



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 6]

CHENNAI, SATURDAY, JANUARY 9, 2010
Margazhi 25, Thiruvalluvar Aandu-2040

Part IV—Section 1

Tamil Nadu Bills

CONTENTS

	<i>Pages.</i>
BILLS :	
No. 8 of 2010—Tamil Nadu State Council for Technical Education Act ..	17-28
No. 9 of 2010—Tamil Nadu Laws (Special Provisions) Act	29-34
No. 10 of 2010—Tamil Nadu Uniform System of School Education Act	35-42

**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 9th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 8 OF 2010

A Bill to provide for the establishment of a State Council for Technical Education in the State of Tamil Nadu and for matters connected therewith and incidental thereto.

WHEREAS the National Policy on Education, 1986 contains recommendations that the State Level Planning and co-ordination of higher education shall be done through Councils for Higher Education and that the University Grants Commission and these councils will develop co-ordinative methods to keep a watch on standards of higher education;

AND WHEREAS the University Grants Commission constituted a committee to make recommendations regarding setting up of State Councils for Higher Education as per the aforesaid National Policy;

AND WHEREAS the said committee recommended that there is a pressing need for an effective machinery for promotion and co-ordination of Higher Education at the State level and co-ordination of State level programmes with those of the University Grants Commission;

AND WHEREAS the University Grants Commission had laid down the guidelines for setting up of State Councils for Higher Education as recommended by the said Committee;

AND WHEREAS the State Government established the Tamil Nadu State Council for Higher Education by enacting the Tamil Nadu State Council for Higher Education Act, 1992 (Tamil Nadu Act 40 of 1992);

AND WHEREAS a large number of institutions of technical education have come up and a number of technical Universities have been established in the State of Tamil Nadu;

AND WHEREAS the State Government have decided to establish a separate Council for Technical Education to advise the Government in matters relating to Technical Education in the State and to oversee its development with perspective planning;

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,
extent and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu State Council for Technical Education Act, 2010.

(2) It extends to the whole of the State of Tamil Nadu.

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

Definitions

2. In this Act, unless the context otherwise requires,-

(a) "All India Council for Technical Education" means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987;

(b) "college" means a college or institution established or maintained or approved by, or affiliated to, the technical University or approved by Directorate of Technical Education and providing any course of study or training in engineering, technology and allied sciences, management or catering technology, for admission to the examination for degrees, diplomas or other academic distinctions, as the case may be;

(c) "Council" means the Tamil Nadu State Council for Technical Education established under section 3;

Central Act
52 of 1987.

(d) "degree" means any course of study in engineering, technology and allied sciences, management or catering technology to which a degree is awarded by a technical University;

(e) "diploma" means any course of study in engineering, technology and allied sciences, management or catering technology after the Secondary School Leaving Certificate to which a diploma is awarded, but does not include a certificate;

(f) "Government" means the State Government;

(g) "member" means a member of the Council and includes the Chairman, the Vice-Chairman, the Member-Secretary and the co-opted member;

(h) "private college" means a college established and administered or maintained by any person or body of persons, whether incorporated or not, but does not include a college established and administered or maintained by the Central Government or the Government or by any technical University established by law;

(i) "regulations" means the regulations made by the Council under this Act;

(j) "technical education" means any course of study or training in engineering, technology and allied sciences, management or catering technology;

(k) "technical University" means the Anna University, Chennai, the Anna University, Tiruchirappalli, the Anna University, Coimbatore and the Anna University, Tirunelveli or such other University that may be established in the State under any law made by the Legislature of the State of Tamil Nadu to conduct examinations to award degrees, diplomas and other academic distinctions in engineering, technology and allied sciences, management or catering technology;

(l) "University Grants Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956.

Central Act
3 of 1956.

3. (1) There shall be established a Council by the name "the Tamil Nadu State Council for Technical Education".

Establishment
of State
Council for
Technical
Education.

(2) The Council shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The headquarters of the Council shall be located at Chennai.

4. The Council shall consist of the following members, namely:-

Composition of
Council.

(a) the Minister in-charge of Technical Education, who shall be the Chairman, ex-officio;

(b) the Vice-Chairman appointed by the Government from among persons, who have been Vice-Chancellors of Universities in the State and having experience in the field of technical education and who has not completed seventy years of age;

(c) the Secretary to Government in-charge of Higher Education, ex-officio;

(d) the Secretary to Government in-charge of Finance, ex-officio;

(e) the Secretary to Government in-charge of Industry, ex-officio;

(f) the Secretary, University Grants Commission or his nominee, ex-officio;

(g) the Member-Secretary, All India Council for Technical Education or his nominee, ex-officio;

(h) the Commissioner or Director of Technical Education, ex-officio;

(i) two members nominated by the Government from among the Vice-Chancellors of the technical Universities;

(j) two members nominated by the Government from among the principals and Directors of colleges, of whom one shall be from a college established and administered or maintained by the Government and another from a private college;

(k) two members nominated by the Government from among the principals of colleges, offering any course of study to which a diploma is awarded, of whom one shall be from a college established and administered or maintained by the Government and another from a private college;

(l) one member nominated by the Government from among the principals and Directors of colleges offering courses of study in management;

(m) one member nominated by the Government from among eminent academicians or educational administrators in the field of technical education;

(n) one member nominated by the Government from among eminent scientists or engineers in the field of technical education;

(o) one member nominated by the Government from among the industrialists of high repute who have contributed to the cause of technical education;

(p) not more than three eminent educationists in the field of technical education co-opted by the Council; and

(q) a full time Member-Secretary appointed by the Government who shall be not below the rank of the University Professor, having experience in the field of technical education.

Disqualification for membership of Council.

