituted rule enabled submission of 5 copies of the draft standing order both in English and Tamil proposed for adoption and to be sent by registered post to the certifying Officer and also opined that the authorities could have omitted the portion already amended in 1992.

The Committee decided to seek clarification from the Department as to the reason for omitting the expression " along with the required number of spare copies to the trade unions in the establishment" inserted in G.O (2D) No.41 Labour and Employment Department, dated 22.5.1992. No repely as been received so for.

4. NOTIFICATIONS ISSUED UNDER TAMIL NADU CO-OPERATIVE, SOCIETIES ACT, 1983

(G.O. Ms. No. 133, Co-operation, Food and Consumer Protection (CT1) Department, dated 14-7-2005)

*****

In exercise of the powers conferred under sub-sections (1) and (2) of Section 180 of the Tamil Nadu Co-operative Societies Act, 1983, (Tamil Nadu Act 30 of 1983) the Government had issued an amendment to sub-rule (3) of Rule 149 of Tamil Nadu Co-operative Societies Rules, 1988 wherein the words 'age for appointment and retirement' had been substituted as 'age for retirement'

The Committee observed that in the all the notifications issued by the Department, the words "Existing Rule" and "Rule amended" printed side by side should find a place so that the Members would understand clearly what are all the amendments made to the relevant rules.

The Committee decided to recommend that whenever an amendment is issued, the expressions "Rule as existing" and Rule as amended" should find a place in the notification for easy reference to the Members.

5. NOTIFICATIONS ISSUED UNDER TAMIL NADU PUBLIC SERVICE COMMISSION REGULATIONS 1954

(G.O.Ms.No.5, Personnel and Administrative Reforms (M) Department, dated 5.1.2005)

In exercise of the powers conferred under Article 318 and the proviso to clause (3) of Article 320 of the Constitution of India, the Government had issued amendments to regulation 8(2) and Annexure IV prescribed under regulation 13 (2) of the Tamil Nadu Public Service Commission Regulations, 1954.

It has been stated that the above regulation had been substituted in order to necessitate specific prior approval of an officer not below the rank of a Secretary to Government in charge of Personnel and Administrative Reforms Department dealing with the establishment matters relating to Tamil Nadu Public Service Commission.

The Committee observed that clause (1) of regulation 8 prescribes the sanctioned strength of the officers which include one Deputy Secretary and six Under Secretaries whereas in the amended rule while referring clause (1), only the post of "six Under Secretaries" had been indicated excluding the post of one Deputy Secretary.

The Committee felt that it would be appropriate to include also the post of one Deputy Secretary in as much as the amended rule empowered for employing the required number of Under Secretaries as well as the Deputy Secretaries.

It has also been further stated that provision (2) of Annexure IV prescribed under regulation 13 (2) had been substituted in order to necessitate specific prior approval of the officer referred to therein for employing the temporary staff in addition to the regular staff already sanctioned under regulation 13 (1) specified in Annexure III.

The Committee noticed that the expression " rule 2" mentioned to be substituted in Annexure IV is described in the regulations as a " provision" and not as a "rule" vide regulation 13 (2) whereas the government had used the word, "rule" which does not appear to be correct.

After some discussion, the Committee decided to recommend:

(i) that the expression, " one Deputy Secretary" might be included before the expression "six Under Secretaries" in the amended rule; and

(ii) substituting the word "rule" by the word "provision" by issuing an erratum.

TRUTH ALONE TRIUMPHS

6. NOTIFICATIONS ISSUED UNDER TAMILNADU INDIAN MADE FOREIGN SPIRIT (SUPPLY BY WHOLE SALE) RULES , 1983-

(G.O. Ms. No. 74.Prohibition and Excise (VIII) Department, dated 25.10.2006)

*****

Additional Secretary (Assembly) stated that in exercise of the powers conferred under sections 17 (D) and 54 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) the Government had issued an amendment to sub rule (3) of rule 15 of the Tamil Nadu Indian made foreign Spirit (supply by wholesale) Rules 1983.

Rule 15 (3) prescribed the rates of additional vend fee to be paid by the licensee on the sale of various kinds of Indian made foreign Spirit and Beer.

The rate of additional vend fee for spirits, liquor, Champagne and other wines classified by the commissioner as sparkling wines containing more than 42% of proof spirit had been increased from Rs.46.35 to Rs.53.23

Additional vend fee எனப்படும் கூடுதல் விற்பனை வரி டாஸ்மாக்கிடமிருந்து பெறப்படுவது. ஒவ்வொரு வருடமும் வருடக் கணக்கு முடிக்கப்பட்டவுடன் அதிலே உள்ள கூடுதல் தொகையை (surplus funds) சட்டபூர்வ கணக்காயர்கள் கணித்துக்கொடுப்பார்கள். அதன் அடிப்படையில் டாஸ்மாக்கினுடைய மேலாண்மை இயக்குநர் ஒரு குறிப்பிட்ட சதவிகிதத் தொகையை அதிகமாக வசூலிக்கலாம் என்று பரிந்துரைப்பார். அதன் அடிப்படையில் மேற்குறிப்பிட்ட கூடுதல் விற்பனை வரியை ரூ.46.35–லிருந்து ரூ.53.23 கூடுதலாக நிர்ணயம் செய்து அரசாணை வெளியிடப்பட்டது என மது விலக்கு மற்றும் ஆயத்தீர்வுத் துறையின் கூடுதல் செயலாளர் தெரிவித்தார்.

மேலும், மேஜர் சேல்ஸ் என்பது மிவிதிலி–ல்தான் செய்யப்படுகிறது. மிவிதிலி என்று சொல்லக்கூடிய இந்தியாவில் தயாரிக்கப்படும் அயல்நாட்டு மதுவிற்குத்தான் அதிக தேவை இருக்கிறது. இவ்வகை மதுதான் அதிக அளவில் விற்பனையாகக்கூடியது.

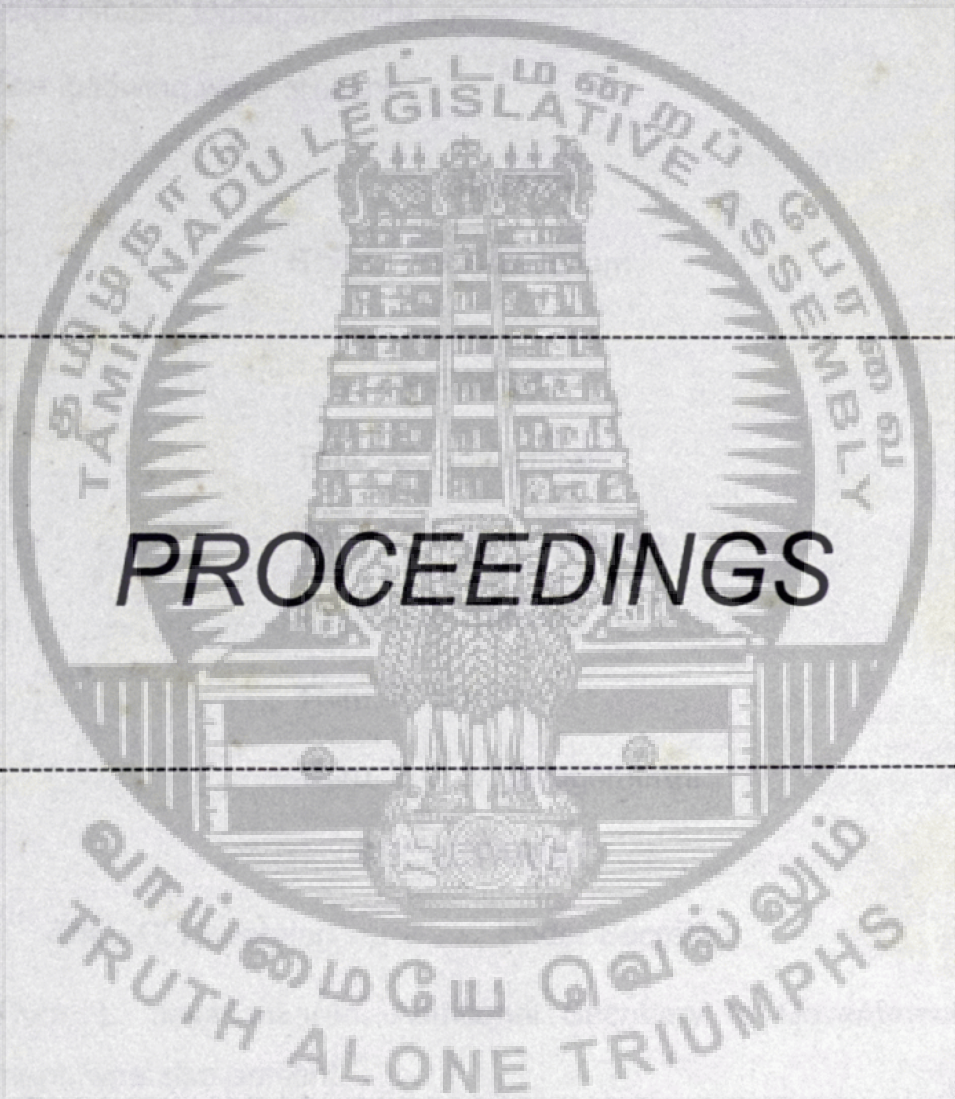
மற்ற மது வகைகளின் விற்பனை மிகவும் குறைவு. ஆகையால் இப்படி கூடுதல் வரியை மிவிதிலி என்று சொல்லக்கூடிய இந்தியாவில் தயாரிக்கப்படும் அயல்நாட்டு மதுவின்மீது விதிக்கிறோம். இந்த கூடுதல் விற்பனை வரி என்பது அதிகரித்துக்கொண்டுதான் போகும். குறைவதற்கு வாய்ப்பு இல்லை என்றும் அத்துறையால் தெரிவிக்கப்பட்டது.

The Committee decided to recommend that the Government in Home Department might issue the notifications pertaining to their Department both in English and Tamil.

Chennai - 600 009
3rd April, 2008
Panguni,21
Thiruvalluvar Aandu,2039.

DURAI CHANDRA SEKARAN
CHAIRMAN

வாய்மையே வெல்லும்
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PROCEEDINGS


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
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TRUTH ALONE TRIUMPHS

PROCEEDINGS OF THE MEETING OF THE COMMITTEE ON DELEGATED LEGISLATION

THURSDAY, THE 26TH JUNE 2003

The Committee on Delegated Legislation met at 9.30 a.m. on Thursday, the 26th June, 2003 in the chambers of Chairman at Tamizhagam, State Guest House, Udhagamandalam.

The following were present:

CHAIRMAN

Thiru. P. Rajarethinam

MEMBERS

Thiru. V. Govindaraj

Thiru. K.C. Karuppannan

Thiru. A.K. Selvaraj

Thiru. S. Sivaraj

Thiru. S.G. Vinayagamurthi

SECRETARIAT

Thiru G. Devarajan .. Under Secretary

Thiru. L. Jayasankaran, Additional Secretary to Government, Law Department, was also present.

