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Tamil Nadu Bills

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

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 8th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 1 OF 2010

A Bill further to amend the Tamil Nadu Payment of Salaries Act, 1951.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Payment of Salaries (Amendment) Act, 2010.

(2) It shall be deemed to have come into force on the 1st day of April 2009.

Amendment of section 12.

2. In section 12 of the Tamil Nadu Payment of Salaries Act, 1951 (hereinafter referred to as the principal Act),—

(1) in sub-section (1), in clause (a), for the expression “three thousand rupees per mensem”, the expression “eight thousand rupees per mensem” shall be substituted;

(2) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Subject to such conditions and during such period as may be determined by rules made by the State Government,—

(a) every Member referred to in sub-section (1), and members of his family;

(b) every person who had been a Member of the Legislative Assembly or of the Legislative Council or of both, but ceased to be such Member at any time and members of his family; and

(c) the members of the family of the deceased Member of the Legislative Assembly or of the Legislative Council or of both;

shall be entitled free of charge to accommodation in the hospitals maintained by the State Government and also to medical treatment.”;

(3) in sub-section (4-E), for the expression “rupees five thousand per mensem”, the expression “rupees twenty thousand per mensem” shall be substituted.

Amendment of section 12-B.

3. In section 12-B of the principal Act,—

(1) in sub-section (1),—

(a) for the expression “eight thousand rupees per mensem”, the expression “ten thousand rupees per mensem” shall be substituted;

(b) the expression “for one term” at the end shall be omitted;

(c) the second proviso shall be omitted;

(2) sub-section (2-BB) including the Explanation thereunder, sub-section (2-C) and sub-section (2-CC) including the Explanation thereunder shall be omitted;

(3) the Explanation – I shall be omitted.

Tamil Nadu
Act
XX of 1951.

STATEMENT OF OBJECTS AND REASONS

The Government have decided to,—

(a) enhance the salary of each of the Members of the Legislative Assembly from Rs.3,000/- to Rs.8,000/- per mensem;

(b) enhance the vehicle allowance of each of the Members of the Legislative Assembly from Rs.5,000/- to Rs.20,000/- per mensem;

(c) enhance the pension to the former Members of the Legislative Assembly or of the Legislative Council from Rs.8,000/- to Rs.10,000/- per mensem;

(d) remove the existing classification in the matter of family pension paid in accordance with the period of services rendered by the former members of the Legislature and to enhance the family pension to the legal heirs of those former Members at a uniform rate of Rs. 5,000/- per mensem;

(e) to make eligible for accommodation free of charge and also to provide medical treatment to the legal heirs of the deceased Members of the Legislative Assembly or of the Legislative Council in the hospitals maintained by the State Government.

2. The Government have also decided to enhance the aforesaid allowances and salary with effect from 1st April 2009.

3. To give effect to the above decisions, the Government have decided to amend the Tamil Nadu Payment of Salaries Act, 1951 (Tamil Nadu Act XX of 1951), suitably.

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

M. KARUNANIDHI,

Chief Minister.

FINANCIAL MEMORANDUM.

The Bill when enacted would involve expenditure from the Consolidated Fund of the State. The additional expenditure to be incurred as a result of the proposed legislation will be approximately Rs.7,49,76,000/- (Rupees Seven crores forty nine lakhs and seventy six thousand only) per annum.

M. SELVARAJ

Secretary.

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 8th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 2 OF 2010

A Bill further to amend the Tamil Nadu Co-operative Societies Act, 1983.

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

1. (1) This Act may be called the Tamil Nadu Co-operative Societies (Amendment) Act, 2010.

Short title and commencement.

(2) It shall be deemed to have come into force on the 17th day of November 2009.

Tamil Nadu Act
30 of 1983.

2. In section 89 of the Tamil Nadu Co-operative Societies Act, 1983 (herein after referred to as the Principal Act) in the proviso to sub-section (1), for the expression "eight years and six months" the expression "nine years" shall be substituted.

Amendment of section 89.

Tamil Nadu
Ordinance
3 of 2009.

3. (1) The Tamil Nadu Co-operative Societies (Second Amendment) Ordinance, 2009 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Special Officers were appointed under sub-section (1) of Section 89 of the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) for a period of one year from 25th May 2001 in respect of primary co-operative societies and from 26th May 2001 in respect of central and apex co-operative societies. Since elections to the said co-operative societies could not be conducted within the above said period, the term of the Special Officers appointed under the said section was last extended beyond 24th May 2009 for a period of six months, by amending the said Act. The period of their appointment was due to expire on 24th November 2009 in respect of primary co-operative societies and on 25th November 2009 in respect of central and apex co-operative societies.

