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Tamil Nadu Bills

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

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 7 of 2017

A Bill to provide for admission to MBBS and BDS courses on the basis of marks obtained in the qualifying examination.

WHEREAS the Government of India have amended the Indian Medical Council Act, 1956 (Central Act 102 of 1956) and the Dentists Act, 1948 (Central Act 16 of 1948) to conduct a uniform entrance examination to all Medical Educational Institutions and Dental Educational Institutions at the under graduate level and post graduate level;

AND WHEREAS the bulk of the students who would appear for the uniform entrance examination in the State of Tamil Nadu come from rural areas and facilities for them to access coaching classes to equip themselves for the said examination are not available due to non-availability of such coaching centres in their locality and also due to paucity of funds and economic conditions in which those students live;

AND WHEREAS it has been opined that the uniform entrance examination have become a traumatic experience for the parents and children, as it appears to determine at one stroke the future of the child;

AND WHEREAS the Higher Secondary Examination (Plus two) itself is a serious examination of merit casting a high burden on students, and is itself very much an entrance test to get admitted to higher level course and admission to professional courses and this obviates the need for any separate uniform entrance examination thereafter, as it would be an additional burden on the students;

AND WHEREAS the syllabus, methodology and the content of the uniform entrance examination is based on the syllabus prescribed for Higher Secondary Course of the Central Board of Secondary Education which is different from the syllabus prescribed by the Board of Higher Secondary Examination, Tamil Nadu;

NOW THEREFORE to address the challenges of the students from the State of Tamil Nadu, the Government have taken a policy decision to continue to admit students to the MBBS and BDS courses based on the marks obtained in the Higher Secondary Examination (Plus two) which is treated as the qualifying examination;

Short title and commencement.

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

1. (1) This Act may be called the Tamil Nadu Admission to MBBS and BDS Courses Act, 2017.

Definitions.

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

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

(a) “appropriate authority” means a University or an Authority authorised by the Government to select and allot students for admission to MBBS and BDS courses;

(b) “Government” means the State Government;

(c) “Government seats” means,—

(i) all the seats in MBBS and BDS courses in Government Colleges, excluding the seats reserved for all India quota; and

(ii) 65 percent of seats in MBBS and BDS courses in non-minority educational institutions and 50 percent of seats in minority educational institutions, as arrived at in accordance with the consensus between such institutions and the Government;

(d) “minority educational institution” means the educational institution recognized or declared as such by the Government, subject to such conditions as may be prescribed;

(e) “MBBS and BDS courses” means the first year of Bachelor of Medicine and Bachelor of Surgery and Bachelor of Dental Surgery;

(f) “Educational institution” means any college or an institution, by whatever name called, including minority institution, conducting MBBS and BDS courses, approved or recognised by the competent statutory body and affiliated to a University;

(g) “qualifying examination” means the examination conducted by the Board of Higher Secondary Examination, Tamil Nadu, at the Higher Secondary (Plus Two) level or any equivalent examination conducted by the Central Board of Secondary Education or the Board of any other State or any other Authority;

(h) “relevant subjects” means the subjects as may be prescribed for admission to MBBS and BDS courses;

(i) “State Board” means the Board of Higher Secondary Examination, Tamil Nadu;

(j) “University” means the University established or incorporated by an Act of the State Legislature;

(k) the expression “non-resident Indian” shall have the meaning assigned to it in the Income Tax Act, 1961.

Central Act
43 of 1961.

3. Notwithstanding anything contained in any other law or any rules, regulations or by-laws made thereunder, admission to every Government seat shall be made by the appropriate authority on the basis of the marks obtained by a student in the relevant subjects in the qualifying examination.

Admission to
Government
seat.

4. (1) The marks obtained by the students in the relevant subjects in the qualifying examination conducted by various Boards or Authority shall be equated with the marks obtained by the students in the same subjects in the qualifying examination conducted by the State Board, by adopting the method of normalisation.

Normalisation
of marks.

Explanation:—Under the method of normalisation, the highest marks obtained by the students of various Boards in each subject shall be equated to the highest marks obtained by the students of State Board in that subject and the relative marks obtained by other students in that subject shall be determined accordingly.

Illustration:—If the highest mark secured by the student of State Board in Chemistry is 100 and the highest mark secured by the student of any other Board in the same subject is 90, both the highest marks will be considered to be equal to 100. If a student of the other Board secures 70 marks in Chemistry when the first mark in Chemistry in the same Board is 90, the 70 marks will be considered to be equal to 77.77 marks as arrived at below :-

$$\frac{100 \times 70}{90} = 77.77\%$$

(2) After normalisation of marks in the relevant subjects in the qualifying examination conducted by different Boards, the qualified students of different Boards shall be merged into a common merit list.