The Under Secretary (Assembly) welcomed the Chairman and Members on behalf of the Secretariat.

The Committee took up for consideration the following Note for Committee and Memoranda.

NOTE FOR COMMITTEE NO.1/2003-2004

(Memorandum No.20/2001-2002)

Sub: Tamil Nadu State Council for Higher Education Rules,1998

Ref: 1. G.O. Ms. No. 121, Higher Education (H2) dated 25.3.1998.
2. Higher Education Department U.O.Note No.16814/ H2/2002-2003, dated 6.9.2002.

The Under Secretary read before the Committee the reasons furnished by the Higher Education Department for the delay of more than six Years in framing the rules for the notification issued in the G.O. first referred to above and also for the delay in placing the notification on the Table of the House after its publication..

Thiru S.G. Vinayagamurthi expressed his doubt as to how the G.O. could have been implemented,. as the rules were framed only after six years of publication of notification for which the Additional Secretary, Law Department clarified that as far as this G.O. was concerned, it could not have been implemented with out framing the rules and suggested that the departments might be requited to frame rules simultaneously along with the issue of notification.

Thiru S.G. Vinayagamurthi also wanted that disciplinary action may be initiated against those responsible for such inordinate delay in framing the rules and also in placing the same on the Table of the House.

The chairman opined that in future stringent disciplinary action should be taken against the persons responsible for the delay.

The Committee observed that though the apology tendered by the department was acceptable,. the reasons furnished by the department for the delay were not acceptable and expressed its displeasure over the inordinate delay in framing rules and also in placing the notification on the Table of the House after its publication

After some discussion, the Committee decided to recommend that. disciplinary action might be taken against those responsible for the inordinate delay in framing the rules and also in ;acing the copies of the same on the Table of the House

NOTE FOR COMMITTEE NO.2/2003-2004

(Memorandum No.10/2001-2002)

Sub: Tamil Nadu Agricultural produce marketing (Regulation) Act, 1987 - Regulation of certain Agriculratral producses - Notification Inssued

Ref: 1. G.O. Ms. No. 87, Agriculture Department dated 27.3.1998.
2. G.O. Ms. No. 155, Agriculture (AM - II) Department dated 30.4.1999.
3. U.O. Note No. 5430/ AMII/ 2000-2 dated 21.6.2002 from Agriculture Department

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The Under Secretary read before the Committee the clarification furnished by the Agriculture Department.

The Committee expressed its dissatisfaction over the missing of the 375 copies of notification sent by the Government press to the Department which led to the delay of more than two years in placing the copies on the Table of the House.

The Additional Secretary expressed that reprinting of 375 copies of the notification not only caused delay but also it led to a loss to the Government.

Their S. G. Vinayagamurthi expected that a thorough probe should be conducted to ascertain whether the department received the first batch of 375 copies of the notification sent by the Press or not;

Thiru A.K. Selvaraj opined that the Legislative Assembly Department could also follow up by way of sending reminders to the Department concerned to ensure that the notifications were placed by the Department without much delay after the Bill was passed in the House for which the Under Secretary clarified that the same has to be monitored by the Secretary of the Department concerned and there was mechansim in the Assembly to watch this and this would be very difficult for the Assembly to monitor this considering the column of the notifications issued by all Department from time to time.

After some discussion the Committee decided to recommend that thorough probe might be conducted by the Agriculture Department over the missing of 375 copies of the notification sent by the Government Press and a report in this regarde might be sent to the Committee within three months.

The Committee also decided to request the Chief Secretary to instruct all Department that they should maintain a register to monitor the copies of the Notifications were placed before the Table ofthe House in time and also ensure that the G.O. were closed only after the notifications were placed on the Table of the House.

MEMORANDUM NO.1/2003-2004

Sub: Tamil Nadu Indian Made Foreign Spirit (Supply by Wholesale) Rules, 1983.

(G. O. Ms. No.1, P&E (iii) dated 2.1.2002)

No modification was recommended.

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(G. O. Ms. No.56, P&E (VII) dated 22.2.2002)
(G. O. Ms. No.61, P&E (VIII) dated 26.2.2002)

No modification was recommended

MEMORANDUM NO.2 /2003-2004

Sub: Tamil Nadu Brewery Rules, 1983 - Amendment to Rule 2 - Issued.

(G. O. Ms. No.250, P&E (III) dated 23.11.2001)

No modification was recommended.

MEMORANDUM NO.3 /2003-2004

Sub: Tamil Nadu Liquor (Retail Vending) Rules, 1989 - Extension of the licence period of the existing Indian Made Foreign Liquor retail vending licences for a period of one month beyond 31 st May, 2001 - Amendment - Issued.

(G. O. Ms. No.104, P&E dated 17.5.2001)
(G. O. Ms. No.109, P&E dated 8.6.2001)

No modification was recommended.

MEMORANDUM NO.4 /2003-2004

Sub: Tamil Nadu Molasses control and Regulation Rules, 1958 Amendments - Issued.

(G. O. Ms. No.233, P&E (VIII), dated 29.10.2001)

No modification was recommended.

MEMORANDUM NO.14/2003-2004

Sub: Tamil Nadu Agricultural produce marketing (Regulation) Act, 1987 - (Tamil Nadu Act 27 of 1989) Marketing of Bengalgram in Dharmapuri District.

(G. (O. Ms. No.86, Agriculture (AM.II), dated 26.3.2002)

No modification was recommended.

THURSDAY, THE 18TH AUGUST 2003

The Committee on Delegated Legislation met at 3.30 p.m. on Thursday, the 18th August, 2003 in the Committee Room (Erstwhile Legislative Council Chamber), Secretariat, Chennai - 600 009.

The following were present:

CHAIRMAN

Thiru. P. Rajarethinam

MEMBERS

Thiru. V. Govindaraj

Thiru. J. Hemachandran

Thiru. K.C. Karupannan

Dr. D. Kumaradas

Thiru. A.K. Selvaraj

Thiru. A. Sivaperumal

Thiru. S.G. Vinayagamurthi

SECRETARIAT

Thiru K. Sampathrajan .. Deputy Secretary

Thiru. K. Krishnan .. Under Secretary

Thiru.C.B. Manoharan, Deputy Secretary to Government, Law Department, was also present.

The Committee took up for consideration the following Note for Committee and Memorandam:--

Note For committee No.4/ 2003-2004

(MEMORANDUM NO.59/2001-2003)

Sub: Notification issued under Tamil Nadu Denatured Spirit and Varnish (French Polish) Rules, 1959.

Ref: G.O. Ms. No.225, P & E (III) Dated 23.10.2000
U.O. Note. No.5194/ , P & III/2002-8, Dated 30.8.2003 from the prohibition and Exciase Department

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Deputy Secretary stated that the committee during its meeting held on 18.8.2002 decided to seek clarification from the Government in prohibition and Excise Department regarding amendments to the Tamil Nadu Denatured Spirit and Varnish (French Polish) rules, 1959. He read out the reply received from the Department and pointed out that the Department has in its U.O. Note, accepted the lapses pointed out by the Committee in the proviso to Rule 5(10 and in Appendix-I in the said Rules and has agreed that consequential amendments, as pointed out by the Committee, would be made.

He stated that the Department has replied that no further amendments were necessary pursuant to the amendments issued in G.O. Ms.225, P & E. (III), dated 23.10.2000. The Department has further stated that it was taking action to frame separate rules for Mathyl Alcohol and re-issue the Tamil Nadu Denatured Spirit, Methyl Alcohol and Varnish (French Polish) Rules, 1959 and that when a consolidated re-issue of the said Rules was approved by the Govrnment , the same would be placed before the Committee.

Deputy Secretary stated that since the Department has accepted the lapses and promised to re-issue the Rules, the Committee might consider accepting the reply.

Thiru S.G. Vinayagamurthi pointed out that even though the Department has accepted its lapses and has promised to re-issue the Rules, the Department has furnished reply to the clarification sought for by the Committee only on 30.8.2003 i.e after a lapses of 10 months. If the Department adopts such a lethargic and irresponsible attitude, the scrutiny of the Notifications and Amendments placed by them would prove to the only a post-mortem exercise.

Deputy Secretary stated that the Secretary to Government of the Department could be summoned before the Committee to explain the delay, if desired.

Thiru S.G. Vinayagamurthi stated that it was not necesary and suggested that, instead, a clrcular may be sent to all Departments instructing them to furnish the clarifications required by the Committee within a stlpulated time of 15 or 30 days. The reply received from the Department in the instant case could be accepted.

After some dicussion, the Committee decided to accept the clarification furnished by the Department. The Committee also decided to issue instructions to all the Departments of Secretaiat that whenever clrificaions were sought for by the Committe, the Departments should furnish tnem within a period of one month.

MEMORANDUM NO.16/2003-2004

Sub: Tamil Nadu Public Service Commission Regulations, 1954 - Amendments - Issued.

(G.O. Ms. No.90, P & A.R (M) Dated 30.8.2002
(G.O. Ms. No.91, P & A.R (M) Dated 30.7.2002)

No modification was recommended

FRIDAY, THE 19TH AUGUST 2003

The Committee on Delegated Legislation met at 10.30 a.m. on Friday, the 19th August, 2003 in the Committee Room (erstwhile Legislative Council Chamber), Secretariat, Chennai - 600 009.

The following were present:

CHAIRMAN

Thiru. P. Rajarethinam

MEMBERS

Thiru. J. Hemachandran

Thiru. K.C. Karupannan

Thiru. A.K. Selvaraj

Thiru. A. Sivaperumal

Thiru. S. Sivaraj

Thiru. S.G. Vinayagamurthi

SECRETARIAT

Thiru K. Sampathrajan	..	Deputy Secretary
Thiru. K. Krishnan	..	Under Secretary

Thiru.C.B. Manoharan, Deputy Secretary to Government, Law Department, was also present.

The Committee took up for consideration the following Memoranda:--

MEMORANDUM NO.21/2003-2004

Sub: Tamil Nadu Liquor (Retail Vending) Rules, 1989 - Issued.

(G.O. Ms. No.115, Prohibition and Excise (VI), dated:22.6.2001)

No modification was recommended

(G.O. Ms. No.119, Prohibition and Excise (VI), dated:30.6.2001)

No modification was recommended

(G.O. Ms. No.112, Prohibition and Excise (VI), dated:20.6.2001)
(G.O. Ms. No.120, Prohibition and Excise (VI), dated:30.6.2001)

No modification was recommended

(G.O. Ms. No.129, Prohibition and Excise (VI), dated:17.7.2001)

No modification was recommended

MEMORANDUM NO.22/2003-2004

Sub: Tamil Nadu Indian Made Foreign Spirit (Supply by Wholesale) Rules, 1983-Amendment - Issued.

(G.O. Ms. No.119, Prohibition and Excise (VIII), dated:12.8.2002)

No modification was recommended

(G.O. Ms. No.193, Prohibition and Excise (VIII), dated:6.9.2002)

No modification was recommended

MEMORANDUM NO.26/2003-2004

Sub: Tamil Nadu Indian Made Foreign Spirit (Supply by Wholesale) Rules, 1983-Amendment - Issued.

