TAMIL NADU LEGISLATIVE ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION

(2008-2009)

(THIRTEENTH ASSEMBLY)

EIGHTH REPORT

Report on action taken by the Government on the recommendations of the committee contained in the First Report (Eleventh Assembly)

(Presented to the Assembly on 30 JAN 2009)

Legislative Assembly Secretariat,
Chennai- 600 009.

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TAMIL NADU LEGISLATIVE ASSEMBLY

COMMITTEE ON DELEGATED LEGISLATION

(CONSTITUTED ON 15 TH MAY 2008)

CHAIRMAN

1. Thiru R. Rajendran

MEMBERS

2. Thiru K. Thirunavukkarasu
3. Thiru R. Manickam
4. Thiru A. Rajan
5. Thiru Agri S.S. Krishnamoorthy
6. Thiru S.P. Velumani
7. Thiru R.K. Bharathi Mohan
8. Thiru R.M. Palanisamy
9. Thiru S. Jeyapaul
10. Thiru M.K. periyasamy
11. Dr. K. Nedunchezhian
12. Thiru N. Ramakrishnan

SECRETARIAT

Thiru M. Selvaraj - Secretary

Thiru A.M.P. Jamaludeen - Joint Secretary

Thiru P.S.K. Singaravelu - Under Secretary

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

INTRODUCTION

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

2. This Report relates to action taken by the Government on the recommendations of the Committee contained in the First Report (Eleventh Assembly) presented to the Assembly on 14.8.1996.

3. The Committee for the year 2008-2009 was constituted on the 15th May, 2008.

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 the 14th October 2008 at Chennai-2.

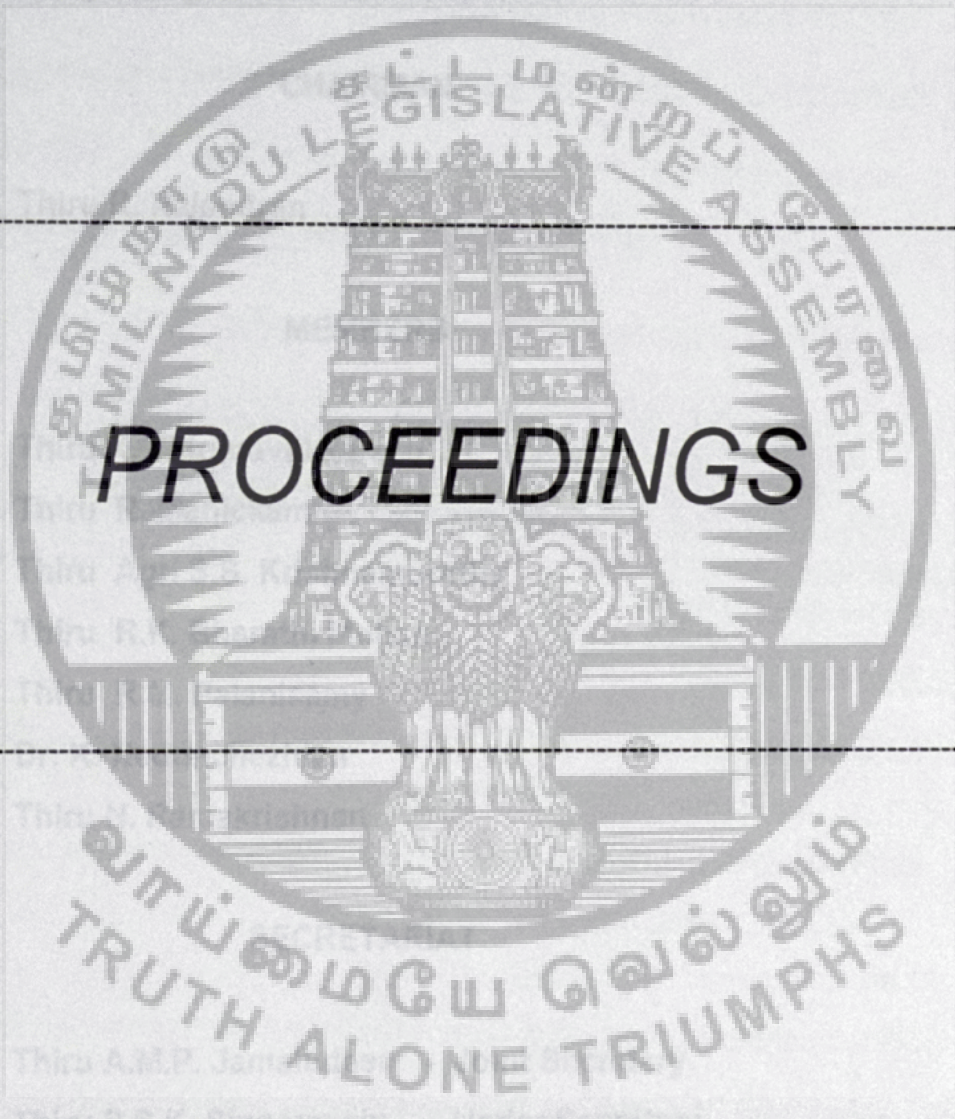
5. Detailed statement showing the subject matter of the notification considered and recommendations made in the said Report and the statement of action taken on them by the Government and the decision of the Committee thereon are appended to this Report as Annexure