5. A person shall be disqualified for being appointed as Vice-Chairman or for being nominated or co-opted as a member of the Council or for being such Vice-Chairman or nominated or co-opted member, if—

(a) he is of unsound mind;

(b) he is an applicant to be adjudicated as an insolvent or is an undischarged insolvent;

(c) he has been sentenced for any offence involving moral turpitude, punishable under any law with imprisonment, such sentence not having been annulled and a period of five years has not elapsed from the date of expiration of the sentence;

(d) he is a paid officer or employee of the Council; or

(e) he incurs such other disqualifications as may be prescribed by the Government.

Terms and conditions of service of Vice-chairman and nominated and co-opted members.

6. (1) The Vice-Chairman and the nominated and co-opted members shall hold office for a term of three years and shall be eligible for re-appointment or re-nomination or co-option for a further term of three years:

Provided that for the purpose of this sub-section, a person who has held office as Vice-Chairman or a nominated or co-opted member in a casual vacancy for a period of not less than one year shall be deemed to have held office for a full term of office.

(2) The Vice-Chairman or the nominated or co-opted member may, by writing under his hand addressed to the Government or the Council, as the case may be, resign his office but he shall continue to hold office until his resignation is accepted by the Government or, as the case may be, by the Council.

(3) Subject to the provisions of this section, the terms and conditions of service of the Vice-Chairman and the nominated and co-opted members shall be such as may be prescribed.

(4) The Vice-Chairman shall exercise such powers and perform such functions as may be prescribed.

Terms and conditions of service of Member-Secretary.

7. (1) The terms and conditions of service of the Member-Secretary shall be such as may be prescribed.

(2) The Member-Secretary shall exercise the powers and perform the functions conferred or imposed on him under this Act and such other powers and functions as may be prescribed.

Removal from membership of Council.

8. If, at any time, it appears to the Government that the Vice-Chairman or a nominated or co-opted member has shown himself to be unsuitable for office or has been guilty of misconduct or neglect which renders his removal expedient, the Government may, after giving the Vice-Chairman or such nominated or co-opted member, as the case may be, a reasonable opportunity of showing cause, by notification, remove the Vice-Chairman or such nominated or co-opted member, as the case may be, from the office.

9. If a casual vacancy occurs in the office of the Vice-Chairman or of a nominated or co-opted member, either by reason of his death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as may be, by the Government or by the Council, as the case may be, and such Vice-Chairman or nominated or co-opted member shall hold office only for the remainder of the term for which the person whose place he fills would have been the Vice-Chairman or, a nominated or co-opted member, as the case may be.

Filling up of casual vacancy.

10. (1) The functions of the Council shall be to co-ordinate and determine standards in college and scientific research in technical education.

Powers and functions of Council.

Central Act
3 of 1956

(2) Subject to the provisions of the University Grants Commission Act, 1956 and the All India Council for Technical Education Act, 1987, the Council shall—

Central Act
52 of 1987

(a) prepare consolidated programmes in the sphere of technical education in the State in accordance with the guidelines that may be issued by the University Grants Commission and All India Council for Technical Education, from time to time, and to assist in its implementation, keeping in view the overall priorities and perspectives of technical education in the State;

(b) assist the University Grants Commission and All India Council for Technical Education in respect of determination and maintenance of standards and suggest remedial action wherever necessary;

(c) evolve perspective plans for development of technical education in the State;

(d) forward the developmental programmes of technical Universities and colleges to the University Grants Commission and All India Council for Technical Education along with its comments and recommendations;

(e) monitor the progress of implementation of such developmental programmes;

(f) promote co-operation and co-ordination of the colleges among themselves and explore the scope for interaction with industry and other related establishments;

(g) formulate norms for starting new colleges in accordance with the guidelines issued by the Government, University Grants Commission and All India Council for Technical Education;

(h) suggest ways and means for augmenting additional resources for technical education in the State;

(i) encourage and promote innovations in curriculum development, restructuring of courses and updating of syllabi in the technical Universities;

(j) promote and co-ordinate the programmes of autonomous colleges and to monitor its implementation;

(k) devise steps to improve the standards of examinations conducted by the technical Universities and suggest necessary reforms;

(l) facilitate training of teachers in technical Universities and colleges and oversee the functioning of the academic staff colleges through co-ordination and promote publication of quality text books, monographs and reference books;

(m) develop programmes for effective academic co-operation and interaction between the faculties in the technical Universities, colleges and also provide mobility of students and teachers within and outside the State;

(n) regulate the admissions in technical Universities and colleges;

(o) encourage sports, games, physical education and cultural activities in the technical Universities and colleges;

(p) encourage extension activities and promote interaction between technical Universities and industries through effective consultancy in special areas relevant to the technical Universities and regional planning development;

(q) prepare an overview report on the working of the technical Universities and colleges in the State and to furnish a copy of the report to the Government;

(r) identify centres of excellence in the technical Universities and provide national and international linkage for the growth of science and technology in frontier areas;

(s) make suggestions to the Government in determining the block maintenance grants and lay down the guidelines for such grants to technical Universities and colleges;

(t) set up a State Technical Research Board so as to link research work of technical Universities with that of the research agencies and industry, keeping in view the overall research needs of the State and co-ordinate research funding at national and international level for promotion of scientific research in the technical Universities;

(u) examine the statutes and ordinances and regulations of technical Universities in the State (excluding Central Universities) and the statutes proposed by the technical Universities in the State and suggest modifications to maintain uniformity in administration without prejudice to the autonomy for the academic pursuits;

(v) work in liaison with the All India Council for Technical Education in the formulation of the schemes in the State;

(w) make suggestions to the Government in making new colleges self sufficient and viable;

(x) make suggestions to the Government on the policy of 'earning while learning';

(y) promote institutes of excellence within or outside the technical University system in frontier areas of knowledge like molecular biology, genetic engineering, aerospace, biotechnology and the like;

(z) make suggestions to the Government regarding improvement to the law relating to technical Universities including the laws relating to the establishment of new technical Universities;

(aa) institute prestigious awards to outstanding scientists, academicians and technologists for their contributions;

(ab) identify and administer innovative programmes for sustainable growth through self-generating funds from services such as consultancy to industries, institutions and national and international organisations;

(ac) administer and release research funds, if any, received from national and international funding agencies;

(ad) advise the Government or any technical University or colleges on any other matter relating to technical education and research which they may refer to the Council; and

(ae) perform such other functions necessary for promoting excellence in technical education and scientific research, as may be prescribed.