(G.O. Ms. No.38, Prohibition and Excise (VIII), dated:20.1.2003)

No modification was recommended

MEMORANDUM NO.27/2003-2004

Sub: Tamil Nadu Co-operative Societies Rules, 1998 - Amendments - Issued.

(G.O. Ms. No.355, Co-op, F&C.P, (CJ), dated:1.10.2002

No modification was recommended

MEMORANDUM NO.28/2003-2004

Sub: Tamil Nadu Agriculture Produce Marketing (Regulation) Act, 1987 - Notification - Issued.

(G.O. Ms. No.3, Agriculture, (AM.II), dated:3.1.2003)

No modification was recommended

MEMORANDUM NO.29/2003-2004

Sub: Tamil Nadu Agriculture Produce Marketing (Regulation) Act, 1987 - Notification - Issued.

(G.O. Ms. No.4, Agriculture, (AM.II), dated:3.1.2003)

No modification was recommended

MEMORANDUM NO.30/2003-2004

Sub: Tamil Nadu Agriculture Produce Marketing (Regulation) Act, 1987 - Notification - Issued.

(G.O. Ms. No.5, Agriculture, dated:3.1.2003)

MONDAY, THE 8TH DECEMBER 2003

The Committee on Delegated Legislation met at 3.00 P.M. on Monday, the 8th December, 2003 in the Committee Room (Erstwhile Legislative Council Chamber), Secretariat, Chennai - 600 009.

The following were present:

CHAIRMAN

Thiru. P. Rajarethinam

MEMBERS

Thiru. V. Govindaraj

Thiru. J. Hemachandran

Thiru. K.C. Karupannan

Thiru. S. Natarajan

Thiru. A.K. Selvaraj

Thiru. A. Sivaperumal

Thiru. S.G. Vinayagamurthi

SECRETARIAT

Thiru K. Sampathrajan .. Deputy Secretary

Thiru. K. Krishnan .. Under Secretary

Thiru.C.B. Manoharan, Deputy Secretary to Government, Law Department, was also present.

The Committee took up for consideration the following Memoranda.

MEMORANDUM NO.40/2003-2004

Sub: Tamil Nadu Co-operative Societies Rules, 1988 - Amendements - Issued

(G.O. Ms. No.263, Co-operation, Food, and Consumer Protection (CJ.I) dated:24.7.2001)

No modification was recommended

(G.O. Ms. No.373, Co-operation, Food, and Consumer Protection (CJ.I) dated:29.10.2002)

No modification was recommended

WEDNESDAY, THE 8TH SEPTEMBER 2004

The Committee on Delegated Legislation met at 11.00 a.m. on Wednesday, the 8th September, 2004 in the Conference Hall, P.W.D. Water Resources Consolidation Project House, Kodaikanal.

The following were present:

CHAIRMAN

Thiru. P. Rajarethinam

MEMBERS

Thiru. K.C. Karupannan

Dr. D. Kumaradas

Thiru. S. Ramaraj

Thiru. S.G. Vinayagamurthi

SECRETARIAT

Thiru R. Muruganandam. .. Joint Secretary

Thiru.T. Subbiah, Joint Secretary to Government, Law Department, was also present.

The Committee took up for consideration the following Note for Committee:-

NOTE FOR COMMITTEEE NO.7/2003 - 2005

MEMORANDUM NO.69/2003-2004

Sub: Tamil Nadu Agricultural Income Tax (Appeal and Revision) Rules,1955 - Amendements - Issued

Ref: 1 G.O. Ms. No.131, Revenue Department, dated:20.3.2001
2 From Revenue Department U.O. Note No.33982/LAS (1)/2004-1, dated:28.7.2004)

Joint Secretary (Assembly) read out the clarification furnished by the Government in Revenue Department.

Thiru S.G. Vinayagamurhti stated that though the reply was acceptable, it was to be noted that the Revenue Department had taken 2 years time to send the simple clarification which did not require any time - consuming investigatrion.

The Committee decided to accept the clarification furnnished by the Revenue Department but decided to record its displeasure on the inordinate delay on the part of the Department in furnishing the clarification shought by the Committee.

THURSDAY, THE 9 TH SEPTEMBER 2004

The Committee on Delegated Legislation met at 10.00 a.m. on Thursday, the 9th September, 2004 in the Conference Hall, P.W.D. Water Resources Consolidation Project House, Kodaikanal.

The following were present:

CHAIRMAN

Thiru. P. Rajarethinam

MEMBERS

Thiru. K.C. Karupannan

Dr. D. Kumaradas

Thiru. S. Ramaraj

Thiru. S.G. Vinayagamurthi

SECRETARIAT

Thiru R. Muruganandam .. Joint Secretary

Thiru.T. Subbiah, Joint Secretary to Government, Law Department, was also present.

The Committee took up for consideration the following Memoranda:-

MEMORANDUM NO.43/2003-2004

Sub: Industrial Disputes Act, 1947 - Certain Public Utility Service - Notified.

Ref: G.O.Ms.No.4, Labour and Employment (D.2) Department, Dated 7.1.2003.

No modification was recommended.

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MEMORANDUM No. 44/2003-2004

Sub: Tamil Nadu Public Service Commission Regulations, 1954 - Amendments - Issued

(G.O.Ms.No. 46, P & AR (M) Department, Dated: 20.05.2003
G.O.Ms.No. 47, P & AR (M) Department, Dated: 20.05.2003
G.O.Ms.No. 67, P & AR (M) Department, Dated: 10.06.2003
G.O.Ms.No. 48, P & AR (M) Department, Dated: 20.5.2003)

No modifications were recommended.

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MEMORANDUM NO.45/2003-04

Sub: Tamil Nadu Denatured Spirit, Methyl alcohol and Varnish (French Polish) rules, 1959 - Amendment Issued.

Ref: (G.O.Ms.No.191, Prohibition & Excise (III) Department, Dated 6.9.2002).

No modification was recommended.

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MEMORANDUM No. 51/2003-2004

Sub: Act and Rules, - Amendment to Schedules III, IV and V of the Tamil Nadu Co-operative Societies Rules, 1988.

Ref: G.O.Ms. No. 147, Co-operation, Food and Consumer Protection (CJ.1) Department, Dated: 17.5.2002.

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No modification was recommended.

MEMORANDUM No. 52/2003-2004

Sub: Act and Rules - Tamil Nadu Co-operative Societies Rules, 1988 - Amendments - Issued.

Ref: G.O. Ms. No. 253, Co-operation, Food and Consumer Protection (CJ.1), Dated: 28.8.2003.

- - -

No modification was recommended.

NOTIFICATION-II

(G.O.Ms.No.258, Co-operation, Food and Consumer Protection (CJ.I) Department, dated 10.9.2003)

No modification was recommended.

NOTIFICATION -III

(G.O. Ms. No. 264, Co-operation, Food and Consumer Protection (CJ.I) Department, dated: 15.9.2003)

No modification was recommended.

MEMORANDUM NO.55/2003-2004

Sub: Tamil Nadu Public Service Commission Regulations, 1954 - Amendments - issued.

(G.O.Ms..No.423, P & AR (M) Department, dated 1.12.2003)

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No modification was recommended.

MEMORANDUM NO.56/2003-2004

Sub: Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 - Notification - Issued.

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Joint Secretary (Assembly) stated that in exercise of the powers conferred under Section 4(1) of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989) the Government have issued the following notifications declaring certain districts to be the notified for the purposes of the said Act in respect of certain agricultural produce:-

1. G.O.Ms.No.137, Agriculture (AM.2) dated 8.4.2003.

2. G.O.Ms.No.385, Agriculture (AM.2) dated 14.8.2003.

3. G.O.Ms.No.413, Agriculture (AM.2) dated 10.9.2003.

4. G.O.Ms.No.62, Agriculture (AM.2) dated 13.2.2004.

5. G.O.Ms.No.645, Agriculture (AM.2) dated 31.12.2003

6. G.O.Ms.No.26, Agriculture (AM.2) dated 27.1.2004

7. G.O.Ms.No.61, Agriculture (AM.2) dated 12.2.2004

Thiru S.G. Vinayagamurthi stated that many items of agricultural produce have been produced in specific areas for many decades and wanted to know the purpose or necessity for now declaring certain parts of the State as notified areas for certain crops.

Joint Secretary (Law) stated that if a district was declared as a notified area in respect of a particular crop under the Act, such crop could be marketed only through the Regulated Markets, thereby fetching higher price for the cultivators. Though many crops were grown throughout the State, some crops were predominantly cultivated in certain districts of the State and the Government in such cases, declared such areas to be notified areas for the crops. For example, banana cultivation had been taken up on a large scale in Pudukottai district in the last five years and the Government had therefore subsequently declared the district as a notified area in respect of banana.

Joint Secretary (Assembly) stated that the purpose of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 was to make better provisions for the regulation of buying and selling of agricultural produce and establishment and proper administration of markets for agricultural produce in the State. Under Section (3) of the Act, the Government may, by notification, declare their intention of regulating the marketing of such agricultural produce and in such area, as may be prescribed in the notification.

Chairman stated that the notifications have been published under the authority of the Act and could be accepted.

The Committee decided not to recommend any modification.

PROCEEDINGS OF THE COMMITTEE ON DELEGATED LEGISLATION

WEDNESDAY, THE 16TH FEBRUARY 2005

The Committee on Delegated Legislation met at 3-30 p.m. on Wednesday, the 16th February 2005 in the Committee Room, Legislators Residential Quarters, Chennai-600 002.

The following were present:

CHAIRMAN

Thiru P. Rajarethinam

MEMBERS

Thiru V. Govindaraj
Thiru J. Hemachandran
Thiru K.C. Karupannan
Thiru A.K. Selvaraj
Thiru S.G. Vinayagamurthi

SECRETARIAT

Thiru G. Gnanaprakasam	..	Joint Secretary
Thiru A.M.P. Jamaludeen	..	Deputy Secretary
Thiru K.S. Chandrasekar	..	Under Secretary

Thiru C.B. Manoharan, Deputy Secretary to Government, Law Department was also present at the meeting.

The Committee took up for consideration the following Memoranda:-

MEMORANDUM NO. 62 / 2003-04

Sub: Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 - Notified.

(G.O. Ms. No. 292, Prohibition and Excise(VI), dated 3.11.2003)

Deputy Secretary stated that in exercise of the powers conferred by sections 17-C, 17-D, 21, 22-D and 54 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), the Government had issued an amendment to the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003.

Rules 1 to 15

No modification was recommended.

Rule 16

Deputy Secretary stated that the rule related to maintenance of accounts, and mentioning of 'Form IX" in the above rule did not seem proper, as Rule 17 dealt with 'Inspection'.

Thiru J. Hemachandran stated that even though the Committee had specifically recommended that a brief explanatory note should be appended to the notifications in order to appreciate the intention behind the issue of the notifications, in the above notification the explanatory note had not been appended. In its absence, the necessity for notifying the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 had not been explained.