6. The Committee approved this Report at its meeting held at Chennai on the 23rd January 2009.

Chennai - 600 009
23rd January, 2009
Thiruvalluvar Aandu, 2040.

R. RAJENDRAN
CHAIRMAN


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



PROCEEDINGS


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
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TAMIL NADU LEGISLATIVE ASSEMBLY

FRIDAY, THE 23RD JANUARY 2009

The Committee on Delegated Legislation met at 4-00 P.M. on Friday, the 23rd January 2009 in the Committee Hall, Legislator's Residential Complex, Omandhoorur Government Estate, Chennai 600 002.

The following were present:

CHAIRMAN

Thiru R. Rajendran

MEMBERS

Thiru K. Thirunavukkarasu

Thiru R. Manickam

Thiru Agri S.S. Krishnamoorthy

Thiru R.K. Bharathi Mohan

Thiru R.M. Palanisamy

Dr. K. Nedunchezhian

Thiru N. Ramakrishnan

SECRETARIAT

Thiru A.M.P. Jamaludeen - Joint Secretary

Thiru P.S.K. Singaravelu - Under Secretary

Tmt T.N. Jaanahee, Additional Secretary to Government, Law Department was also present.

At the outset, Joint Secretary (Assembly) welcomed the Chairman and Members and stated that the Committee was to consider a draft Action Taken Reports and three Memoranda.

The Committee then took up for consideration the Statement of Action Taken by the Government in Commercial Taxes and Registration and Home Departments on the recommendations of the Committee contained in its First Report (XI Assembly) and approved the draft Action Taken Report without any modification and authorised the Chairman to sign and present the Report to the Assembly on its behalf.

THE STATEMENT OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE CONTAINED IN ITS FIRST REPORT (ELEVENTH ASSEMBLY)

Sl. No.1, Item No.1

(G.O.Ms.No.103, Commercial Taxes and Religious Endowments Department, dated 5-3-1992)

(G.O.Ms.No.328, Commercial Taxes and Religious Endowments Department, dated 7-9-1992)

Joint Secretary briefed the Committee about the recommendation made by the Committee in its First Report (Eleventh Assembly).

The Secretary Commercial Taxes and Registration Department appeared before the Committee and admitted that the Department has not applied its mind while submitting the reply to the Committee and assured that such lapses will not reoccur in future.

The Committee decided to accept the explanation given by the Secretary, Commercial Taxes and Registration Department.

Sl. No.1, Item No.2

(G.O. Ms.No.245, Commercial Taxes and Religious Endowments Department, dated 2-8-1994)

The Committee decided to accept the explanation given by the Secretary, Commercial Taxes and Registration Department.