(3) In cases where more than one student have got the same marks in the common merit list, the inter-se merit among such students shall be determined in such manner as may be prescribed.

(4) The appropriate authority shall prepare the rank lists for admission of students to the Government seats and allot students through centralised counselling.

Reservation to apply.

5. Admission to Government seats shall be made following the rule of reservation as per the law in force.

Invalidation of admission made in violation of the Act.

6. Notwithstanding anything contained in any other law in force, any admission made in violation of the provisions of this Act or the rules made thereunder shall be invalid.

Penalty.

7. (1) Whoever contravenes the provisions of this Act or the rules made thereunder shall be punishable with fine which may extend to ten lakh rupees.

(2) The Government may, if they are satisfied that any educational institution has violated any of the provisions of this Act, recommend to the concerned University or statutory body for withdrawal of affiliation or recognition of such institution or for any other course of action as they deem fit.

Protection of action taken in good faith.

8. No suit, prosecution or other legal proceedings shall lie against the appropriate authority, 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.

Power to give directions.

9. The Government may, from time to time, issue such directions as it may deem fit for giving effect to the provisions of this Act.

Power to remove difficulties.

10. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act as appear 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.

Power to make rules.

11. (1) The Government may make rules for carrying out the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) 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 the 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.

STATEMENT OF OBJECTS AND REASONS

At present, admission to MBBS and BDS Courses are made on the basis of marks obtained in the Higher Secondary Examination, as per the Tamil Nadu Admission in Professional Educational Institutions Act, 2006 (Tamil Nadu Act 3 of 2007).

2. Now, the Government of India have amended the Indian Medical Council Act, 1956 (Central Act 102 of 1956) and the Dentists Act, 1948 (Central Act 16 of 1948) to conduct a uniform entrance examination to all Medical Educational Institutions and Dental Educational Institutions at the under graduate level and post graduate level.

3. The bulk of the students who would appear for the uniform entrance examination in the State of Tamil Nadu come from rural areas and facilities for them to access coaching classes to equip themselves for the said examination are not available due to non-availability of such coaching centres in their locality and also due to paucity of funds and economic conditions in which those students live. It has been opined that the uniform entrance examination have become a traumatic experience for the parents and children, as it appears to determine at one stroke the future of the child. The Higher Secondary Examination (Plus two) itself is a serious examination of merit casting a high burden on students, and is itself very much an entrance test to get admitted to higher level course and admission to professional courses and this obviates the need for any separate uniform entrance examination thereafter, as it would be an additional burden on the students. The syllabus, methodology and the content of the uniform entrance examination is based on the syllabus prescribed for Higher Secondary Course of the Central Board of Secondary Education which is different from the syllabus prescribed by the Board of Higher Secondary Examination, Tamil Nadu

4. To meet the aforesaid challenges of the students from this State, the Government have taken a policy decision to continue the present procedure of admission to MBBS and BDS courses on the basis of the marks obtained in the Higher Secondary Examination. Accordingly, the Government have decided to bring in a legislation for the purpose.

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

Dr. C. VIJAYABASKAR,
*Minister for Health and
Family Welfare.*

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 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 8 of 2017

A Bill to provide for admission to Post Graduate courses in Medicine and Dentistry.

WHEREAS the Government of India have amended the Indian Medical Council Act, 1956 (Central Act 102 of 1956) and the Dentists Act, 1948 (Central Act 16 of 1948) to conduct a uniform entrance examination to all Medical Educational Institutions and Dental Educational Institutions at the under graduate level and post graduate level;

AND WHEREAS the Government of Tamil Nadu spends a considerable amount from its exchequer towards medical education including post graduation with a view to provide quality health care to the people of Tamil Nadu, particularly, those living in rural, remote and hill areas;

AND WHEREAS with the said objective, selection for admission to post graduate courses in medicine and dentistry is made by the State Government based on entrance examination and experience, wherein fifty per cent of the seats in each speciality is allocated to the doctors in the Government service. Further, on selection, the Government doctors are required to serve the Government till superannuation and the non-service doctors to serve the Government for a period of not less than two years after completion of the course;

AND WHEREAS, in the said scenario, if uniform entrance examination is conducted by the Government of India for admission to post graduate courses in medicine and dentistry, the scheme presently followed by the State Government in regard to admission to such courses would be thrown out of gear and the avowed objective of providing quality health care to the rural and needy people would be defeated;

NOW, THEREFORE, to avoid such a situation, the State Government have taken a policy decision to continue the present procedure in regard to admission to post graduate courses in Medicine and Dentistry and to give statutory backing therefor;

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

1. (1) This Act may be called the Tamil Nadu Admission to Post Graduate Courses in Medicine and Dentistry Act, 2017.