Deputy Secretary to Government (Law) stated that all details regarding retail vending of IMFS have been incorporated in the new set of rules issued in the notification. The Short Title, Definitions and other provisions explained clearly the new licensing policy of the Government. The rules were self-explanatory and hence no separate explanatory note need be appended.

Thiru J. Hemachandran pointed out that the necessity and basis for issuing the new Rules have nowhere been mentioned in the notification. In the absence of such explanation the Committee could not know the intention behind the issue of the above notification.

Deputy Secretary stated that in the instant case the Government had announced a policy decision to give exclusive privilege of retail vending of IMFS to Tamil Nadu State

Marketing Corporation and an amending Act was passed by the Assembly. The circumstances necessitating such a decision had been given in the Statement of Objects and Reasons presented with the amending Bill. Hence, the question of appending an explanatory note to the above notification again would not arise.

He further stated that normally as per the provisions of the respective statutes Government have been delegated powers to fix, increase, remit, exempt or waive certain taxes in respect of certain categories during a specified period of time. In certain cases the remission or exemption could even amount to a few lakhs of rupees. Earlier notifications granting such exemption or remission of tax did not indicate the reasons therefor. The Committee on scrutiny of such notifications recommended that the exact reasons for extending such a concession to a certain category or an institution should be indicated in the form of an explanatory note appended to the notifications, in order to appreciate the intention behind the issue of such notifications. For example, institutions involved in philanthropic and charitable activities were given exemption from payment of certain taxes.

He pointed out subsequent to the Committee's recommendation, most of the Departments have been appending explanatory notes to the notifications. In cases where explanatory notes were not appended explaining the increase, decrease or waiver of tax, the Secretaries to Government of the concerned Departments might be asked to appear in person to explain the reasons for not appending the explanatory notes.

He further stated that the elected representatives enacted laws in the form of Bills wherein the necessity for legislation was incorporated in the Statement of Objects and Reasons. In the instant case new Rules were framed by the Government to implement the provisions of the amending Act. Therefore explanatory notes would not generally be required in such cases but only in cases of increase or remission of tax etc. However, if necessary the Committee might insist on the Departments to append the explanatory notes in all the notifications and the Committee decided to recommend deletion of mentioning of 'Form IX' in the above Rule.

MEMORANDUM NO.63 / 2003-04

Sub: Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 -Amendments - Issued.

(G.O. Ms. No. 295, Prohibition and Excise (VI), Department dated 12.11.2003)

No modification was recommended.

MEMORANDUM NO.64/2003-04

Sub: Tamil Nadu Prohibition Act, 1937 - Tamil Nadu Indian made Foreign Sprit (Supply by wholesale) Rules, 1983 - Amendment.

(G.O. Ms. No.366, Prohibition and Exercise (VIII), dated 7.11.2003)

No modification was recommended.

THUSDAY, THE 23rd JUNE 2005

The Committee on Delegated Legislation met at 10.00 A.M. on Thusday, the 23rd June, 2005 in the Meeting Hall, Tamizhagam Government Guest House at Udhagamandalam.

The following were present:

CHAIRMAN

Thiru. P. Rajarethinam

MEMBERS

Thiru. J. Hemachandran

Thiru. K.C. Karuppannan

Thiru. A.K. Selvaraj

Thiru. S. Sivaraj

Thiru. S.G. Vinayagamurthi

SECRETARIAT

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

Thiru. R. Veeramani, Deputy Secretary to Government, Law Department, were also present.

The Committee took up for consideration the following Memoranda:-

MEMORANDUM NO.72/2003-2004

Sub: Tamil Nadu Agriculture produce Marketing (Regulation) Act,1987 Notification - Issued

(G.O.Ms..No.646, Agriculture (AM2) Department, dated 31.12.2003)

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No modification was recommended.

MEMORANDUM NO.76/2003-2004

Sub: Tamil Nadu Public Service Commission Regulations, 1954 - Amendments to Regarding.

(G.O.Ms..No.64, Personal and Administrative Reforms (M) Department, dated 10.6.2003)
(G.O.Ms..No.66, Personal and Administrative Reforms (M) Department, dated 10.6.2003)
(G.O.Ms..No.63, Personal and Administrative Reforms (M) Department, dated 10.6.2003)

- - -

No modification was recommended.

MEMORANDUM NO.78/2003-2005

Sub: Tamil Nadu Indian Made Foreign Sprit (Supply by wholesale) Rules, 1983

(G.O.Ms..No.112, Prohibition and Exercise (VIII), Department, dated 3.6.2003)

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No modification was recommended.

MEMORANDUM NO.79/2003-2004

Sub: Tamil Nadu Co-operative Societies Act 1983 and Rules,1988- Amendments to Rules Issued.

(G.O.Ms..No.246, Co-operative, Food and Consumer Protection (CJ. I) Department, dated 4.6.2004)

(G.O.Ms..No.256, Co-operative, Food and Consumer Protection Department, dated 29.6.2004)

No modification was recommended.

MEMORANDUM NO.82/2003-2005

Sub: Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 -

(G.O. Ms. No. 267, Prohibition and Excise (VI), Department dated 9.7.2004)

No modification was recommended

MEMORANDUM NO.84/2003-2005

Sub: Tamil Nadu Liquor (Licence and Permit) Rules, 1981.

(G.O. Ms. No. 334, Prohibition and Excise (VIII), Department dated 30.9.2004)

No modification was recommended

(G.O. Ms. No. 322, Prohibition and Excise (III), Department dated 9.9.2004)

In exercise of the powers conferred by Section 54 of the Tamil Nadu Prohibition Act,1937 (Tamil Nadu Act X of 1937), The Government had issued an amendment to the Tamil Nadu Indian Made Foreign Spirits (Manufacture) Rules, 1981.

Thiru J. Hemachandran suggested that in Rule 14 the Department Weights and measures might be changed as the Department of Labour Employment.

The Committee decided to recommend accordingly.

Sub: Tamil Nadu Brewary Rules, 1983 - Amendments.

(G.O. Ms. No. 322, Prohibition and Excise (III), Department dated 9.9.2004)

No modification was recommended

Sub: Tamil Nadu Indian Made Foreign Sprits (Supply by wholesale) Rules, 1983

(G.O. Ms. No. 323, Prohibition and Excise (VIII), Department, dated: 10.9.2004

No modification was recommended

MEMORANDUM NO.85/2003-2005

Sub: Tamil Nadu Indian Made Foreign Sprits (Supply by wholesale) Rules, 1983

(G.O. Ms. No. 338, Prohibition and Excise Department, dated 29.10.2004)

No modification was recommended

PROCEEDINGS OF THE COMMITTEE ON DELEGATED LEGISLATION

TUESDAY, THE 21ST NOVEMBER 2006

The Committee on Delegated Legislation met at 3-00 a.m. on Tuesday, the 21st November 2006 in the Conference Hall, Legislators' Residential Quarters, Chennai-600 002.

The following were present:

CHAIRMAN

Thiru. R. Rajendran

MEMBERS

Thiru. V.S. Babu

Thiru. K. Murugavel

Thiru. T. Mahesh Krishnasamy

Thiru. D. Selvaraj

Thiru. T.A. Meganathan

Thiru. G. John Joseph

SECRETARIAT

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

Tmt. Janahee, Joint Secretary to Government, Law Department, was also present.

Deputy Secretary (Assembly) welcomed the Chairman and Members.

The Committee up for consideration the following Memmoranda::

Note for Committee No.3/2006-2007

Sub: Committee - Committee on Delegated Legislation (2006-2007) - Amendment to Tamil Nadu Co-operative Societies Rules 1988- Delay in placing of copies of notification – Regarding.

Ref: 1. G.O.Ms.No. 55/ Co- operation Food and Consumer Protection Department, dated 22.2.1999.
2. This Secretariat D.O. Letter. No.22767/ 2002- 1, TNLAS/Dated 9.12.2002
3. Co-operation Food and Consumer Protection Department, Letter No. 11890/ CJ1, /2004-3 Dated 11.5.2005.

Deputy Secretary (Assembly) read before the Committee, the reply furnished by the Government in Co-operation, Food and Consumer Protection Department and stated that the Committee had summoned the concerned officials to appear before the Committee for explaining in person, the reasons for delay in placing before the Legislative Assembly, the Notification issued in G.O.Ms.No.55, Co-operation, Food and Consumer Protection Department dated 22-2-1999.

The following officials were introduced before the Committee:

1. Thiru Vasudevan, I.A.S.,
Special Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Chennai 600 009.

2. Tmt. Vasuki,
Joint Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Chennai 600 009.

3. Thiru Ravi Kumar,
Joint Registrar of Co-operative Societies,
Chennai.

The deliberations held as under:

துணைச் செயலாளர் (சட்டமன்றம்): சாதாரணமாக ஓர் அறிவிக்கை தமிழ்நாடு அரசிதழில் வெளியிடப்பட்ட 6 மாதங்களுக்குள் சட்டமன்றப் பேரவையில் வைக்கப்பட வேண்டும். குழுவினுடைய பரிந்துரையாகவும் பல நேர்வுகளில் இதுகுறித்து அறிவுறுத்தப்பட்டிருக்கிறது. தற்போது, அரசாணை எண் 55, கூட்டுறவு, உணவு மற்றும் நுகர்வோர் பாதுகாப்புத் துறை, நாள் 22–2–1999–ல் வெளியிடப்பட்ட அறிவிக்கை ஒரு வருட காலதாமதத்திற்குப் பிறகுதான் தமிழ்நாடு சட்டமன்றப் பேரவையில் வைக்கப்பட்டுள்ளது. தாமதத்திற்கான காரணம் என்ன என்பதை குழுவிற்கு விளக்குமாறு கேட்டுக்கொள்கிறேன்.

