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Part IV—Section 1

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 11th August 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 18 of 2014

A Bill further to amend the Tamil Nadu Prohibition Act, 1937.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth year of the Republic of India as follows: –

Short title and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu Prohibition (Amendment) Act, 2014.

(2) It shall come into force at once.

Amendment of
section 18-B.

2. In section 18-B of the Tamil Nadu Prohibition Act, 1937, for sub-section (1), the following sub-section shall be substituted, namely:-

Tamil Nadu Act
X of 1937.

“(1) Notwithstanding anything contained in section 18-A, an excise duty or countervailing duty at such rate not exceeding –

- (a) rupees two hundred and fifty per proof litre, for ordinary brands;
- (b) rupees three hundred per proof litre, for medium brands;
- (c) rupees five hundred per proof litre, for premium brands,

as the State Government may, from time to time, by notification specify, shall be levied only under this section on all excisable articles –

- (a) permitted to be imported under this Act;
- (b) permitted to be exported under this Act;
- (c) permitted to be transported under this Act;
- (d) manufactured under any licence granted under this Act;
- (e) manufactured at any distillery, blending unit or brewery licensed or established under this Act;
- (f) issued from a distillery, blending unit, brewery or warehouse licensed or established under this Act; or
- (g) sold in any part of this State.

Explanation.– For the purpose of this sub-section, –

- (a) ordinary, medium and premium brands mean the Indian-made foreign spirits brands classified as such by notification by the State Government;
- (b) each case of Indian-made foreign spirits containing nine bulk litres or less than nine bulk litres shall be considered as containing 6.75 proof litres and excise duty shall be levied accordingly”.

STATEMENT OF OBJECTS AND REASONS

With a view to augment the revenue of the State, it has been decided to enhance the maximum rate of excise duty leviable on Indian-made foreign spirits from one hundred and twenty-five rupees, to two hundred and fifty rupees per proof litre in the case of ordinary brands, three hundred rupees per proof litre in the case of medium brands, and five hundred rupees per proof litre in the case of premium brands.

2. To give effect to the above decision, the Government have decided to amend sub-section (1) of section 18-B of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) suitably.

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

NATHAM R. VISWANATHAN,

*Minister for Electricity,
Prohibition and Excise.*

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (1) of section 18-B of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) proposed to be substituted by clause 2 of the Bill authorises the State Government to issue notifications, for the purposes specified therein.

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

NATHAM R. VISWANATHAN,
*Minister for Electricity,
Prohibition and Excise.*

A.M.P. JAMALUDEEN,
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 11th August 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 19 of 2014

A Bill further to amend the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand-offenders, Slum-grabbers and Video Pirates Act, 1982 .

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum-grabbers and Video Pirates (Amendment) Act, 2014.

Short title and commencement.

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

2. In the long title to the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum-grabbers and Video Pirates Act, 1982 (hereinafter referred to as the principal Act), for the expression "bootleggers, drug-offenders", the expression "bootleggers, cyber law offenders, drug-offenders" shall be substituted.

Amendment of long title

3. In the preamble to the principal Act,

(1) in the first paragraph, for the expression "bootleggers, drug-offenders", the expression "bootleggers, cyber law offenders, drug-offenders" shall be substituted;

Amendment of preamble

(2) In the second paragraph, -

(a) for the expression "bootleggers, drug-offenders", the expression "bootleggers, cyber law offenders, drug-offenders" shall be substituted;

(b) the expression "eight" shall be omitted.

4. In section 1 of the principal Act, in sub-section (1), for the expression "Bootleggers, Drug-offenders", the expression "Bootleggers, Cyber law offenders, Drug-offenders" shall be substituted.

Amendment of section 1

5. In section 2 of the principal Act,-

(1) in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

Amendment of section 2

"(i-A) in the case of a cyber law offender, when he is engaged, or is making preparations for engaging, in any of his activities as a cyber law offender, which affect adversely, or are likely to affect adversely, the maintenance of public order;";

(2) after clause (b), the following clause shall be inserted, namely:-

"(bb) "cyber law offender" means a person, who commits or attempts to commit or abets the commission of any offence, punishable under Chapter XI of the Information Technology Act, 2000;" ;

Tamil Nadu Act
14 of 1982.