2. As per the schedule for conducting elections to the co-operative societies approved by the Government, elections for the first two stages in the first phase have been conducted on 7th July 2007 and 11th July 2007, respectively. During these polls, occurrences of certain incidents have been brought to the notice of the Government. The Government are of the opinion that these incidents have undermined the very purpose of conducting the elections to the co-operative societies in the State. The Government have, therefore, decided to cancel the elections to the co-operative societies wherever they have been conducted and to hold fresh elections to all the co-operative societies and have ordered accordingly. A new election schedule will be announced by the Government for fresh elections in due course after consultation with the leaders of all political parties in the Legislature.

3. In view of the above fact, elections to the primary co-operative societies could not be conducted on or before 24th November 2009. Elections to the central and apex co-operative societies can be conducted only after the elected boards are constituted in all primary co-operative societies. The Government, therefore, decided to extend the term of office of the Special Officers of the aforesaid co-operative societies for a further period of six months beyond 24th November 2009 in respect of primary co-operative societies and 25th November 2009 in respect of central and apex co-operative societies by amending the said Act suitably for the purpose. Accordingly, the Tamil Nadu Co-operative Societies (Second Amendment) Ordinance, 2009 (Tamil Nadu Ordinance 3 of 2009) was promulgated by the Governor on the 16th November 2009 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 17th November 2009.

4. The Bill seeks to replace the said Ordinance.

Ko.Si. MANI,
Minister for Co-operation.

M. SELVARAJ
Secretary.

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 8th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 3 OF 2010

A Bill further to amend the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976.

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

1. (1) This Act may be called the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Act, 2010.

Short title and commencement.

(2) It shall come into force at once.

President's Act
25 of 1976.

2. In section 4 of the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976, in sub-section (1), for the expression “thirty three years and eight months”, the expression “thirty four years and two months” shall be substituted.

Amendment of section 4.

STATEMENT OF OBJECTS AND REASONS

Special Officers were appointed under sub-section (1) of section 4 of the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976 (President's Act 25 of 1976) for Scheduled co-operative societies, for a period of two years in the first instance. The period of their appointment had been extended from time to time and it is due to expire on the 9th February 2010.

2. As per the schedule for conducting elections to the co-operative societies approved by the Government, elections for the first two stages in the first phase were conducted on 7th July 2007 and 11th July 2007, respectively. During these polls, occurrences of certain incidents have been brought to the notice of the Government. The Government are of the opinion that these incidents have undermined the very purpose of conducting the elections to the co-operative societies in the State. The Government have, therefore, decided to cancel the elections to the co-operative societies wherever they have been conducted and to hold fresh elections to all the co-operative societies and have ordered accordingly. A new election schedule will be announced by the Government for fresh elections in due course after consultation with the leaders of all political parties in the Legislature.

3. As such, the conduct of elections to the said Scheduled co-operative societies will take some more time. The Government have, therefore, decided to extend the period of appointment of the Special Officers of the said Scheduled co-operative societies for a further period of six months beyond the 9th February 2010 and to amend the said Act suitably, for the purpose.

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

Ko. Si. MANI,
Minister for Co-operation.

M. SELVARAJ
Secretary.

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 8th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 4 OF 2010

A Bill further to amend the Tamil Nadu Societies Registration Act, 1975.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Societies Registration (Amendment) Act, 2010.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu Act
27 of 1975.

2. In section 9 of the Tamil Nadu Societies Registration Act, 1975 (hereinafter referred to as the principal Act), in sub-section (2), in item (c), after the word "Council", the words "or Human Rights" shall be inserted.

Amendment of section 9.

3. Any society registered under the principal Act by the name containing the words "Human Rights" shall, within six months from the date of commencement of this Act, by special resolution and with the approval in writing of the Registrar, change the name of the society by deleting the words "Human Rights".

Time limit to change the name of the society.

STATEMENT OF OBJECTS AND REASONS

The State Human Rights Commission, Tamil Nadu in its order delivered in SHRC No.1089 of 2009, dated 17-4-2009, has recommended to amend section 9 of the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) so as to restrict the registration of any society by a name which contains the words "Human Rights" under the said Tamil Nadu Act 27 of 1975, and also recommended for giving direction to the existing societies, which are registered with names containing the words "Human Rights", to change the names of those societies without the words "Human Rights". Accordingly, the Government have decided to amend the said Tamil Nadu Act 27 of 1975, suitably, for the purpose.

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

N. SURESH RAJAN,
Minister for Tourism and Registration.

M. SELVARAJ
Secretary.

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 8th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 5 OF 2010

A Bill further to amend the Tamil Nadu Value Added Tax Act, 2006.

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

1. (1) This Act may be called the Tamil Nadu Value Added Tax (Amendment) Act, 2010.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu Act
32 of 2006.

2. In Section 18 of the Tamil Nadu Value Added Tax Act, 2006, in sub-section (3), for the expression “from the date of accrual of such input tax credit”, the expression “from the date of making zero rate sale” shall be substituted.

Amendment of section 18.