Sl. No.1, Item No.3

(G.O. Ms.No.316, Commercial Taxes and Religious Endowments Department, dated 3-10-1994)

(G.O. Ms.No.161, Commercial Taxes and Religious Endowments Department, dated 1-6-1993)

The Committee read and recorded the statement of action taken by the Government.

Sl. No.2, Item No.1

(G.O. Ms. No.1773, Home (Transport) Department, dated 14-1-1994)

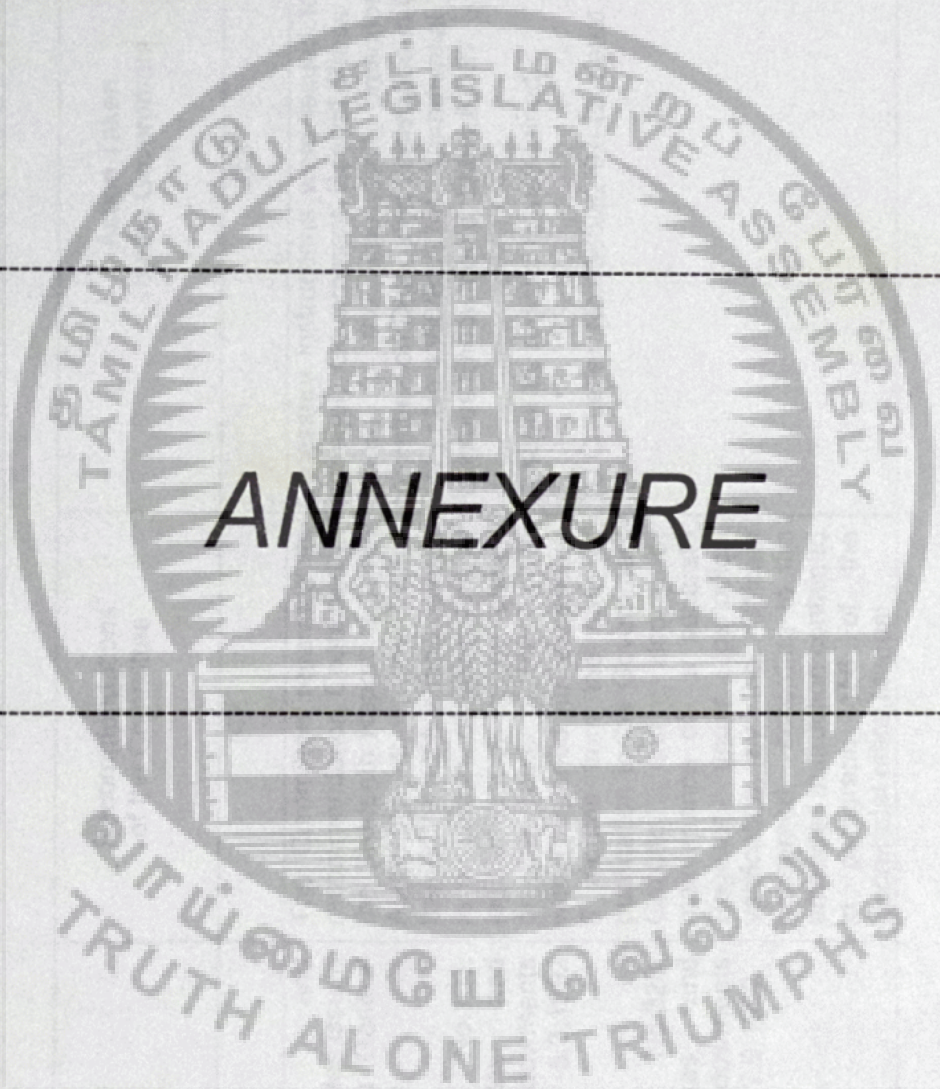
Joint Secretary briefed the Committee about the recommendations of the Committee contained in its First Report (Eleventh Assembly).

The Committee observed that the papers placed on the Table of the House are high authentic value and ensure that such mistakes should not recur in future.

The Committee then took up for consideration three Memoranda and then the Committee adjourned.