Central Act 21
of 2000.

(3) in clause (f), the expression "habitually" shall be omitted.

Amendment of
section 3

6. In section 3 of the principal Act, in sub-section(1), after the expression "bootlegger", the expression " or cyber law offender" shall be inserted.

Amendment of
section 17

7. In section 17 of the principal Act,

(1) In the marginal heading, for the expression "bootlegger, drug-offender", the expression "bootlegger, cyber law offender, drug-offender" shall be substituted;

(2) for the expression "bootlegger, drug-offender", the expression "bootlegger, cyber law offender, drug-offender" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug- offenders, Forest - offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum- grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) provides for preventive detention of certain types of offenders whose activities have the potential to affect the public order. The basic requirement for making an order of detention under the said Act, in respect of 'goonda' is habitual commission or attempt to commit or abetment of commission of offences specified in the definition of the term "goonda". There are instances where a single act has the potential to disrupt public order and therefore it will not be meaningful to wait for habitual commission of offences by a person before resorting to preventive detention. Hence, there is a need for a provision for preventive detention of such persons even on commission of a single offence which has the propensity to disturb public order.

2. Now, cyber crime is assuming great importance because of spread of information technology. Cyber crime also has the potential for posing a threat to internal security. Businesses and even Government functioning can be affected or even brought to a standstill by hackers and cyber criminal. Hence it has been considered to bring the cyber law offenders within the ambit of the said Act.

3. Accordingly, the Government have decided to amend the said Tamil Nadu Act 14 of 1982 for the above purposes.

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

NATHAM R. VISWANATHAN,
*Minister for Electricity,
Prohibition and Excise.*

A.M.P. JAMALUDEEN,
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 11th August 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 20 of 2014

A Bill further to amend the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum-grabbers and Video Pirates Act, 1982.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum-grabbers and Video Pirates (Second Amendment) Act, 2014.

Short title and commencement.

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

Tamil Nadu Act
14 of 1982.

2. In the long title to the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum-grabbers and Video Pirates Act, 1982 (herein after referred to as the Principal Act), for the expression "sand-offenders, slum-grabbers", the expression "sand-offenders, sexual-offenders, slum-grabbers" shall be substituted.

Amendment of long title.

3. In the preamble to the principal Act,-

Amendment of preamble

(1) in the first paragraph, for the expression "sand-offenders, slum-grabbers", the expression "sand-offenders, sexual-offenders, slum-grabbers" shall be substituted;

(2) in the second paragraph, for the expression "sand-offenders, slum-grabbers", the expression "sand-offenders, sexual-offenders, slum-grabbers" shall be substituted.

4. In section 1 of the principal Act, in sub-section (1), for the expression "Sand-offenders, Slum-grabbers", the expression "Sand-offenders, Sexual-offenders, Slum-grabbers" shall be substituted.

Amendment of section 1

5. In section 2 of the principal Act,-

Amendment of section 2

(1) in clause (a), after sub-clause (IV-A), the following sub-clause shall be inserted, namely:-

"(IV-B) in the case of a sexual -offender, when he is engaged, or is making preparations for engaging, in any of his activities as a sexual-offender, which affect adversely, or are likely to affect adversely, the maintenance of public order;";

(2) in clause (f), for the expression "under Chapter XVI", the expression "under Chapter XVI other than sections 354, 376,376-A, 376-B, 376-C, 376-D and 377" shall be substituted;

(3) after clause (gg), the following clause shall be inserted, namely:-

“(ggg) “sexual-offender” means a person, who commits or attempts to commit or abets the commission of any offence punishable under sections 354, 376, 376-A, 376-B, 376-C, 376-D or 377 of the Indian Penal Code or the Tamil Nadu Prohibition of Harassment of Women Act, 1998 or the Protection of Children from Sexual Offences Act, 2012;”.

Central Act
XLV of 1860.

Tamil Nadu
Act 44 of
1998.

Central Act
32 of 2012.

Amendment of
section 3

6. In section 3 of the principal Act, in sub-section(1), after the expression “sand-offender”, the expression “or sexual-offender” shall be inserted.