STATEMENT OF OBJECTS AND REASONS

Sub-section (3) of section 18 of the Tamil Nadu Value Added Tax Act, 2006 (Tamil Nadu Act 32 of 2006) provides for refund of input tax credit within a period of one hundred and eighty days from the date of accrual of input tax credit. Accordingly, the period of one hundred and eighty days is being computed from the date of purchase of goods by the dealers. The dealers have made representation that the period of one hundred and eighty days may be computed only from the date of making the zero rate sale.

2. Based on the above representation of the dealers, the Hon'ble Minister for Commercial Taxes has announced during the demand for Grant for the year 2009-10, that necessary amendment will be made to the said Act. To give effect to the above announcement, the Government have decided to amend the said sub-section (3) of section 18 of the Tamil Nadu Act 32 of 2006 suitably.

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

S.N.M. UBAYADULLAH,
Minister for Commercial Taxes.

M. SELVARAJ,
Secretary.

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 8th January 2010 is published together with Statement of Objects and Reasons for general information;—

L.A. BILL No. 6 OF 2010

A Bill further to amend the Tamil Nadu Entertainments Tax Act, 1939.

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

1. (1) This Act may be called the Tamil Nadu Entertainments Tax (Amendment) Act, 2010.

Short title and commencement.

(2) It shall be deemed to have come into force on the 6th day of January 1993.

Tamil Nadu Act
X of 1939.

2. In section 3 of the Tamil Nadu Entertainments Tax Act, 1939, in clause (7), for sub-clause (d), the following shall be substituted, namely:—

Amendment of section 3.

“(d) any payment deemed to have been made under sub-section (1-A) of section 4 in respect of any taxable complimentary ticket,

but shall not include such maintenance charge which the licensee of cinematograph exhibition is permitted to collect, by order of the Government, from time to time, under the Tamil Nadu Cinemas Regulation Act, 1955 (Tamil Nadu Act IX of 1955) and collected by the said licensee:

Provided that such maintenance charge shall be printed on the tickets.”

Tamil Nadu Act
39 of 1995.

3. The Tamil Nadu Entertainments Tax (Second Amendment) Act, 1995 and section 2 of the Tamil Nadu Entertainments Tax (Amendment) Act, 2004 are hereby repealed.

Repeal.

Tamil Nadu Act
38 of 2004.

4. All amounts collected by the licensees of cinematograph exhibition as maintenance charge, in accordance with the orders issued by the State Government during the period commencing from the 6th day of January 1993 and ending with the date of publication of the Tamil Nadu Entertainments Tax (Amendment) Act, 2010, shall not be included in the payment for admission for the purpose of determining the amount of tax payable under the Tamil Nadu Entertainments Tax Act, 1939.

Saving.

Tamil Nadu Act
X of 1939.

STATEMENT OF OBJECTS AND REASONS

The Government on the representation made by theatre owners, have issued orders enabling the licensee of the theatres to collect maintenance charges at various rates from time to time with effect from 6th day of January 1993 and to the effect that such maintenance charges will not be subject to the levy of Entertainment tax but it will be indicated separately in the ticket issued for admission in cinema theatres. To give effect to the above orders, the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939) was amended by Tamil Nadu Entertainments Tax (Second Amendment) Act, 1995 (Tamil Nadu Act 39 of 1995) and the Tamil Nadu Entertainments Tax (Amendment) Act, 2004 (Tamil Nadu Act 38 of 2004). But, the said Tamil Nadu Act 39 of 1995 was not brought into force. In view of this, the subsequent amendment made by Tamil Nadu Act 38 of 2004 cannot be incorporated in the said Tamil Nadu Act X of 1939. The Government have, therefore, decided to set right the position by amending the said Tamil Nadu Act X of 1939, suitably.

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

S.N.M. UBAYADULLAH,
Minister for Commercial Taxes.

M. SELVARAJ,
Secretary.

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 8th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 7 OF 2010

A Bill to amend the Tamil Nadu Rosewood Trees (Conservation) Act, 1994.

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

1. (1) This Act may be called the Tamil Nadu Rosewood Trees (Conservation) Amendment Act, 2010.

Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu Act
1 of 1995.

2. In sub-section (3) of section 1 of the Tamil Nadu Rosewood Trees (Conservation) Act, 1994, for the expression "fifteen years", the expression "thirty years", shall be substituted.

Amendment of
Section 1.

STATEMENT OF OBJECT AND REASONS

In order to provide for the conservation of Rosewood Trees in the State, the Government have enacted the Tamil Nadu Rosewood Trees (Conservation) Act, 1994 (Tamil Nadu Act 1 of 1995) which came into force on the 14th February 1995. According to sub-section (3) of section 1 of the said Act, the said Act remains in force for a period of fifteen years only. The said, period fifteen years comes to an end on the 13th February 2010. In order to save the Rosewood trees which are rare species, the Government have decided to extend the life of the said Act for a further period of fifteen years beyond the 13th February 2010 and to amend the said Act suitably for the above purpose.

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

N. SELVARAJ,
Minister for Forests.

M. SELVARAJ,
Secretary.