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
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STATEMENT OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE CONTAINED IN ITS FIRST REPORT (ADMK) (17TH ASSEMBLY)



ANNEXURE


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
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STATEMENT OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE CONTAINED IN ITS FIRST REPORT (XI ASSEMBLY)

Sl. No.	Item No. in Part-II in the Main Report	Subject	Recommendations of the Committee	Action Taken by the Government	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1	1	Notifications and Amendments to Rules issued under Tamil Nadu General Sales Tax Act 1959 G.O. Ms. No.103, Commercial Taxes and Religious Endowments Department dated, 5.3.1992 and G.O. Ms. No.328, Commercial Taxes and Religious Endowments Department dated 7.9.1992	The Committee reiterates its recommendation Contained in the Sixteenth Report of Tenth Assembly 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 6 months from the date of publication in the Government Gazette and also for maintenance of a separate Register under periodical verification by the Officers concerned, according to the amended instruction contained in paragraph 156 of the Secretariat office Manual	Necessary instructions were issued to the works manager, Government Central Press Chennai to adhere to the time limit prescribed by the committee on Delegated Legislation in Government D.O.Lr.No.4366/B2/97-4, Commercial Taxes and Religious Endowments, dated 8.7.97. A separate register is maintained. (D.O. Letter No.4366/B2/97-13. dated 30.3.1998)	The Secretary Commercial Taxes and Registration Department appeared before the Committee and admitted that the Department has not applied its mind while submitting the reply to the Committee and assured that such lapses will not reoccur in future..

(1)	(2)	(3)	(4)	(5)	(6)
1	2	G.O. Ms. No. 245, Commercial Taxes and Religious Endowments Department dated, 2.8.1994.	The Committee recommends that a reasonable time limit be prescribed in the rule for intimating the variations, It any to the Officer who issues the transit pass.	The Commissioner of Commercial Taxes has interalia reported that as Value Added Tax is to be introduced with effect from 01.01.2007, the amendment suggested will not serve any purpose. Hence, he has suggested that the amendment proposal already sent by him may be treated as withdrawn. (U.O. Note No.5703/B1/2004-9 dated 27.12.2006)	The Committee decided to accept the explanation given by the Secretary Commercial Taxes and Registration Department
1	3	G.O. Ms. 316, Commercial Taxes and Religious Endowments Department dated, 3.10.1994. G.O. Ms. 161, Commercial Taxes and Religious Endowments Department dated, 1.6.1993.	The Committee recommends that the copies of the relevant notifications be reprinted without any omissions or mistakes and again placed on the Table of the House	The copies of the Notification issued with G.O. Ms. No.316, Commercial Taxes and Religious Endowments Department, dated 3.10.1994 and G.O. Ms. 161 C T & R.E. dated 1.6.1993 were sent again to place the same on the Table of the House (U.O. Note. No.4366/B2/97-13 Commercial Taxes and Religious Endowments Department, dated 30.3.1998.	The committee read and recorded the statement of action taken by the Government.

(1)	(2)	(3)	(4)	(5)	(6)
2	1	Notifications Issued Under Tamil Nadu Motor Vehicles Taxation Act,1974 G.O. Ms. No.1773, Home (Transport), Department Dated 14.1.1994.	The committee recommends that the Department of Secretariat should guard against such discrepancies/mistakes as the papers laid on the Table of the House are considered highly sensitive and the omissions and printing errors noticed in them are likely to be viewed very seriously	With references to the observations of the Committee, it is informed that, the date of G.O. Ms. No 1773, Home, Department, dated14.121993 and the publication of the same in the Tamil Nadu Government Gazettee dated the 5th January 1994 are found to be correct. The mistake occurred is only in the printed copies of the papers placed on the Table of the House of Tamil Nadu Legislative Assembly. Therefore the observations of the Committee is noted for future guidance. The lapse in this regard is regreted. (U.O. Note No. 10916/TPT.I/99-9, dated 16.11.1999)	The Committee observed that the papers placed on the Table of the House are high authentic value and ensure that such mistakes should not recur in future.

M. SELVARAJ,
SECRETARY.

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