Amendment of
section 17

7. In section 17 of the principal Act,-

(1) in the marginal heading, for the expression “sand-offender, slum-grabber”, the expression “sand-offender, sexual-offender, slum-grabber” shall be substituted;

(2) for the expression “sand-offender, slum-grabber” the expression “sand-offender, sexual-offender, slum-grabber” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

As the sexual offences against women are prejudicial to the maintenance of public order, the Government have announced a 13 – point action plan, which included a proposal to bring sexual offenders within the purview of preventive detention under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug- offenders, Forest - offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Slum-grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982). Accordingly, it has been decided to amend the said Tamil Nadu Act 14 of 1982 so as to bring sexual offenders within the ambit of the said Act.

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

NATHAM R. VISWANATHAN

*Minister for Electricity,
Prohibition and Excise.*

A.M.P. JAMALUDEEN,
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 11th August 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 21 of 2014

A Bill further to amend the Tamil Nadu Town and Country Planning Act, 1971.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Town and Country Planning (Amendment) Act, 2014.

Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu Act
35 of 1972.

2. In section 9-A of the Tamil Nadu Town and Country Planning Act, 1971, in sub-section (2),-

Amendment of section 9-A.

(a) after clause (c), the following clause shall be inserted, namely :-

“(cc) the senior most Chief Planner In the Chennai Metropolitan Development Authority;”;

(b) after clause (h), the following clause shall be added, namely :-

“(i) a Professor in Town Planning in the School of Architecture and Planning, to be nominated by the Anna University.”.

STATEMENT OF OBJECTS AND REASONS.

Orders were issued by the Government to include a Professor in Town Planning in the School of Architecture and Planning, Anna University and the senior most Chief Planner of Chennai Metropolitan Development Authority as members in the Chennai Metropolitan Development Authority.

2. The Member-Secretary, Chennai Metropolitan Development Authority has sent proposal to amend sub-section (2) of section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) for inclusion of the said persons as members in the Chennai Metropolitan Development Authority. The Government have considered the proposal and decided to amend sub-section (2) of section 9-A of the said Tamil Nadu Act 35 of 1972 for the said purpose.

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

R. VAITHILINGAM,
*Minister for Housing and
Urban Development Department.*

A.M.P. JAMALUDEEN,
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 11th August 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 22 of 2014

A Bill further to amend the Tamil Nadu Panchayats Act, 1994.

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

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 2014.

Short title and commencement.

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

Tamil Nadu Act
21 of 1994.

2. After Section 143 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

Insertion of new sections 143-A and 143-B.

“143-A. Grant of permit to sink well.— (1) No person shall, either himself or through any person on his behalf engage in sinking any well in the panchayat village for any purpose without obtaining a permit from the executive authority:

Provided that this sub-section shall not apply for sinking of well for domestic purpose:

Tamil Nadu Act
27 of 1987.

Provided further that this sub-section shall not apply to the revenue villages specified in the Schedule to the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987.

(2) Any person desiring to sink a well shall apply to the executive authority, for grant of permit for this purpose and shall not proceed with any activity connected with such sinking of well, unless a permit has been granted by the executive authority.

(3) Every application for grant of permit shall be made in such form and contain such particulars as may be prescribed, and shall be accompanied by such fee not exceeding five thousand rupees as may be prescribed.

(4) On receipt of an application under sub-section (2), the executive authority may grant, subject to such conditions and restrictions as it may specify, a permit authorising sinking of well or refuse to grant such permit:

Provided that no permit shall be refused unless the applicant has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal to grant the permit shall be intimated by the executive authority to the applicant within such period as may be prescribed.

(6) Any person aggrieved by the decision of the executive authority under sub-section (5) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(7) The owner of every well in use or disuse shall follow such safety measures as may be prescribed.

143-B. Grant of certificate of registration.— (1) Every person desiring to carry on the business of sinking well in any panchayat village shall apply to the Collector for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding fifteen thousand rupees as may be prescribed.

(3) On receipt of an application under sub-section (1), the Collector may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration:

Provided that no certificate of registration shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the Collector to the person within such period as may be prescribed.

(5) Any person aggrieved by the decision of the Collector under sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed.