Meetings of
the Council.

11. The Council shall meet, as often as may be necessary, at such time and place and observe such rules of procedure as may be provided in the regulations:

Provided that the Council shall meet at least once in three months.

Staff of the
Council.

12. (1) The Council shall appoint such number of employees as may be necessary for the efficient performance of its functions. The terms and conditions of service of the employees of the Council shall be such as may be provided in the regulations.

(2) The classification and methods of recruitment, conditions of service, pay and allowances, discipline and conduct of the officers and other employees referred to in this section shall be such as may be prescribed.

Temporary
association of
persons with
the Council
for particular
purpose.

13. (1) The Council may associate with itself in such manner and for such purposes as may be determined by regulations any person whose assistance or advice it may desire.

(2) A person associated with for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Council.

Budget of
Council.

14. The Council shall prepare in such form and at such time as may be prescribed, a budget in respect of the next financial year showing the estimated receipt and expenditure and a copy of the budget shall be forwarded to the Government.

- 15.** (1) The Council shall have its own fund and all sums which may, from time to time, be paid to it by the Government and all the receipts of the Council (including any sum which the Central Government, the University Grants Commission or any other authority or person may hand over to the Council) shall be credited to such fund. Fund of the Council.
- (2) The Government shall pay to the Council in each financial year, grants, development grants and matching grants as the Government may consider necessary for a period of five years from the date of commencement of this Act for the performance of the functions of the Council under this Act.
- (3) All technical Universities shall contribute rupees one lakh per year, colleges offering a course of study to which a degree is awarded shall contribute rupees five thousand per year and colleges offering any course of study to which a diploma is awarded shall contribute rupees two thousand and five hundred per year to the Council as annual subscription for their institutional membership in the Council which shall be credited to the fund.
- (4) All expenditure incurred by the Council under, or for the purposes of this Act shall be defrayed from out of the said fund and any surplus remaining, after such expenditure has been met, shall be invested in such manner as may be prescribed.
- (5) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Council.
- 16.** It shall be the duty of the Council to allocate grants to different technical Universities and colleges in the State from out of the funds received by it under sub-section (1) of section 15 and release the same to concerned technical Universities and colleges. Release of grants-in-aid to Universities and colleges.
- 17.** (1) The accounts of the Council shall be maintained in such manner and in such form as may be prescribed. The Council shall prepare an annual statement of accounts in such form as may be prescribed. Annual accounts and audit.
- (2) The accounts of the Council shall be submitted atleast once in a year to such examination and audit as the Government may direct.
- (3) The Member-Secretary to the Council shall cause the audit report to be printed and forward a printed copy thereof, to each member and shall place such report before the Council for consideration at its next meeting.
- (4) The Council shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.
- (5) The accounts of the Council together with the audit report along with the remarks of the Council thereon shall be forwarded to the Government within such time as may be prescribed.
- (6) The Government may, by order in writing, direct the Council to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Council shall comply with such direction.
- 18.** The Council shall, as soon as may be, after the end of each financial year, prepare and submit to the Government, before such date and in such form as may be prescribed, a report giving an account of its activities during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Council in the next financial year and the Government shall cause every such report to be laid before the Legislative Assembly as soon as may be after its receipt. A copy of the annual report shall also be forwarded to the University Grants Commission and the All India Council for Technical Education. Annual report.
- 19.** The Government may issue to the Council such directions as, in their opinion, are necessary or expedient for carrying out the purposes of this Act and the Council shall give effect to all such directions. Power to issue directions.

Inspection and inquiry.

20. (1) The Government shall have rights to cause an inspection to be made, by an officer not below the rank of Secretary to Government authorised by it, of the Council and also to cause an inquiry to be made into the work done by the Council in respect of any matter entrusted to it. The Government shall, in every case, give notice to the Council of its intention to cause such inspection or inquiry to be made and the Council shall be entitled to be represented thereat. The officer making the inspection or inquiry shall inform the Government of the results thereof.

(2) The Government shall communicate to the Council its views with reference to the results of such inspection or inquiry and may advise the Council the action to be taken.

(3) The Council shall, within such time as the Government may fix, report to it, the action, if any, which is proposed to be taken or has been taken upon such advice.

(4) The Government may, where action has not been taken by the Council within a reasonable time to its satisfaction, issue such directions as it may think fit, and the Council shall comply with such directions.

Revision.

21. The Government may, either suo-motu or on an application made to them, call for and examine the records of any order passed or decision taken by the Council under the provisions of this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or decision or as to regularity of such procedure and pass such order with respect thereto as they may think fit:

Provided that no such order shall be made except after giving the Council or the person likely to be affected thereby, a reasonable opportunity of being heard.

Proceedings of Council not to be invalidated by infirmities.

22. The Council shall have the power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, and the proceedings of the Council shall be valid notwithstanding that some person, who was not entitled to be a member had sat, voted or otherwise taken part in the proceedings of the Council.

Members and employees of Council to be public servants.

23. The Chairman, Vice-Chairman, members, the Member-Secretary and other employees of the Council shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, or any rule or regulation or order or direction made or issued under this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Central Act
XLV of 1860.

Protection of action taken in good faith.

24. No suit or other legal proceedings shall lie against the Government, the Council or any member thereof or any employees or person acting under the direction of the Government or the Council, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule, regulation, order or direction made or issued under this Act.

Powers to make rules.

25. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) Every rule or order made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the Table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or order or notification, or the Assembly decides that the rule or order or notification should not be made, the rule or order or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order or notification.

Power to make regulations.

26. The Council may, subject to any rules made by the Government and with the previous approval of the Government may make regulations for carrying out the powers and functions of the Council under this Act.

Power to remove difficulties.

27. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provision not inconsistent with the provisions of this Act, as appears to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

Tamil Nadu
Act
40 of 1992.

28. In the Tamil Nadu State Council for Higher Education Act, 1992,—

Amendments
to Tamil
Nadu Act
40 of 1992.

(1) in section 1, for sub-section (3), the following shall be substituted, namely:—

“(3) It applies to all Universities, colleges and institutions of higher education except technical University and college as defined in the Tamil Nadu State Council for Technical Education Act, 2010.”;

(2) in section 2,-

(i) in clause (c), for the expression “Management Science, Oriental Languages, Engineering, Technology”, the expression “Oriental Languages” shall be substituted;

(ii) in clause (f), for the expression “ technical or otherwise”, the expression “or otherwise (other than technical education as defined in the Tamil Nadu State Council for Technical Education Act, 2010)” shall be substituted;

(iii) in clause (j),-

(a) the expression “the Anna University” shall be omitted;

(b) after the expression “to which the University Grants Commission Act, 1956 applies”, the expression “but does not include a technical University as defined in the Tamil Nadu State Council for Technical Education Act, 2010” shall be added;

(3) in section 4, clause (g) shall be omitted;

(4) in section 10,—

(i) in sub-section (1), for the expression “research and scientific and technical institutions”, the expression “research and scientific institutions” shall be substituted;

(ii) in sub-section (2),—

(a) in clause (q), the expression “and technology” shall be omitted;

(b) for clause (s), the following clause shall be substituted, namely:—

“(s) promote institutes of excellence within or outside the University system in frontier areas of knowledge;”;

(c) in clause (x), for the expression “scientists, academicians and technologists”, the expression “scientists and academicians” shall be substituted;

(d) clause (ab) shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

In the budget session for 2008-2009, the Hon'ble Minister for Higher Education announced on the floor of the Legislative Assembly that in order to make state level planning on the development of technical education, Tamil Nadu State Council for Technical Education will be established similar to the Tamil Nadu State Council for Higher Education. Accordingly, the Government have decided to undertake legislation for the above purpose.

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

FINANCIAL MEMORANDUM

The Bill provides for the establishment of Tamil Nadu State Council for Technical Education. The Bill when enacted would involve expenditure from the Consolidated Fund of the State. The expenditure is expected to be around Rs.8,25,000/- non-recurring and Rs.3,38,000/- recurring per annum, for a period of five years. However, this is only an estimate and it is not possible at this stage to estimate with greater degree of accuracy, the expenditure to be incurred as a result of the proposed legislation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1(3), 5(e), 6(3) and (4), 7, 12(2), 15(4), 17, 18, 19, 25 and 27 of the Bill authorise the Government to make rules and issue orders and directions for the purposes specified therein. Clause 26 of the Bill authorises the Tamil Nadu State Council for Technical Education to make regulations.

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

Dr. K. PONMUDY,
Minister for Higher Education.

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 9th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 9 OF 2010

A Bill to make special provisions for Chennai Metropolitan Planning Area for a period of one Year and for matters connected therewith or incidental thereto.

WHEREAS, there had been rapid increase in the population owing to industrialization, migration and various other factors, putting pressure on land and infrastructure in the Chennai Metropolitan Planning Area leading to unauthorized developments which are not in conformity with the First Master Plan for Chennai Metropolitan Planning Area in force, the Development Control Rules contained therein and the building rules, regulations and bye-laws;

AND WHEREAS, the Government have constituted a committee headed by a retired Supreme Court Judge to look into all aspects of developments and to suggest necessary modifications to the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

AND WHEREAS, it is expected that the recommendations of the Committee aforesaid may involve substantial amendments to the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) and some with retrospective effect, and in particular to the provisions relating to construction and use of the premises, thereby changing the position as obtaining now under the said Act;

AND WHEREAS, Chennai Metropolitan Development Authority has prepared the draft Master Plan II for Chennai Metropolitan Planning Area, with the perspective year 2026 keeping in view the emerging new dimensions in urban development, which has been published for public objections and suggestions giving time upto 31-8-2007. The draft Master Plan II after public consultation and modification as suggested by the Government was resubmitted to Government on 29th February 2008. The Government have approved the said draft Master Plan II for Chennai Metropolitan Planning Area, 2026 and the same has been published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 2nd September 2008. The various ramifications of the approved Master Plan II for Chennai Metropolitan Planning Area, 2026 are under consideration of the six sectoral committees formed for the purpose;

AND WHEREAS, a comprehensive policy for the improvement of slum areas and resettlement of the people in slum area wherever necessary in the Chennai Metropolitan Planning Area is contemplated by the State Government;

AND WHEREAS, a detailed study of the issues relating to unauthorized occupation by the vendors and hawkers in the public street is contemplated with a view to evolving a scheme for regulating their activities;

AND WHEREAS, action for violation of the provisions of the First Master Plan for Chennai Metropolitan Planning Area in force and Development Control Rules contained therein, before a final view is taken in the matter by the Government may cause avoidable hardship and irreparable loss to a large number of people including small traders;

AND WHEREAS, the Tamil Nadu Laws (Special Provisions) Ordinance, 2007 (Tamil Nadu Ordinance 1 of 2007), which was replaced by the Tamil Nadu Laws (Special Provisions) Act, 2007 (Tamil Nadu Act 39 of 2007), was challenged before the High Court of Madras, and it was quashed by a Division Bench of the High Court of Madras;