அரசு சிறப்புச் செயலாளர்: அனைவருக்கும் வணக்கம். அரசாணை எண் 55, 22–2–1999–அன்று வெளியிடப்பட்டது. அந்த அரசாணை வெளியிடப்பட்ட பிறகு, அதனை அச்சிடுவதற்காக 1–3–1999 அன்று அரசு அச்சகத்திற்கு அனுப்பப்பட்டது. 17–3–1999–ல் தமிழ்நாடு அரசிதழில் வெளியிடப்பட்டது. 17–3–1999–லிருந்து ஆறு மாத காலத்திற்குள் அதாவது 16–9–1999–க்குள் தமிழ்நாடு சட்டமன்றப் பேரவையில் இந்த அறிவிக்கையினை வைத்திருக்க வேண்டும். ஆனால், 27–3–2000–ல் வைத்திருக்கிறார்கள். சுமார் ஏழு மாதம் காலதாமதம் ஏற்பட்டிருக்கிறது. கோப்புகளை ஆய்வு செய்து பார்த்தபோது, 17–3–1999–ல் அறிவிக்கை வெளிவந்திருந்தாலும், துறைக்கு அது கிடைக்கப்பெறவில்லை. அதனால், துறையின் மூலம் 3–5–1999 அன்று அரசு அச்சகத்திற்கு ஒரு நினைவூட்டுக் கடிதம் அனுப்பப்பட்டது. அரசு அச்சகத்திலிருந்து, 17–3–1999 ஆம் நாளன்று வெளியிடப்பட்ட அறிவிக்கையின் 200 நகல்கள் துறைக்கு 12–5–1999 அன்று அனுப்பியிருக்கிறோம் என்று 28.5.1999 கடிதம் அனுப்பப்பட்டிருந்தது. ஆனால், அறிவிக்கையின் நகல்கள் துறைக்கு கிடைக்கவில்லை என்று தெரிவித்து, மீண்டும் 20–9–1999–ல் ஒரு கடிதம் அரசு அச்சகத்திற்கு அனுப்பப்பட்டது. அதன்பிறகு, அரசு அச்சகத்திலிருந்து, 27–10–1999 ஆம் நாளன்று, 28–5–1999 நாளிட்ட கடிதத்தில் தெரிவித்ததையே பதிலாகத் தெரிவித்திருந்தார்கள். பின்னர் துறையின் மூலம், அரசு ஆவணக்

காப்பகத்திலிருந்து அறிவிக்கையின் நகல் 11–1–2000–ல் பெறப்பட்டு, 18–1–2000ல் மீண்டும் அச்சடிப்பதற்காக அரசு அச்சகத்திற்கு அனுப்பிவைக்கப்பட்டது. அதன் பின்னர் 8–2–2000ல் பார்வைப்படி கிடைக்கப்பெற்று, அதில் இருக்கக்கூடிய தவறுகளைத் திருத்தி, மீண்டும் இறுதிப்படிகள் பெறுவதற்காக 16–2–2000–ல் அரசு அச்சகத்திற்கு அனுப்பிவைக்கப்பட்டது. அரசு அச்சகத்திலிருந்து 8–3–2000–ல் அறிவிக்கையின் பிரதிகள் கிடைக்கப்பெற்று பின்னர் 27–3–2000–ல் பேரவைமுன் வைக்கப்பட்டது. இந்தக் காலதாமதத்திற்குக் காரணமான பிரிவு அலுவலர் மற்றும் உதவிப் பிரிவு அலுவலர் ஆகியோர் மீது 1.10.2002 அன்று சார்ஜஸ் போட்டு, அவர்களிடமிருந்து 24–10–2002–ல் விளக்கம்பெற்று, அந்த விளக்கத்தின்பேரில் அவர்கள் இருவரும் கடுமையாக எச்சரிக்கை செய்யப்பட்டனர். ஆகையினால்

இதில் காலதாமதம் இருந்தது என்பதை ஏற்றுக்கொள்கிறோம். ஏற்கெனவே, 16–8–2002 அன்று நடந்த குழுக் கூட்டத்தில் துறையின் முந்தைய சிறப்புச் செயலாளர் ஆஜரானபோது, 'இதற்குக் காரணமானவர்கள்மீது குறைந்தபட்ச தண்டனையாவது வழங்க வேண்டும்' என்று குழு அறிவுறுத்தியது. குழுவினுடைய அறிவுறுத்தலை ஏற்று தவறுக்கு காரணமானவர்கள்மீது நடவடிக்கை எடுக்கப்பட்டிருக்கிறது என்பதைத் தெரிவித்துக்கொள்றேன்.

தலைவர்: உங்களுடைய விளக்கத்தை குழு ஏற்றுக்கொள்கிறது. இனிமேல் இவ்வாறு காலதாமதம் ஆகாமல் இருக்க உங்கள் துறையால் என்ன நடவடிக்கை மேற்கொள்ளப்பட்டிருக்கிறது. Whether you are maintaining a Register in your Department and the particulars like, the date of issue of notifications, when it was placed on the Table of the House, whether there was any delay in placing before the Legislative Assembly and whether the recommendations of the Committee, etc. are duly recorded in the Register. ஏற்கெனவே, பிரிவு அலுவலர்

நிலையில் உள்ள அலுவலர் எச்சரிக்கை செய்யப்பட்டிருக்கிறார். எனவே எதிர்காலத்தில் இம்மாதிரி தவறுகள் நடைபெறாமல் இருப்பதற்கு என்ன செய்ய இருக்கிறீர்கள்?

DEPUTY SECRETARY (ASSEMBLY): As per para 156 of the Secretariat Office Manual, "...a separate Register on Papers placed on the Table of the House shall be maintained in each Section as given in Appendix 31 of the Rules and shall be verified periodically by an higher officer once in a month...." At least in future you should follow this.

அரசு சிறப்புச் செயலாளர்: நாளை நடைபெறுகின்ற கூட்டத்தில் குழு ஆய்வு செய்ய இருக்கின்ற மூன்று அறிவிக்கைகள் குறிப்பிட்ட காலத்திற்குள் துறையினால் அனுப்பி வைக்கப்பட்டிருக்கிறது. பதிவேடுகள் துறையினால் பராமரிக்கப்படாமல் இருந்தால், உடனடியாக அதனைப் பராமரிப்பதற்கு நடவடிக்கை எடுக்கிறேன். மற்றொன்று, சட்டமன்ற வினாக்கள் குறித்து, என்.ஐ.சி. மூலமாக ஒரு மென்பொருள் உருவாக்கச் சொல்லியிருக்கிறோம். அந்த மென்பொருள் வந்துவிட்டால் அனைத்து விவரங்களையும் பதிவுசெய்துவிடுவோம். அதேமாதிரி இதற்கும் ஒரு மென்பொருள் உருவாக்க நடவடிக்கை எடுக்கிறோம்.

Note for Committee No.1/2006-2007

Sub: Committee - Committee on Delegated Legislation Placing of statutory notifications on the Table of the House provision to be made in the Act - Suo motu Review.

Ref: G.O.Ms.No. 165/AD&TW Department, dated 7.11.2005.

Deputy Secretary (Assembly) stated that in exercise of the Powers conferred under sub section (1) of Section 3 of the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993 (Central Act 46 of 1993) the Government had issued a notification in G.O. Ms.No.165, Adi Dravidar and Tribal Welfare Department, dated 7-11-2002 specifying the date as 10.11.2005 to enforce the provisions of the said Act, in the whole of the State of Tamil Nadu.

The Committee observed that sub section 1 of section 3 of the Employment of Manual Scavengers and Construction of Dry Latrine (prohibition) Act, 1993 empowers the State Government to issue notification for specifying the date and areas providing for prohibition of employment of manual Scavengers etc, whereas the rule making powers of the State Government contained in the said Act does not provide for laying such notifications before the State Legislature. The existing clause provides only for laying of every rule and every scheme made by the State Government under this Act,

He also pointed out that the Committee on Delegated Legislation in its Sixth Report of Eighth Assembly (1986-1987) recommended that provisions relating to laying of Rules and Notification before the Legislature be incorporated in all earlier Acts and in the Tamil Nadu Survey and Boundaries Act, 1923 in particular. It is, therefore a well established matter that apart from the rules, and regulations the notification issued under statutory provisions should also be laid before the Legislature inasmuch as such Notification is also issued under the delegated powers of the Sovereign parliament or Legislature and made it accountable subject to scrutiny of the Committee.

Further, the State Government has adopted the Central Act by passing suitable Resolution in the Assembly.

The Committee observed that in the instant case, in the absence of laying provisions of notification the Government in Adi Dravidar and Tribal Welfare Department had raised a doubt as to whether the said Notification had to be laid on the Table of the House and sought the advice of the Law Department and Legislative Assembly Secretariat in the matter.

The Committee was of the view that suitable provision relating to the laying of Notification in addition to the rules and schemes whereever necessary had to be provided for

in the Central Acts, having Jurisdiction over the states so that the Notification issued under the statutory provision will not loose its check of State Legislature.

Joint Secretary (Law) opined that as this was a Central Act, the Adi Dravidar and Tribal Welfare Department might consult the Government of India for making necessary provision for laying the Notification issued under the Act before the Legislature, in the said Act.

After some discussion, the Committee decided to request the Government in Adi Dravidar and Tribal Welfare Department for examining the aspect of making a provision for laying the Notification issued under the Act, before the Legislature in the said Act, in consultation with the Government of India.

Note for Committee No. 2/2006-2007

Sub : Amendment to Tamil Nadu Agricultural Income Tax Rules, 1955.

Ref : 1. G.O.Ms.No.288/Revenue (LA IV-1), Department, Dated 1.6.1999.
2. Revenue Department U.O.Note No.52126, LA III/2005-1, dated 13.1.2006.

Deputy Secretary (Assembly) read before the Committee the reply furnished by the Government in Revenue Department.

He stated that the Revenue Department had taken nearly 31/2 years for furnishing reply to the clarification sought for by the Committee during its meeting held on 8-7-2002.

Thiru T.A. Meganathan pointed out that the Revenue Department had taken 31/2 years for merely replying to the clarification.

Thiru D. Selvaraj opined that a sort of warning might be given to the concerned Department.

Deputy Secretary (Assembly) pointed out that as per the Secretariat Office Manual, 'all notifications issued should be placed on the Table of the House within a period of 6 months from the date of its publication in the Government Gazette. Whenever a rule is amended and amendment is placed on the Table of the House, the original rule and the rule as amended should be printed side by side and placed in the annexure as is done in the case of amending Acts. And "... a separate Register on Papers placed on the Table of the House shall be maintained in each Section as given in Appendix 31 of the Rules and shall be verified periodically by an higher officer once in a month...."

Thiru J. John Joseph stated that the officials cannot say that they are unaware of the S.O.M.

The Committee decided to hear in person, the Secretary to Government in Revenue Department for explaining the reasons, for the delay in furnishing the reply as sought for by the Committee during its meeting held on 8-7-2002.

The Committee also decided to record its deep sense of disappointment and dismay over the way in which the clarifications sought for by the Committee are being treated by the Department concerned. The Committee expects that prompt and speedy replies are sent to the Committee for its consideration.

The Committee further decided to reiterate its earlier recommendation, that the department should give immediate attention to the clarification sought for by the Committee and at the latest they should send their replies within a month and also to follow the instructions issued in para 156 of the S.O.M. scrupulously.

MEMORANDUM NO.3/2006-2007

Sub: Industrial Employment (Standing order) Rules 1947
Amendment issued.

(G.O. (D) No.1251, L&E (G) Dept Dated 28-11-2005)

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Deputy Secretary (Assembly) stated that in exercise of the power conferred under Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act, XX of 1946) The Government had issued orders substituting the sub Rule (1) of rule 3 of the Tamil Nadu Industrial Employment (Standing order) Rules 1947.

Rule 3 related to submission of draft standing orders of an industrial establishment to certifying officer before being adopted.

The Committee observed that the substituted rule enabled submission of 5 copies of the draft standing order both in English and Tamil proposed for adoption and to be sent by registered post to the certifying officer.

Chairman opined that the authorities could have omitted the portion already amended in 1992.

The Committee decided to seek clarification from the Department as to the reason for omitting the expression "along with the required number of spare copies to the trade unions in the establishment" inserted in G.O.(2D) No.41 Labour and Employment Department, dated 22.5.1992.