Explanation.— For the purpose of Sections 143, 143-A and 143-B,—

(a) “sink” with all its grammatical variations and cognate expressions includes digging, drilling, boring or deepening;

(b) “well” means a well sunk for search or extraction of groundwater and includes an open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well or infiltration gallery, but does not include a well sunk by the Government or Central Government for carrying out scientific investigation, exploration, development or management work for the survey and assessment of groundwater resources;

(c) “person” includes a company or association of individuals, whether incorporated or not.”.

3. After section 246-A of the principal Act, the following section shall be inserted, namely:—

“246-B. Penalty for sinking well without permit or registration.—Whoever contravenes any of the provisions of Section 143-A or 143-B or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees.”.

Insertion of
new
sections
246-B.

STATEMENT OF OBJECTS AND REASONS.

Fatal accidents and death of small children have occurred due to the careless attitude of the owners of bore wells, tube wells and open wells and the agencies carrying on the business of sinking such wells. Hence, in order to regulate the sinking of bore wells, tube wells and open wells, the Government have decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) suitably.

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

S.P.VELUMANI

*Minister for Municipal Administration,
Rural Development, Law,
Courts and Prisons.*

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New Sections 143-A and 143-B proposed to be inserted in the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) by clause 2 of the Bill empowers the Government to make rules and to issue notifications, for the purposes specified therein.

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

S.P.VELUMANI,
*Minister for Municipal Administration,
Rural Development, Law,
Courts and Prisons.*

A.M.P. JAMALUDEEN,
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 11th August 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 23 of 2014

A Bill further to amend the Laws relating to the Municipal Corporations and Municipalities and the Chennai Metropolitan Area Groundwater (Regulation) Act.

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

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws and the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2014.

Short title and commencement.

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

PART-II.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Tamil Nadu Act
V of 1920.

2. In Section 223 of the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act),—

Amendment of section 223.

(1) in the marginal heading, the expression “wells” shall be omitted;

(2) in sub-section (1), the expression “well” shall be omitted.

3. After section 223 of the 1920 Act, the following sections shall be inserted, namely:—

Insertion of new sections 223-A and 223-B.

“223-A. *Grant of permit to sink well.*— (1) No person shall, either himself or through any person on his behalf engage in sinking any well in any area of third grade municipality, town panchayat or municipality for any purpose without obtaining a permit from the executive authority:

Provided that this sub-section shall not apply for sinking of well for domestic purpose:

Provided further that this sub-section shall not apply to the revenue villages specified in the Schedule to the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1987).

(2) Any person desiring to sink a well shall apply to the executive authority, for grant of permit for this purpose and shall not proceed with any activity connected with such sinking of well, unless a permit has been granted by the executive authority.

(3) Every application for grant of permit shall be made in such form and contain such particulars as may be prescribed, and shall be accompanied by such fee not exceeding five thousand rupees as may be prescribed.

(4) On receipt of an application under sub-section (2), the executive authority may grant, subject to such conditions and restrictions as it may specify, a permit authorising sinking of well or refuse to grant such permit:

Provided that no permit shall be refused unless the applicant has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal to grant the permit shall be intimated by the executive authority to the applicant within such period as may be prescribed.

(6) Any person aggrieved by the decision of the executive authority under sub-section (5) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the State Government, by notification, in this behalf.

(7) The owner of every well in use or disuse shall follow such safety measures, as may be prescribed.

223-B. *Grant of certificate of registration.* - (1) Every person desiring to carry on the business of sinking well in any area of third grade municipality, town panchayat or municipality shall apply to the Collector for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding fifteen thousand rupees as may be prescribed.

(3) On receipt of an application under sub-section (1), the Collector may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration:

Provided that no certificate of registration shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the Collector to the applicant within such period as may be prescribed.

(5) Any person aggrieved by the decision of the Collector under sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the State Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed.

Explanation.— For the purpose of Sections 220, 223-A and 223-B,—

(a) “sink” with all its grammatical variations and cognate expressions includes digging, drilling, boring or deepening;

(b) “well” means a well sunk for search or extraction of groundwater and includes an open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well or infiltration gallery, but does not include a well sunk by the State Government or Central Government for carrying out scientific investigation, exploration, development or management work for the survey and assessment of groundwater resources;

(c) “person” includes a company or association of individuals, whether incorporated or not.”.