AND WHEREAS, in the Special Leave Petitions filed before the Supreme Court of India against the above Judgment of High Court of Madras, quashing the above said Tamil Nadu Ordinance 1 of 2007 and the said Tamil Nadu Act 39 of 2007, the Supreme Court has ordered that status *quo* as on 14-12-2007 shall be maintained until further orders and the petitioners shall not pass any order of regularization in the meantime;

AND WHEREAS, the validity of the said Tamil Nadu Act 39 of 2007 is pending before the Supreme Court of India and the said Tamil Nadu Act 39 of 2007 ceased to operate on 26th day of July 2008 and in order to maintain the status *quo* as ordered by the

Supreme Court of India, the Government have enacted the Tamil Nadu Laws (Special Provisions) Act, 2008 (Tamil Nadu Act 56 of 2008), which would also cease to operate from the 27th day of July 2009;

AND WHEREAS, there is a need to make provisions to deal with deviations which may be marginal or gross in nature in a balanced and just manner without compromise on the safety and transport mobility but at the same time keeping in view the spirit and text of judicial pronouncements;

AND WHEREAS, the modern requirements of fire safety precautions in commercial and shopping centers should be gone through thoroughly evolving a safety measure and to make provisions to empower the planning authority suitably;

AND WHEREAS, the committee headed by a retired Supreme Court Judge is yet to submit its report and the Government will require more time to consider the report of the retired Supreme Court Judge and there is an urgent need for deferring enforcement action against unauthorized buildings;

AND WHEREAS, the purpose and objective of the Tamil Nadu Laws (Special Provisions) Act, 2008 has not been subserved and it is expedient to have a law to provide temporary relief to the people of Chennai Metropolitan Planning Area against such action for a period upto 26th July 2010 within which various issues referred to above to be finalized;

AND WHEREAS, it is expedient to have a law for a period of one year to provide temporary relief and to minimize hardships and irreparable loss to a large number of people including small traders;

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,
extent
and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu Laws (Special Provisions) Act, 2010.

(2) It extends to the Chennai Metropolitan Planning Area.

(3) It shall be deemed to have come into force on the 27th day of July 2009.

(4) It shall cease to have effect on the expiry of one year from the date of its commencement, except as respects things done or omitted to be done before such cesser, and upon such cesser section 8 of the Tamil Nadu General Clauses Act, 1891, shall apply as if this Act had then been repealed by a Tamil Nadu Act.

Tamil Nadu
Act I of
1891.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “building rules, regulations and bye-laws” means rules, regulations and bye-laws made under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920 and the Tamil Nadu Panchayats Act, 1994 as the case may be, relating to buildings;

Tamil Nadu
Act IV of
1919.

Tamil Nadu
Act V of
1920.

Tamil Nadu
Act 21 of
1994.

(b) “Chennai Metropolitan Planning Area” means the Chennai Metropolitan Planning Area, specified under clause (23-a) of section 2 of the Tamil Nadu Town and Country Planning Act, 1971;

Tamil Nadu
Act 35 of
1972.

(c) “detailed development plan” means a detailed development plan approved under the Tamil Nadu Town and Country Planning Act, 1971, in respect of any area covered under the Chennai Metropolitan Planning Area;

Tamil Nadu
Act 35 of
1972.

(d) “Development Control Rules” means the Development Control Rules for Chennai Metropolitan Planning Area;

(e) “Government” means the State Government;

- Tamil Nadu Act IV of 1919.
- Tamil Nadu Act V of 1920.
- Tamil Nadu Act 21 of 1994.
- Tamil Nadu Act 35 of 1972.
- Tamil Nadu Act 35 of 1972.
- Tamil Nadu Act 35 of 1972.
- Tamil Nadu Act IV of 1919.
- Tamil Nadu Act V of 1920.
- Tamil Nadu Act 21 of 1994.
- (f) "local authority" means the Chennai City Municipal Corporation established under the Chennai City Municipal Corporation Act, 1919 or Municipalities or Town Panchayats (within Chennai Metropolitan Planning Area) established under the Tamil Nadu District Municipalities Act, 1920 or Panchayat Unions or Village Panchayats (within Chennai Metropolitan Planning Area) established under the Tamil Nadu Panchayats Act, 1994 or the Chennai Metropolitan Development Authority constituted under the Tamil Nadu Town and Country Planning Act, 1971, legally entitled to exercise control in respect of the areas under their respective jurisdictions;
- (g) "Master Plan" means the Master Plan for Chennai Metropolitan Planning Area, published under the Tamil Nadu Town and Country Planning Act, 1971;
- (h) "public street" means public street as defined in clause (37) of section 2 of the Tamil Nadu Town and Country Planning Act, 1971;
- (i) "punitive action" means action taken by local authority within Chennai Metropolitan Planning Area under the relevant law against unauthorized development and shall include demolition, whether in pursuance of court orders or otherwise;
- (j) "relevant law" means in case of—
- (i) the Chennai Metropolitan Development Authority, the Tamil Nadu Town and Country Planning Act, 1971;
- (ii) the Chennai City Municipal Corporation, the Chennai City Municipal Corporation Act, 1919;
- (iii) the Municipalities and Town Panchayats, the Tamil Nadu District Municipalities Act, 1920; and
- (iv) the Panchayat Unions and Village Panchayats, the Tamil Nadu Panchayats Act, 1994;
- (k) "unauthorized development" means use of any land or any building or construction of any building carried out,—
- (i) in deviation from any planning permission or building permit; or
- (ii) without obtaining any planning permission or building permit; or
- (iii) in contravention of the land use zoning under the Master Plan or any approved detailed development plan; or
- (iv) in contravention of the Development Control Rules for Chennai Metropolitan Planning Area, building rules, regulations, bye-laws applicable to areas within the Chennai Metropolitan Planning Area;
- and includes unauthorized occupation by hawkers and street vendors in the public street and by the people in the slum area.
- (2) The words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Tamil Nadu Town and Country Planning Act, 1971, the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920 and the Tamil Nadu Panchayats Act, 1994.
- Tamil Nadu Act 35 of 1972.
- Tamil Nadu Act IV of 1919.
- Tamil Nadu Act V of 1920.
- Tamil Nadu Act 21 of 1994.