PROCEEDINGS OF THE COMMITTEE ON DELEGATED LEGISLATION

WEDNESDAY, THE 22ND NOVEMBER 2006

The Committee on Delegated Legislation met at 10-30 a.m. on Wednesday, the 22nd November 2006 in the Conference Hall, Legislators' Residential Quarters, Chennai-600 002.

The following were present:

CHAIRMAN

Thiru. R. Rajendran

MEMBERS

Thiru. V.S. Babu

Thiru. K. Murugavel

Thiru. T. Mahesh Krishnasamy

Thiru. D. Selvaraj

Thiru. T.A. Meganathan

Thiru. G. John Joseph

SECRETARIAT

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

Tmt. Janahee, Joint Secretary to Government, Law Department, was also present.

At the outset, Deputy Secretary (Assembly) welcomed the Chairman and Members. He stated that the Committee was to consider 13 Memoranda during the meeting and that the officials from the Co-operation, Food and Consumer Protection Department and Home Department have come before the Committee for giving explanation to the Committee relating to the Notifications issued by the Departments.

The following officers of the Co-operation, Food and Consumer Protection Department were also present to assist the Committee in its deliberations.:

1. Thiru Vasudevan, I.A.S.,
   Special Secretary to Government,
   Co-operation, Food and Consumer Protection Department,
   Chennai 600 009.

2. Tmt. Vasuki,
   Joint Secretary to Government,
   Co-operation, Food and Consumer Protection Department,
   Chennai 600 009.

3. Thiru Ravi Kumar,
   Joint Registrar of Co-operative Societies,
   Chennai.

The Committee first took up for consideration the following Memoranda relating to Co-operation, Food and Consumer Protection Department:

MEMORANDUM No.8/2006-2007

Sub: Notifications issued under Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act, 30 of 1983) **(G.O. Ms. No. 10, Co-operation, Food and Consumer Protection Department, dated 8-2-2005)**

Deputy Secretary (Assembly) stated that in exercise of the powers conferred under Section 179(1) of the Tamil Nadu Co-operative Societies Act, 1983, the Government had issued an amendment to the Schedule prescribed under Section 2(25) of the said Act, incorporating a new Co-operative Society "No.25 Tamil Nadu Small Tea Growers Industrial co-operative Tea Factories Federation Limited, Coonoor (INDCOSERVE)" after the existing item 24 in Part A of the Schedule and that the said society had been brought under the "Schedule Co-operative Societies" with effect from 23-3-2005.

He further stated that consequent on the inclusion of the Tamil Nadu Tea Growers Industrial Co-operative Tea Factories Federation Limited, Coonoor (INDCOSERVE) under the "Schedule Co-operative Societies", the manner of constitution of the Board had also been prescribed in accordance with the provisions contained in Rule 59 in the notification.

The deliberations held as under:

தலைவர்: இந்த 19 உறுப்பினர்களைத் தவிர, சம்பந்தப்பட்ட தொகுதி சட்டமன்ற உறுப்பினர் இந்தக் குழுவில் இடம் பெற்றுள்ளாரா?

அரசு சிறப்புச் செயலாளர்: இந்த "Tamil Nadu Small Tea Growers Industrial co-operative Tea Factories Federation Limited, Coonoor (INDCOSERVE)" என்பது புதிய சொசைட்டி. அதை ஷெட்யூல்–1ல் சேர்ப்பதற்கு இந்த திருத்த அறிவிக்கை வெளியிடப்பட்டிருக்கிறது. எங்களுடைய ரெக்கார்டுபடி இனிஷியலாக 19 பேர்தான் குழுவின் உறுப்பினர்களாக இருக்கிறார்கள். தொகுதி சட்டமன்ற உறுப்பினர் குறித்து எதுவும் இல்லை. As far as co-opting of SC, ST and Women Members is concerned, the elected people will co-opt among themselves.

தலைவர்: திருப்பூரில் உள்ள ஒரு சங்கத்திற்கு தொகுதி சட்டமன்ற உறுப்பினர் ex–officio தலைவராக வருகிறார். அதேமாதிரி குன்னூர் சட்டமன்ற உறுப்பினரையும் ex-officio ஆக ஆக்க முடியுமா?

அரசு சிறப்புச் செயலாளர்: ஒரு சீஃப் புரோமோட்டர் போட்டு ஷேர் கேப்பிட்டல் கலெக்ட் செய்வார்கள். தற்போது உள்ள நிலவரப்படி அறிவிக்கையில் கொடுத்துள்ள 19 பேர்தான் குழு உறுப்பினர்கள்.

தலைவர்: சம்பந்தபட்ட தொகுதி சட்டமன்ற உறுப்பினரையும் குழுவில் சேர்க்க திருத்தம் கொண்டுவர முடியுமா? மேலும், இந்தக் குழுவில் 'One Member being an expert in the field of Tea-nominated by the Registrar of Industrial Co-operatives' என்று இருக்கிறது. அவர் உங்கள் துறையைச் சார்ந்தவரா?

அரசு சிறப்புச் செயலாளர்: அவர் எங்கள் துறையைச் சார்ந்தவர் இல்லை. Commissioner of Industrial Co-operative Societies-¡W› அந்த உறுப்பினர் வருவார். மேலும், தொழில் துறைதான் இதற்குத் திருத்தம் கொண்டுவரவேண்டும்.

The Committee decided not to recommend any modification.

MEMORANDUM No.10/2006-2007

Sub: Amendment to Tamil Nadu Co-operative Societies Rules, 1983.
(G.O. Ms. No. 133, Co-operation, Food and Consumer Protection (CT1) Department, dated 14-7-2005)

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Deputy Secretary (Assembly) stated that in exercise of the powers conferred under sub-sections (1) and (2) of Section 180 of the Tamil Nadu Co-operative Societies Act, 1983, (Tamil Nadu Act 30 of 1983) the Government had issued an amendment to sub-rule (3) of Rule 149 of Tamil Nadu Co-operative Societies Rules, 1988 wherein the words 'age for appointment and retirement' had been substituted as 'age for retirement'

Chairman pointed out that in the all the notifications issued by the Department, the words "Existing Rule" and "Rule amended" printed side by side should find a place so that the Members would understand clearly what are all the amendments made to the relevant rules.

The Committee decided to recommend that whenever an amendment is issued, the expressions "Rule as existing" and Rule as amended" should find a place in the notification for easy reference to the Members.

MEMORANDUM No.17/2006-2007

Sub: Amendment to Tamil Nadu Co-operative Societies Rules, 1988.
(G.O. Ms. No. 128, Co-operation, Food and Consumer Protection (CJ1) Department, dated 11-7-2005)

Deputy Secretary (Assembly) pointed out that in exercise of the powers conferred under sub-sections (1) and (2) of Section 180 of the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) the Government had issued an amendment to the Tamil Nadu Co-operative Societies Rules, 1988 and stated that through this amendment Rule 147 of the said Rules, had been omitted.

He clarified that the change in the nomenclature of the post of 'Secretary' in all the District Central Co-operative Banks, Co-operative Urban Banks, Housing and other Societies as 'General Manager' necessitated the amendment.

அரசு சிறப்புச் செயலாளர்: முன்பு 'Secretary' என்ற போஸ்ட் இருந்தது. அதை இப்போது 'General Manager' என்று மாற்றிவிட்டார்கள். அதனால்தான் இந்தத் திருத்தம் கொண்டுவரப்பட்டுள்ளது. ஆனால், நிலவள வங்கி மற்றும் தொடக்க வேளாண்மைக் கூட்டுறவு வங்கி ஆகியவற்றில் 'Secretary' பதவிதான் இருக்கிறது. மற்ற எல்லாவற்றிலும் 'General Manager' என்று மாற்றிவிட்டார்கள்.

The Committee decided not to recommend any modification.

MEMORANDUM No.18/2006-2007

Sub: Amendments to Tamil Nadu Public Service Commission Regulations, 1954.

(G.O.Ms.No.5, Personnel and Administrative Reforms(M) Department, dated 5.1.2005)

Deputy Secretary stated that in exercise of the powers conferred under Article 318 and the proviso to clause (3) of Article 320 of the Constitution of India, the Government had issued amendments to regulation 8(2) and Annexure IV prescribed under regulation 13 (2) of the Tamil Nadu Public Service Commission Regulations, 1954.

He also stated that the above regulation had been substituted in order to necessitate specific prior approval of an officer not below the rank of a Secretary to Government in charge of Personnel and Administrative Reforms Department dealing with the establishment matters relating to Tamil Nadu Public Service Commission.

The Committee observed that clause (1) of regulation 8 prescribes the sanctioned strength of the officers which include one Deputy Secretary and six Under Secretaries whereas in the amended rule while referring clause (1), only the post of "six Under Secretaries" had been indicated excluding the post of one Deputy Secretary.

The Committee felt that it would be appropriate to include also the post of one Deputy Secretary inasmuch as the amended rule empowered for employing the required number of Under Secretaries as well as the Deputy Secretaries.

Deputy Secretary further stated that provision (2) of Annexure IV prescribed under regulation 13 (2) had been substituted in order to necessitate specific prior approval of the officer referred to therein for employing the temporary staff in addition to the regular staff already sanctioned under regulation 13 (1) specified in Annexure III.

The Committee noticed that the expression "rule 2" mentioned to be substituted in Annexure IV is described in the regulations as a "provision" and not as a "rule" vide regulation 13(2) whereas the Government had used the word, "rule" which does not appear to be correct.

After some discussion, the Committee decided to recommend:

(i) that the expression, "one Deputy Secretary" might be included before the expression "six Under Secretaries" in the amended rule; and

(ii) substituting the word "rule" by the word "provision" by issuing an erratum.

PROCEEDINGS OF THE COMMITTEE ON DELEGATED LEGISLATION

MONDAY, THE 13TH AUGUST 2007

The Committee on Delegated Legislation met at 3-30 p.m. on Monday, the 13th August 2007 in the Conference Hall, Legislators' Residential Quarters (Amenity Block), Chennai-600 002.

The following were present:

CHAIRMAN

Thiru. P.N. Periyannan*

MEMBERS

Thiru. O. Subramaniam

Thiru. M. Anbazhagan

Thiru. G. Senthamizhan

Thiru. R.M. Palanisamy

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*Proposed by Thiru O. Subramaniam and seconded by Thiru M. Anbazhagan, elected as Temporary Chairman.

SECRETARIAT

Thiru. V.S. Subramanian .. Additional Secretary

Tmt. Janahee, Joint Secretary to Government, Law Department, was also present.