4. After Section 316 of the 1920 Act, the following section shall be inserted, namely:—

“316-A. *Penalty for sinking well without permit or registration.*— Whoever contravenes any of the provisions of Section 223-A or 223-B or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees.”.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.Tamil Nadu Act
15 of 1971.

5. In section 331 of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act),—

Amendment of
section 331.

(1) in the marginal heading, the expression “wells” shall be omitted;

(2) in sub-section (1), the expression “well” shall be omitted.

6. After section 331 of the 1971 Act, the following sections shall be inserted, namely:—

Insertion of
new
sections
331-A and
331-B.

“331-A. *Grant of permit to sink well.*— (1) No person shall, either himself or through any person on his behalf engage in sinking any well in any area in the city of Madurai for any purpose without obtaining a permit from the commissioner:

Provided that this sub-section shall not apply for sinking of well for domestic purpose.

(2) Any person desiring to sink a well shall apply to the commissioner, for grant of permit for this purpose and shall not proceed with any activity connected with such sinking of well, unless a permit has been granted by the commissioner.

(3) Every application for grant of permit shall be made in such form and contain such particulars as may be prescribed, and shall be accompanied by such fee not exceeding five thousand rupees as may be prescribed.

(4) On receipt of an application under sub-section (2), the commissioner may grant, subject to such conditions and restrictions as he may specify, a permit authorising sinking of well or refuse to grant such permit:

Provided that no permit shall be refused unless the applicant has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal to grant the permit shall be intimated by the commissioner to the applicant within such period as may be prescribed.

(6) Any person aggrieved by the decision of the commissioner under sub-section (5) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(7) The owner of every well in use or disuse shall follow such safety measures, as may be prescribed.

331-B. *Grant of certificate of registration.*- (1) Every person desiring to carry on the business of sinking well in any area in the city of Madurai shall apply to the commissioner for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding fifteen thousand rupees as may be prescribed.

(3) On receipt of an application under sub-section (1), the commissioner may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration:

Provided that no certificate of registration shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the commissioner to the applicant within such period as may be prescribed.

(5) Any person aggrieved by the decision of the commissioner under sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking of well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed.

Explanation.— For the purpose of Sections 329, 331-A and 331-B,—

(a) “sink” with all its grammatical variations and cognate expressions includes digging, drilling, boring or deepening;

(b) “well” means a well sunk for search or extraction of groundwater and includes an open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well or infiltration gallery, but does not include a well sunk by the Government or Central Government for carrying out scientific investigation, exploration, development or management work for the survey and assessment of groundwater resources;

(c) “person” includes a company or association of individuals, whether incorporated or not.”.

Insertion of
new section
446-A.

7. After section 446 of the 1971 Act, the following section shall be inserted, namely:—

“446-A. *Penalty for sinking well without permit or registration.*— Whoever contravenes any of the provisions of Section 331-A or 331-B or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees.”.

PART-IV

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Amendment of
section 331.

8. In Section 331 of the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act),—

(1) in the marginal heading, the expression “wells” shall be omitted;

(2) in sub-section (1), the expression “well” shall be omitted.

Insertion of
new
sections
331-A and
331-B.

9. After Section 331 of the 1981 Act, the following sections shall be inserted, namely:—

“331-A. *Grant of permit to sink well.*— (1) No person shall, either himself or through any person on his behalf engage in sinking any well in any area in the city of Coimbatore for any purpose without obtaining a permit from the commissioner:

Tamil Nadu Act
25 of 1981.

Provided that this sub-section shall not apply for sinking of well for domestic purpose.

(2) Any person desiring to sink a well shall apply to the commissioner, for grant of permit for this purpose and shall not proceed with any activity connected with such sinking of well, unless a permit has been granted by the commissioner.

(3) Every application for grant of permit shall be made in such form and contain such particulars as may be prescribed, and shall be accompanied by such fee not exceeding five thousand rupees as may be prescribed.