Government to finalise norms and policy guidelines, etc.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Government shall within a period of one year from the date of commencement of this Act, take all possible measures, with due regard to environment, to finalise norms, policy guidelines and feasible strategies to deal with the problems of unauthorized developments with regard to the under mentioned categories, namely:—

(a) land use not conforming to, the Master Plan, detailed development plans or any Planning permission;

(b) construction in deviation from or beyond planning permission or building permit;

(c) development without any planning permission or building permit; and

(d) unauthorized occupation by, the hawkers and street vendors, in the public street and by the people in slum area,

so that the developments of Chennai Metropolitan Planning Area take place in a sustainable and planned manner.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo* as on the date of the commencement of this Act shall be maintained in respect of the categories of unauthorized development mentioned in sub-section (1).

(3) All notices issued by any local authority or any authority empowered under relevant law for initiating action against the categories of unauthorized development mentioned in sub-section (1) prior to 27th day of July 2007 shall be deemed to have been suspended and no punitive action shall be taken during the said period of one year.

(4) Notwithstanding any other provisions contained in this Act, the Government may, at any time, before the expiry of one year withdraw the concession given in sub-section (2) or sub-section (3) as the case may be, by notification in the *Tamil Nadu Government Gazette* in respect of the categories of unauthorized development mentioned in sub-section (1).

The Provisions of this Act not to apply in certain cases.

4. During the period of operation of this Act, no relief shall be available under section 3 in respect of the following categories of unauthorized development, namely:—

(a) any unauthorised development started or continued on or after the 27th day of July 2007;

(b) commencement of any activity anywhere in the Chennai Metropolitan Planning Area in violation of the provisions of the Master Plan or any detailed development plan on or after the 27th day of July 2007;

(c) unauthorized occupation on public street except in those cases which are covered under clause (d) of sub-section (1) of section 3; and

(d) removal of people in slum area, hawkers and street vendors in accordance with policies of the Government, for clearance of land required for any public project.

Act to override other laws.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law made by the legislature of the State for the time being in force.

Power to give directions.

6. The Government may, from time to time issue such directions to any local authority or any authority under any relevant law as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of such local authority or authority to comply with such directions.

Repeal and saving.

7. (1) The Tamil Nadu Laws (Special Provisions) Ordinance, 2009 is hereby repealed.

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

Tamil Nadu Ordinance 2 of 2009.

STATEMENT OF OBJECTS AND REASONS.

There had been rapid increase in the population owing to industrialization, migration and various other factors, putting pressure on land and infrastructure in the Chennai Metropolitan Planning Area leading to unauthorized developments which are not in conformity with the provisions of the Acts, building rules, regulations and bye-laws in force in the Chennai Metropolitan Planning Area.

2. The Government have constituted a committee headed by a retired Supreme Court Judge to look into all aspects of developments and to suggest necessary modifications to the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972). The committee is looking into the aspects including various aspects of unauthorized constructions and unauthorized use of the premises and yet to submit its recommendation. It is expected that the recommendations of the committee aforesaid may involve substantial amendments to the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) and some with retrospective effect, and in particular to the provisions relating to construction and use of the premises, thereby changing the position as obtaining now under the said Act.

3. The Chennai Metropolitan Development Authority has prepared the draft Master Plan II for Chennai Metropolitan Planning Area, with the perspective year 2026 keeping in view the emerging new dimensions in urban development. The Government have approved the said draft Master Plan-II for Chennai Metropolitan Planning Area 2026 and the same has been published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 2nd September 2008. The various ramifications of the approved Master Plan-II for Chennai Metropolitan Area 2026 are under consideration of the six sectoral committees formed for the purpose.

4. A comprehensive policy for the improvement of slum areas and resettlement of the people in slum area wherever necessary in the Chennai Metropolitan Planning Area is contemplated by the State Government.

5. A detailed study of the issues relating to unauthorized occupation by the vendors and hawkers in the public streets is contemplated with a view to evolving a scheme for regulating their activities.

6. Action for violation of the provisions of the Acts, building rules, regulations, bye-laws in force in the Chennai Metropolitan Planning Area before a final view is taken in the matter by the Government may cause avoidable hardship and irreparable loss to a large number of people including small traders.

7. The Government have, therefore, enacted the Tamil Nadu Laws (Special Provisions) Act, 2007 (Tamil Nadu Act 39 of 2007) so as to defer the enforcement action by the authorities against the violation of laws in force. The validity of the said Act has been challenged before the High Court, Madras and a Division Bench of High Court, Madras has quashed the said Act. The Government have therefore filed Special Leave petition before the Supreme Court of India against the above Judgment of High Court, Madras. The Supreme Court of India has ordered to maintain the *status-quo* as on 14-12-2007. Since, the said Tamil Nadu Act 39 of 2007 ceased to operate on the 26th day of July 2008, and in order to maintain the *status quo* as ordered by the Supreme Court of India, the Government have enacted the Tamil Nadu Laws (Special Provisions) Act, 2008 (Tamil Nadu Act 56 of 2008), which would also cease to operate from the 27th July 2009. Therefore, there was an urgent need to defer such enforcement action in Chennai Metropolitan Planning Area for a period of one year. The Government have, therefore, decided to bring in a legislation for the above purpose.

8. Accordingly, the Tamil Nadu Laws (Special Provisions) Ordinance, 2009 (Tamil Nadu Ordinance 2 of 2009) was promulgated by the Governor on the 25th July 2009 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 27th July 2009.

9. The Bill seeks to replace the said Ordinance.

PARITHI ELLAMVAZHUTHI,
Minister for Information.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Sub-clause (4) of clause 3 and clause 6 of the Bill authorize the Government to issue notification or directions, as the case may be, for the purposes specified therein.