The deliberations held as under:

கூடுதல் செயலாளர் (சட்டமன்றம்): அனைவருக்கும் இனிய மாலை வணக்கங்கள். இன்று சட்ட விதிகள் குழு கூடி சில பொருட்கள் குறித்து ஆய்வு செய்ய இருக்கிறது. குற்றாலத்தில் நடைபெற வேண்டிய கூட்டம் நடைபெறாததால் சென்னையில் நடைபெறும் கூட்டத்தில் அந்தப் பொருட்கள் குறித்து விவாதிக்கலாம் என்று குழு முடிவு செய்ததன் அடிப்படையில் இன்று அப்பொருட்கள் குறித்து ஆய்வு செய்ய இருக்கிறது. தவிர்க்க இயலாத காரணத்தினால் குழுவின் தலைவர் அவர்கள் இன்று இந்தக் கூட்டத்தில் வருகைபுரிய இயலாததால், குழு உறுப்பினர்களில் ஒருவரைத் தலைவராகத் தேர்ந்தெடுத்து குழுக் கூட்டத்தை நடத்தித் தருமாறு பணிவுடன் கேட்டுக்கொள்கிறேன்.

(திரு. ஓ. சுப்பிரமணியம் அவர்கள் முன்மொழிய, திரு. வ. அன்பழகன் அவர்கள் வழிமொழிய, திரு. பி.என். பெரியண்ணன் அவர்கள் தற்காலிகத் தலைவராகத் தேர்ந்தெடுக்கப்பட்டார்.)The Committee first took up for consideration the following Notes for Committee:

NOTE FOR COMMITTEE NO.4/2007-2008

Sub: T.N.P.S.C. - Regulations, 1954 - Change of Nomenclature - clarification sought - Regarding

Ref: 1. G.O.Ms.No.384 P & A.R (M) Dept. dated 22-10-1996.

2. G.O.Ms.No.65, P & A.R (M) Dept. dated 10-6-2003.

3. P & A.R. (M) Dept. Letter No.9718/M/2006-2 dated 5-2-2007

Additional Secretary (Assembly) stated that in exercise of the powers conferred by Art. 318 and the proviso to clause (3) of Art. 320 of the Constitution of India, the Government had issued the Notification amending Annexure-I A appended to the T.N.P.S.C. Regulations, 1954 and stated that the Committee had sought clarification as to what would be the effect of the orders contained in G.O.Ms.No.384, P & A.R. Department, dated 22-10-1996 in view of the amendment issued in the Government Order second cited, which had been ordered to have come into effect on 27-2-1990.

Additional Secretary (Assembly) read before the Committee, the reply furnished by the Government in Personnel and Administrative Reforms Department. That department had stated, inter alia, that the notification issued in G.O.Ms.No.65, P. & A.R. (M) Department dated 10-6-2003 is in order and the amendment has been given with retrospective effect

from 27-2-1990 as ordered in G.O. Ms. No.2006, Public (Estt-IV) Department dated 21-12-1998.

The Committee, after some discussion, decided to accept the reply furnished by the Government in Personnel and Administrative Reforms Department.

NOTE FOR COMMITTEE 5/2007-2008

Sub: Tamil Nadu Public Service Commission Regulation 1954-post of Curator in National Art Gallery, Government Museum Chennai brought within the purview of Tamil Nadu Public Service Commission clarification sought - Regarding.

Ref: 1. G.O. Ms. 62 P & A R Department dated.10.6.2003.
2. This Secretariat letter No.18104/2004-1/TNLAS D.L) dated 24.9.2004
3. U.O. Note No.9717/M/2006-4 dated 7.11.2006.

Additional Secretary (Assembly) stated that in exercise of the powers conferred under article 318 and the proviso to clause 3 of article 320 of the Constitution of India, the Government had issued notification amending Annexure I A appended to Tamil Nadu Public Service Commission Regulations, 1954 and stated that the Committee had sought clarification as to "whether the Notification-II issued in the G.O. Ms. No.62, personnel & Administrative Reforms Department, dated 10.6.2003 is in order, in view of the cancellation of the personnel & administrative reforms Department notification No.SRO B 177/98 published at page 202 in part III section 1 (b) in the Tamil Nadu Government Gazette dated 11.11.1998.

Additional Secretary (Assembly) read before the Committee, the reply furnished by the Government in Personnel and Administrative Reforms Department.

The Committee, after some discussion, decided to accept the reply furnished by the Government in Personnel and Administrative Reforms Department.

TUESDAY, THE 14TH AUGUST 2007

The Committee on Delegated Legislation met at 11-30 a.m. on Tuesday, the 14th August 2007 in the Committee Room, Legislators Residential Quarters (Amenity Block), Chennai-600 002.

The following were present:

CHAIRMAN

Thiru. Durai Chandrasekaran

MEMBERS

Thiru. O. Subramaniam

Thiru. P.N. Periyannan

Thiru. M. Anbazhagan

Thiru. R.M. Palanisamy

SECRETARIAT

Thiru. V.S. Subramanian .. Additional Secretary

Tmt. Janahee, Joint Secretary to Government, Law Department, was also present.

The Committee took up for consideration the following Memoranda:

MEMORANDUM No.39/2006-2007

Sub: Amendment to Tamil Nadu Indian Made Foreign Spirit (supply by whole sale) Rules 1983.

(G.O. Ms. No. 74.Prohibition and Excise (VIII) Department, dated 25.10.2006)

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Additional Secretary (Assembly) stated that in exercise of the powers conferred under sections 17 (D) and 54 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) the Government had issued an amendment to sub rule (3) of rule 15 of the Tamil Nadu Indian made foreign Spirit (supply by wholesale) Rules 1983.

Rule 15 (3) prescribed the rates of additional vend fee to be paid by the licensee on the sale of various kinds of Indian made foreign Spirit and Beer.

The rate of additional vend fee for spirits, liquor, Champagne and other wines classified by the commissioner as sparkling wines containing more than 42% of proof spirit had been increased from Rs.46.35 to Rs.53.23

அரசு கூடுதல் செயலாளர்: Additional vend fee எனப்படும் கூடுதல் விற்பனை வரி டாஸ்மாக்கிடமிருந்து பெறப்படுவது. ஒவ்வொரு வருடமும் வருடக் கணக்கு முடிக்கப்பட்டவுடன் அதிலே உள்ள கூடுதல் தொகையை (surplus funds) சட்டபூர்வ கணக்காயர்கள் கணித்துக்கொடுப்பார்கள். அதன் அடிப்படையில் டாஸ்மாக்கினுடைய மேலாண்மை இயக்குநர் ஒரு குறிப்பிட்ட சதவிகிதத் தொகையை அதிகமாக வசூலிக்கலாம் என்று பரிந்துரைப்பார். அதன் அடிப்படையில் மேற்குறிப்பிட்ட கூடுதல் விற்பனை வரியை ரூ.46.35–லிருந்து ரூ.53.23 கூடுதலாக நிர்ணயம் செய்து அரசாணை வெளியிடப்பட்டது.

திரு. ஆர்.எம். பழனிசாமி: இக்கூடுதல் விற்பனை வரி ஒரு குறிப்பிட்ட 42% ஸ்பிரிட்டுக்கு மட்டும்தானா? ஏன் அப்படி வசூலிக்கப்படுகிறது?

அரசு கூடுதல் செயலாளர்: இதில் மேஜர் சேல்ஸ் என்பது IMFL–ல்தான் செய்யப்படுகிறது. IMFL என்று சொல்லக்கூடிய இந்தியாவில் தயாரிக்கப்படும் அயல்நாட்டு மதுவிற்குத்தான் அதிக தேவை இருக்கிறது. இவ்வகை மதுதான் அதிக அளவில் விற்பனையாகக்கூடியது.

மற்ற மது வகைகளின் விற்பனை மிகவும் குறைவு. ஆகையால் இப்படி கூடுதல் வரியை IMFL என்று சொல்லக்கூடிய இந்தியாவில் தயாரிக்கப்படும் அயல்நாட்டு மதுவின்மீது விதிக்கிறோம். இந்த கூடுதல் விற்பனை வரி என்பது அதிகரித்துக்கொண்டுதான் போகும். குறைவதற்கு வாய்ப்பு இல்லை.

தலைவர்: அறிவிக்கையில் Special Privilege Fee என்று உள்ளது. ஆனால் விதியில் Additional vend fee என்று உள்ளது. Special Privilege Fee என்று எப்போது மாறியது?

அரசு கூடுதல் செயலாளர்: நாம் டாஸ்மாக் நிறுவனத்திற்கு, அவர்கள் மதுவகைகளை விற்பனை செய்வதால் நாம் அதற்கு ஒரு privilege கொடுக்கிறோம். அதனுடைய டெக்னிகல் பெயர்தான் vend fee என்பது. 3–6–2003 முதல் Additional vend fee என்ற பெயரை Special Privilege Fee என்று மாற்றியிருக்கிறோம்.

JOINT SECRETARY, (LAW): The Government might clarify whether the expressions "Special Privilege Fee" and "Additional Vend Fee" convey the same meaning.

தலைவர்: மற்ற துறைகளில் இந்த அறிவிக்கைகள் ஆங்கிலம் மற்றும் தமிழ் ஆகிய இரு மொழிகளிலும் வெளியிடப்படுகின்றன. ஆனால் பொதுவாக மதுவிலக்கு மற்றும் ஆயத்தீர்வை தொடர்பான அறிவிக்கைகள் தமிழில் வெளியிடப்படுவதில்லை. எனவே, இனிமேல் உங்கள் துறைமூலம் வெளியிடப்படும் அறிவிக்கைகள் தமிழிலும் வெளியிடப்பட வேண்டும்.

அரசு கூடுதல் செயலாளர்: ஆம். ஆனால் தற்போது அறிவிக்கைகள் ஆங்கிலம் மற்றும் தமிழில் வெளியிடப்படுகின்றன. இனி வருங்காலங்களில் எங்கள் துறை சார்பான அறிவிக்கைகள் அனைத்தையும் தமிழிலும், ஆங்கிலத்திலும் வெளியிடுகிறோம்.

தலைவர்: இனிமேல் ஆங்கிலத்தோடு தமிழிலும் நோட்டிபிகேஷன் சேர்த்துவைத்து அனுப்பப்படவேண்டும் என்று குழு விரும்புகிறது.

அரசு கூடுதல் செயலாளர்: அவ்வாறே அனுப்பிவைக்கப்படும்.

The Committee decided to recommend that the Government in Home Department might issue the notifications pertaining to their Department both in English and Tamil.

MEMORANDUM No.40/ 2007-2008

Sub: Amendment to Tamil Nadu Indian made Foreign Spirit (supply by wholesale) Rules 1983-Notification – Issued.

1. (G.O. Ms. No. 188. Prohibition & Excise Department, dated 20.5.2004)
2. (G.O. Ms. No. 309. Prohibition & Excise Department, dated 21.7.2004)

*****

Additional Secretary (Assembly) stated that in exercise of the powers conferred under section 54 of the Tamil Nadu prohibition Act 1937 (T.N. Act X of 1937) the Government had issued an amendment to Tamil Nadu Indian Made Foreign Spirit (supply by wholesale) Rules 1983.

Rule 17-A prescribed the powers to fix the price of Indian Made Foreign Spirits.

He also stated that in the existing proviso to Rule 17-A the maximum profit allowed to FL2 and FL3 licensees selling beer was 40%. A new proviso had been added to rule 17-A, excluding the FL2 and FL3 licensees and limiting the maximum profit to 30% to other Licensees.