(4) On receipt of an application under sub-section (2), the commissioner may grant, subject to such conditions and restrictions as he may specify, a permit authorising sinking of well or refuse to grant such permit:

Provided that no permit shall be refused unless the applicant has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal to grant the permit shall be intimated by the commissioner to the applicant within such period as may be prescribed.

(6) Any person aggrieved by the decision of the commissioner under sub-section (5) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(7) The owner of every well in use or disuse shall follow such safety measures, as may be prescribed.

331-B. *Grant of certificate of registration.*- (1) Every person desiring to carry on the business of sinking well in any area in the city of Coimbatore shall apply to the commissioner for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding fifteen thousand rupees as may be prescribed.

(3) On receipt of an application under sub-section (1), the commissioner may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration:

Provided that no certificate of registration shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the commissioner to the applicant within such period as may be prescribed.

(5) Any person aggrieved by the decision of the commissioner under sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed.

Explanation.— For the purpose of sections 329, 331-A and 331-B,—

(a) “sink” with all its grammatical variations and cognate expressions includes digging, drilling, boring or deepening;

(b) "well" means a well sunk for search or extraction of groundwater and includes an open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well or infiltration gallery, but does not include a well sunk by the Government or Central Government for carrying out scientific investigation, exploration, development or management work for the survey and assessment of groundwater resources;

(c) "person" includes a company or association of individuals, whether incorporated or not."

Insertion of
new section
445-A.

10. After section 445 of the 1981 Act, the following section shall be inserted, namely:—

"445-A. *Penalty for sinking well without permit or registration.*— Whoever contravenes any of the provisions of section 331-A or 331-B or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees."

PART-V.

AMENDMENTS TO THE CHENNAI METROPOLITAN AREA GROUNDWATER (REGULATION) ACT, 1987.

Amendment of
section 3.

11. In section 3 of the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987 (hereafter in this Part referred to as the 1987 Act), after sub-section (7), the following sub-section shall be added, namely:—

Tamil Nadu Act
27 of 1987.

"(8) The owner of every well in use or disuse shall follow such safety measures, as may be prescribed."

Insertion of
new section
4-A.

12. After section 4 of the 1987 Act, the following section shall be inserted, namely:—

"4-A. *Grant of certificate of registration.*- (1) Every person desiring to carry on the business of sinking well in the scheduled area shall apply to the competent authority for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding fifteen thousand rupees as may be prescribed.

(3) On receipt of an application under sub-section (1), the competent authority may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration:

Provided that no certificate of registration shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the competent authority to the applicant within such period as may be prescribed.

(5) Any person aggrieved by the decision of the competent authority under sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed."

13. After section 10 of the 1987 Act, the following section shall be inserted, namely:—

Insertion of
new section
10-A.

“10-A. *Penalty for sinking well without permit or registration.*— Notwithstanding anything contained in section 10, whoever contravenes any of the provisions of section 3 or 4-A or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees.”.

STATEMENT OF OBJECTS AND REASONS.

Fatal accidents and death of small children have occurred due to the careless attitude of the owners of bore wells, tube wells and open wells and the agencies carrying on the business of sinking such wells. To regulate the sinking of bore wells, tube wells and open wells so as to prevent the occurrence of such unfortunate accidents, the Government have decided to make suitable provisions in the Urban Local Bodies' Acts. Accordingly, the Government have decided to amend the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) and the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1987) suitably for the said purpose.

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

S.P.VELUMANI

*Minister for Municipal Administration,
Rural Development, Law,
Courts and Prisons.*

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New sections 223-A and 223-B proposed to be inserted in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) by clause 3 of the Bill, new sections 331-A and 331-B proposed to be inserted in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) by clause 6 of the Bill, new sections 331-A and 331-B proposed to be inserted in the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) by clause 9 of the Bill and new sub-section (8) of section 3 and section 4-A proposed to be inserted in the Chennai Metropolitan Area Goundwater Regulation Act, 1987 (Tamil Nadu Act 27 of 1987) by clause 11 and clause 12 of the Bill authorise the Government to make rules and issue notifications for the purposes specified therein.

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

S.P.VELUMANI

*Minister for Municipal Administration,
Rural Development, Law,
Courts and Prisons.*

A.M.P. JAMALUDEEN,
Secretary.