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

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 9th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 10 OF 2010

A Bill to provide for Uniform System of School Education in the State of Tamil Nadu and matters connected therewith and incidental thereto.

WHEREAS at present there are four streams of school education in the State under the control of the State Government, namely, State Board Schools, Matriculation Schools, Oriental Schools and Anglo-Indian Schools and these schools have separate syllabus, text books and scheme of examination and are under the control of different Boards. As a result, the standard of education in these schools are not uniform;

AND WHEREAS the Government are of the view that it is indispensable to evolve a uniform system of school education in the State to ensure social justice and provide quality education in the schools in the State;

AND WHEREAS the Government constituted a committee under the Chairmanship of Thiru Muthukumaran, former Vice-Chancellor of Bharathidasan University to examine the implementation of uniform system of school education. The said committee examined all the issues and submitted its recommendations to the Government;

AND WHEREAS a one man committee was constituted with Thiru.M.P.Vijayakumar, I.A.S. (Retired) to look into the recommendations of Thiru.Muthukumaran Committee;

AND WHEREAS the said one man committee looked into the recommendations of Thiru Muthukumaran Committee and submitted its recommendations to the Government;

AND WHEREAS a team of educationists under the Chairmanship of Thiru. M.P.Vijayakumar, I.A.S. (Retired) visited the States of Kerala, Karnataka, Gujarat and Maharashtra and reviewed the education system in vogue in those States and the said team submitted its report on the administrative setup of the School Education department and Boards of Education, examination systems and evaluation methods adopted by those States;

AND WHEREAS the Government after much deliberations, accepted the idea that all the Government schools, Government aided schools and private schools including Matriculation Schools, Anglo-Indian Schools and Oriental Schools in the State, having the common syllabus, text books and examination system will ensure social justice and provide quality education. Accordingly, the Government have decided to implement the uniform system of school education in the State;

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 Uniform System of School Education Act, 2010.

Short title and commencement.

(2) It shall be deemed to have come into force on the 30th day of November 2009.

2. In this Act, unless the context otherwise requires,—

Definition.

(a) “academic year” means the year commencing on the first day of June;

(b) “Anglo-Indian School” means a school approved as such under the Code of Regulations for Anglo-Indian Schools;

(c) “Board” means the State Common Board of School Education constituted under section 5;

(d) “competent authority” means any authority, officer or person authorized by the Government, by notification, to perform the functions of the competent authority for such area or in relation to such class of private school, as may be specified in the notification;

(e) “Government” means the State Government;

(f) "matriculation school" means a school approved as such under the Code of Regulations for Matriculation Schools;

(g) "oriental school" means a school approved as such by the Director of School Education;

(h) "prescribed" means prescribed by rules;

(i) "school" means,—

(i) any primary school, middle school, high school or higher secondary school maintained by the State or any local authority; or

(ii) any primary school, middle school, high school or higher secondary school established and administered or maintained by any private educational agency including minority school established and administered under clause (1) of Article 30 of the Constitution, whether receiving aid out of the State fund or not; or

(iii) any matriculation school, Anglo-Indian school or oriental school including minority school established and administered under clause (1) of Article 30 of the Constitution, whether receiving aid out of the State fund or not, but does not include a school affiliated to the Central Board of Secondary Education.

Explanation.—For the purpose of this clause,—

(1) "local authority" means—

(i) the Municipal Corporations of Chennai, Madurai, Coimbatore, Salem, Tiruchirappalli, Tirunelveli, Erode, Tiruppur, Vellore, Thoothukudi or any other Municipal Corporation that may be constituted under any law for the time being in force; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920; or

Tamil Nadu
Act V of
1920.

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994;

Tamil Nadu
Act 21 of
1994.

(2) (i) primary school shall consist of Standards I to V;

(ii) middle school shall consist of Standards I to VIII or Standards VI to VIII;

(iii) high school shall consist of Standards I to X or Standards VI to X or Standards IX and X;

(iv) higher secondary school shall consist of Standards I to XII, Standards VI to XII or Standards XI and XII;

(j) "State" means the State of Tamil Nadu.

Schools to
follow
common
syllabus and
text book.

3. (1) Every school in the State shall follow the common syllabus and text books as may be specified by the Board for each subject,-

(a) in Standards I and VI, commencing from the academic year 2010-2011;

(b) in Standards II to V and Standards VII to X from the academic year 2011-2012.

(2) Subject to the provisions of sub-section (1), every school in the State shall,-

(a) follow the norms fixed by the Board for giving instruction in each subject;

(b) follow the norms for conducting examination as may be specified by the Board.

Medium of
instructions.

4. All the subjects, other than languages, may be taught in Tamil or English or in any other language as may be decided by a school with the approval of the competent authority.

Constitution of
Board.

5. (1) The Government shall, by notification, constitute a Board to be called as the State Common Board of School Education for the purpose of implementing the policy of the

Government to provide uniform school education in the State. The Board shall exercise the powers conferred, and perform the functions assigned to it, under this Act.

(2) The Board shall consist of the following members, namely:—

Ex-officio Members.

- (a) The Director of School Education, who shall be the Chairperson;
- (b) The Additional Secretary to Government, School Education Department;
- (c) The Director of Government Examinations;
- (d) The Director of Matriculation Schools;
- (e) The Director of Elementary Education;
- (f) The Director, Teacher Education, Research and Training;
- (g) The Joint Director of School Education (Secondary Education), who shall be the Member-Secretary.

Other Members.

(a) Three members nominated by the Government from among the academic experts and eminent educationists;

(b) One member nominated by the Government from among the teachers of matriculation schools;

(c) One member nominated by the Government from among the teachers of the oriental schools;

(d) One member nominated by the Government from among the teachers of the Anglo-Indian schools.