அரசு கூடுதல் செயலாளர்: FL2, FL3 License என்பது க்ளப், ஐந்து நட்சத்திர ஓட்டல் மற்றும் பார்களுக்குக் கொடுக்கப்படும் License ஆகும். இதன்படி அவர்களுடைய அதிகபட்ச இலாபம் 40 சதவிகிதத்திற்கு மிகாமல் இருக்க வேண்டும் என்பது முன்பு கொடுக்கப்பட்டிருந்தது. அதை தற்போது 30 சதவிகிதமாகக் குறைத்திருக்கிறோம். அதற்கான அறிவிக்கைதான் அது. இது டாஸ்மாக்கினுடைய மேலாண்மை இயக்குநரால் பரிந்துரைக்கப்பட்டு நிர்ணயம் செய்யப்பட்டது.

திரு. ஆர்.எம். பழனிசாமி: அந்த க்ளப் மற்றும் ஐந்து நட்சத்திர ஓட்டல்களின் வருமானம் குறித்து ஆய்வுகள் மேற்கொள்ளப்படுகின்றனவா?

அரசு கூடுதல் செயலாளர்: நாங்கள் தொடர்ந்து கண்காணித்துக்கொண்டு வருகிறோம்.

திரு. ஓ. சுப்பிரமணியன்: பொதுவாக வெளியில் விற்கப்படும் மதுவிற்கும், ஓட்டல் மற்றும் கிளப்புகளில் விற்கப்படும் மதுவின் விலைக்கும் அதிக வித்தியாசம் வருகிதே, ஏன்? எல்லா கிரேடுகளிலும் மது கிடைக்கிறது. ஆனால் தமிழ்நாட்டில் ஒரு சில கிரேடுகள் மட்டும்தான் கிடைக்கிறது. இதற்கு என்ன காரணம்?

அரசு கூடுதல் செயலாளர்: அவர்கள் கூடுதலாக விலை வைத்துதான் விற்கிறார்கள். ஆனால் அப்படிச் செய்வதனால் அரசுக்குத்தான் கூடுதலாக வரி வருவாய் கிடைக்கிறது.

இணை ஆணையாளர், மதுவிலக்கு மற்றும் ஆயத்தீர்வைத் துறை: டாஸ்மாக்கில் நன்கு விற்பனையாகும் ஒரு சில கிரேடுகள் தான் அதிகமாகத் தயாரிக்கப்படுகிறது. ஐந்து நட்சத்திர ஓட்டல்களில் எல்லாம் வெளிநாடுகளிலிருந்தும் இறக்குமதி செய்கிறார்கள். அதற்கான customs duty எல்லாம் கட்டி, Import Permit பெற்று வாங்கி விற்கிறார்கள். ஆகையால் அங்கு பல கிரேடுகளில் மது கிடைக்கிறது. டில்லி, மும்பை, கல்கத்தா போன்ற இடங்களில் இம்மாதிரி லைசன்ஸ் கிடைக்கிறது. தமிழ்நாட்டில் அது கிடைப்பதில்லை.

டாஸ்மாக்கில் அந்த மாதிரி இறக்குமதி செய்து மற்ற மதுபானங்களை விற்பதில்லை. தமிழ்நாட்டில் உற்பத்தியாகும் மதுவை தான் கொள்முதல் செய்து விற்கிறது. தற்போது டாஸ்மாக் மூலம் 25 இலட்சம் கேஸ்களுக்கு மேல் விற்பனை ஆகிக்கொண்டிருக்கிறது.

திரு. ஓ. சுப்பிரமணியம்: தமிழ்நாட்டில் மதுவினுடைய தேவை அதிகமாக இருக்கிறது. ஆனால் 25 சதவிகிதம் அளவிற்குத்தான் மது சப்ளை ஆகிறது. உற்பத்தியை அதிகரிக்க நடவடிக்கை எடுக்கப்பட்டுள்ளதா?

கூடுதல் ஆணையாளர், மதுவிலக்கு மற்றும் ஆயத்தீர்வைத் துறை: தமிழ்நாட்டில் மதுபானம் தயாரிக்கும் தொழிற்சாலைகள் 6 மட்டும்தான் இருக்கின்றன. மொத்த உற்பத்தி 23–லிருந்து 25 இலட்சம் கேஸ்கள் ஒரு மாதத்திற்குத் தேவைப்படுகிறது. ஆதனால், உற்பத்திக்கும், விற்பனைக்குமிடையே வித்தியாசம் இருக்கிறது. அதனால் உற்பத்தியை அதிகரிக்க அனைத்து நடவடிக்கைகளும் எடுக்கப்பட்டு வருகின்றன. அதற்கான கருத்துரு கொடுக்கப்பட்டிருக்கிறது. அது அரசின் பரிசீலனைக்குப் பின் முடிவு எடுக்கப்பட்டு தக்க நடவடிக்கை எடுக்கப்படும்.

The Committee decided not to recommend any modification.

MEMORANDUM No.41/2007-2008

Sub: Amendment to Tamil Nadu Liquor (Licence and Permit Rules 1981

(G.O. Ms. No. 317. Prohibition & Excise Department , dated 31.8.2004)

*****

Additional Secretary (Assembly) stated that in exercise of the powers conferred under section 17-C, 17-D, 17.E, 18.B, 18.C, 20, 21 and 54 of the Tamil Nadu Prohibition Act (T.N. Act X of 1937) the Government had issued an amendment to Tamil Nadu liquor (Licence and Permit) Rules 1981.

Rule 19 prescribed the conditions to be satisfied before a privilege was granted and the licence was issued and the procedure to be followed in dealing with application.

He added that in the said Rule, in sub Rule (B) after clause 2, the following new proviso had been added. According to the added proviso, a non proprietary club run the by the officers and staff of the department of Government of India (or) the Government of Tamil Nadu or the under takings

and Statutory Boards under the control of the Government of India or Government of Tamil Nadu to which a part of the fund is contributed by the Government of India or the Government of Tamil Nadu the condition that the club shall function for more than three years shall not apply.

அரசு கூடுதல் செயலாளர்: Integral Coach Factory என்ற நிறுவனத்தில் Integral Club என்று ஒன்று உள்ளது. அவர்கள் அனுப்பிய கருத்துருவின் அடிப்படையில் தான் இச்சலுகை அளிக்கப்பட்டது. மத்திய மற்றும் மாநில நிதி பெற்று இயங்கும் கிளப்பாக இருந்ததால் இந்நிறுவனம் இச்சலுகையைப் பெற விரும்பியது. இந்த ஒரு கிளப்புக்கு மட்டும்தான் இந்தச் சலுகையின் பயன் போய் சேரும்.

The Committee, after some discussion decided not to recommend any modification.

MEMORANDUM No.42/2007-2008

Sub: Amendment to Tamil Nadu Molasses Control and Regulations Rules 1958.

(G.O. Ms. No. 52. Prohibition & Excise Department , dated 3.8.2006)

*****

Additional Secretary (Assembly) stated that in exercise of the powers conferred under sections 6 A and 54 of the Tamil Nadu prohibition Act,1937 (T.N. Act X 0f 1937) the Government had issued an amendment to sub Rule (2) of Rule 7 of the Tamil Nadu Molasses Control and Regulation Rules 1958.

Rule 7 (2) prescribed the procedure for the Grant of licences and permit - (1) Licences in form ML-2 and ML-4.

He also stated that in the said rule the administrative service fee collected on the quantity of molasses exported outside the State had been increased from rupees two hundred to rupees three hundred.

தலைவர்: இதைப் பற்றி கூறுங்கள்.

அரசு கூடுதல் செயலாளர்: நம்முடைய மாநிலத்தைப் பொறுத்தவரையில் கருப்பஞ்சாற்றுக் கசண்டு அதிகமாக கிடைக்கிறது. அதை நாம் அதிக நாட்கள் பாதுகாக்க முடியாது. ஏனென்றால் அது விரைவில் கெட்டுவிடக்கூடியது. ஆகையால் கரும்பு ஆலைகள் அதை ஏற்றுமதி செய்ய அனுமதியளிக்கின்றோம். அப்படி ஏற்றுமதி செய்யக் கூடிய கருப்பஞ்சாற்றுக் கசண்டுக்கு Administrative service fee என்று ஒரு கட்டணம் நிர்ணயித்திருந்தோம். அந்தக் கட்டணத்தை தற்போது ஒரு மெட்ரிக் டன்னுக்கு ரூ.200/–லிருந்து ரூ.300/–ஆக உயர்த்தி மேற்கண்ட அரசாணை வெளியிடப்பட்டிருக்கிறது.

The Committee, after some discussion decided not to recommend any modification.

தலைவர்: உங்கள் துறையின் சார்பாக வெளியிடப்படுகின்ற அறிவிக்கைகளில் Explanatory Note என்று சொல்லப்படுகிற விளக்கக் குறிப்புகள் அச்சிடப்படுவதில்லை. அதனால் அறிவிக்கைகள்/திருத்தங்கள் எந்த நோக்கத்திற்காக வெளியிடப்படுகின்றன என்பதை குழு உறுப்பினர்கள் தெரிந்துகொள்ளமுடியாத நிலை ஏற்படுகிறது. இனிமேல் உங்கள் துறைமூலம் வெளியிடப்படுகின்ற அறிவிக்கைகளுக்கு விளக்கக் குறிப்புகளை அச்சிட்டு சட்டமன்றத்தில் வைக்க வேண்டும்.

அரசு கூடுதல் செயலாளர்: சரி, இனிமேல் அப்படியே செய்துவிடுகிறோம்.

The Committee decided to recommend that in future the Government in Home Department should print the Explanatory Notes both in English and Tamil and place the same in the Assembly.

PROCEEDINGS OF THE MEETING OF THE COMMITTEE ON DELEGATED LEGISLATION

FRIDAY, THE 21ST SEPTEMBER 2007

The Committee on Delegated Legislation met at 11-00 a.m. on Friday, the 21st September 2007 in the Conference Hall, Topslip, Coimbatore.

The following were present:

CHAIRMAN

Thiru. Durai Chandrasekaran

MEMBERS

Thiru. M. Anbazhagan

Thiru G. Senthamizhan

Thiru. R.M. Palanisamy

Thiru T.A. Meganathan

Thiru G. John Joseph

SECRETARIAT

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

Tmt. Janahee, Joint Secretary to Government, Law Department, was also present.

The Committee, then, took up for consideration the following Memoranda

`MEMORANDUM NO. 59/2007-2008

Sub: Tamil Nadu Agricultural Produce Marketing (Regulation) Act 1987 (TN Act 27 of 1989) - Notification issued.

(G.O.Ms.No.10 Agri (AM2) Department dated 9.1.2006)

No modification was recommended.

MEMORANDUM NO. 60/2007-2008

Sub: Amendments to Tamil Nadu Public Service Commission Regulations - 1954.

(G.O.Ms.No.182, P & A R (M) Department, dated 4.10.2006)

No modification was recommended.

M.SELVARAJ,
SECRETARY.

TAMIL NADU LEGISLATIVE ASSEMBLY
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