(3) The headquarters of the Board shall be located at Chennai.

(4) The Board shall meet, as often as may be necessary, at such time and place and observe such rules of procedure as may be prescribed:

Provided that the Board shall meet at least twice in a year.

(5) The Chairperson shall preside over the meeting of the Board.

(6) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, the Board.

6. (1) The nominated members shall hold office for a term of three years and shall be eligible for re-nomination for a further term of three years:

Provided that for the purpose of this sub-section, a person who has held office as a nominated member in a casual vacancy for a period of not less than one year shall be deemed to have held office for a full term of three years.

(2) A nominated member may, by writing under his hand addressed to the Government, resign his office but he shall continue to hold office until his resignation is accepted by the Government.

(3) The nominated members shall be eligible to draw such rate of sitting fee and travelling allowance as may be applicable to a First Class Committee.

7. If, at any time, it appears to the Government that a nominated member has shown himself to be unsuitable for office or has been guilty of misconduct or neglect which renders his removal expedient, the Government may, after giving the nominated member a reasonable opportunity of showing cause, by notification, remove the nominated member, from the office.

8. If a casual vacancy occurs in the office of a nominated member, either by reason of his death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as may be, by the Government and the nominated member shall hold office only for the remainder of the term for which the person whose place he fills would have been a nominated member.

Terms and conditions of service of nominated members of the Board.

Removal from membership of Board.

Filling up of casual vacancy.

Powers and functions of Board.

9. It shall be the duty of the Board to take all such steps as it may think fit for ensuring uniform system of school education in the State. The Board shall,-

(a) prescribe the common syllabus and text books for each Standard and each course of study in the school;

(b) prescribe the norms for conducting the examinations and the minimum standards for the award of certificate;

(c) evaluate the standard of school education and suggest recommendations for improvement of school education;

(d) constitute such number of committees as it may think fit, for the consideration of any business;

(e) advise the Government upon the action to be taken for the purpose of implementing the uniform system of school education; and

(f) perform such other functions as may be prescribed.

Power to constitute committees.

10. (1) The Board may, at any time, constitute a committee or committees consisting of such number of members as it may think fit or resolve itself into a committee for the consideration of any business.

(2) The committee shall have the powers to co-opt additional member or members with prior approval of the Chairperson of the Board.

(3) The committee shall submit its report to the Board within such time as may be directed by the Board.

Penalties.

11. If any person wilfully contravenes the provisions of this Act or any rules made thereunder, he shall be punishable with fine which may extend to twenty-five thousand rupees and in the case of continuing contravention, with an additional fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

Offences by companies.

12. (1) Where an offence against any of the provisions of this Act have been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) “company” means any body corporate and includes a trust, a firm, a society or other association of individuals, and

(b) “director” in relation to—

(i) a firm, means a partner in the firm;

(ii) a society, a trust or other association of individuals, means the person who is entrusted under the rules of the society, trust or other association with the management of the affairs of the society, trust or other association, as the case may be.

Cognizance of offences.

13. No court shall take cognizance of any offence under this Act except with the sanction of the Government or such officer as the Government may authorize in this behalf.

- 14.** (1) The Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy, as the Government may give in writing to it, from time to time. Directions by the Government.
- (2) The decision of the Government as to whether a question is one of policy or not shall be final.
- 15.** No suit, prosecution or other legal proceedings shall lie against the Board, Government or its officers for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder. Protection of action taken in good faith.
- 16.** (1) The Government may, in the public interest, by order, direct the Board to make an enquiry in any case specified in the order, and the Board shall report to the Government the result of the enquiry made by it within such period as may be prescribed. Power of Government to give direction.
- (2) On receipt of the report from the Board under sub-section (1), the Government shall give such direction as they deem fit and such direction shall be final and binding.
- 17.** (1) The Government may make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made or notification or order issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.
- 18.** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the *Tamil Nadu Government Gazette*, make such provisions, not inconsistent with the provisions of this Act as appears to them to be necessary or expedient for removing the difficulty: Power to remove difficulties.
- Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.
- 19.** (1) The Tamil Nadu Uniform System of School Education Ordinance, 2009 is hereby repealed. Repeal and saving.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

Tamil Nadu
Ordinance 4
of 2009.

THANGAM THENNARASU,
Minister for School Education.

STATEMENT OF OBJECTS AND REASONS.

At present, there are four streams of school education in the State under the control of the State Government, namely, State Board Schools, Matriculation Schools, Oriental Schools and Anglo-Indian Schools and these schools have separate syllabus, text books and scheme of examination and are under the control of different Boards. As a result, the standard of education in these schools are not uniform. Hence, the Government are of the view that it is indispensable to evolve a uniform system of school education in the State to ensure social justice and provide quality education in the schools in the State. The Government have, therefore, decided to implement the Uniform System of School Education in the State, by undertaking suitable legislation for the purpose. Accordingly, the Tamil Nadu Uniform System of School Education Ordinance, 2009 (Tamil Nadu Ordinance 4 of 2009) was promulgated by the Governor on the 27th November 2009 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 30th November 2009.

2. The Bill seeks to replace the said Ordinance.

THANGAM THENNARASU,
Minister for School Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 2(d), 5(1) and (4), 7, 9, 16, 17(1), 18 of the Bill authorise the Government to issued notifications or orders or to make rules, as the case may be, for the purposes specified therein .

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

THANGAM THENNARASU,
Minister for School Education.

FINANCIAL MEMORANDUM

Clause 6(3) of the Bill provides for payment of sitting fee and traveling allowance to the nominated members of the State Common Board of School Education.

2. The Bill when enacted would therefore, involve expenditure from the Consolidated Fund of the State. It is however not possible at this stage to estimate with any degree of accuracy, the expenditure to be incurred, as a result of the proposed legislation.

THANGAM THENNARASU,
Minister for School Education.

M. SELVARAJ,
Secretary.