Short title and commencement.

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

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

Definitions.

(a) “appropriate authority” means a University or an Authority authorised by the Government to select and allot students for admission to post graduate courses in Medicine and Dentistry;

(b) “Government” means the State Government;

(c) “Government seats” means,—

(i) all the seats in each speciality in post graduate courses in

Medicine and Dentistry in Government colleges, excluding the seats reserved for all India quota; and

(ii) 65 per cent of seats in each speciality in post graduate courses in Medicine and Dentistry in non-minority educational institutions and 50 per cent of the seats in each speciality in post graduate courses in Medicine and Dentistry in minority educational institutions, as arrived at in accordance with the consensus between such institutions and the Government;

(d) "minority institution" means the educational institution recognised or declared as such by the Government, subject to such conditions as may be prescribed;

(e) "post graduate courses in Medicine and Dentistry" means the first year of the post graduate degree or diploma in Medicine and the post graduate degree in Dentistry;

(f) "educational institution" means any college or an institution by whatever name called, including minority institution, conducting post graduate courses in Medicine and Dentistry leading to the award of a post graduate degree or diploma, approved or recognised by the competent statutory body and affiliated to a University;

(g) "entrance examination" means the examination conducted by the appropriate authority in the manner as may be prescribed;

(h) "University" means the University established or incorporated by an Act of the State Legislature.

Admission to Government seat.

3. Notwithstanding anything contained in any other law or any rules, regulations or by-laws made thereunder, admission to every Government seat in each speciality in post graduate courses in Medicine and Dentistry shall be made, by the appropriate authority, on the basis of the marks obtained by a student in the entrance examination and the experience criteria, as may be prescribed.

Reservation to apply.

4. Admission to Government seats shall be made following the rule of reservation as per the law in force.

Allocation of seats for Government Doctors.

5. Fifty percent of Government seats in each speciality in post graduate courses in Medicine and Dentistry shall be allocated for doctors in Government service.

Execution of Bond.

6. Every candidate selected for admission to any post graduate course in Medicine and Dentistry shall execute a bond in such manner as may be prescribed.

Invalidation of admission made in violation of the Act.

7. Notwithstanding anything contained in any other law in force, any admission made in violation of the provisions of this Act or the rules made thereunder shall be invalid.

Penalty.

8. (1) Whoever contravenes the provisions of this Act or the rules made thereunder shall be punishable with fine which may extend to ten lakh rupees.

(2) The Government may, if they are satisfied that any educational institution has violated any of the provisions of this Act, recommend to the concerned University or statutory body for withdrawal of affiliation or recognition of such institution or for any other course of action as they deem fit.

9. No suit, prosecution or other legal proceedings shall lie against the appropriate authority, 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.

10. The Government may, from time to time, issue such directions as it may deem fit for giving effect to the provisions of this Act.

Power to give directions.

11. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

12. (1) The Government may make rules for carrying out the purposes of this Act.

Power to make rules.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) 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 the 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.

STATEMENT OF OBJECTS AND REASONS

Selection for admission to post graduate courses in Medicine and Dentistry in the State is now made by the State Government, after excluding fifty per cent of the seats reserved for all India quota, based on entrance examination and experience. Fifty per cent of the seats in each speciality of the post graduate courses is allocated to the doctors in the Government service. On selection, the Government doctors are required to serve the Government till superannuation and the non-service doctors to serve the Government for a period of not less than two years after completion of the course, with the objective of providing quality health care to people of Tamil Nadu, particularly, those living in rural, remote and hill areas.

2. Now, the Government of India have amended the Indian Medical Council Act, 1956 (Central Act 102 of 1956) and the Dentists Act, 1948 (Central Act 16 of 1948) to conduct a uniform entrance examination to all Medical Educational Institutions and Dental Educational Institutions at the under graduate level and post graduate level.

3. In the aforesaid scenario, if uniform entrance examination is conducted by the Government of India for admission to post graduate courses in medicine and dentistry, the scheme presently followed by the State Government in regard to admission to such courses would be thrown out of gear and the avowed objective of providing quality health care to the rural and needy people would be defeated. Hence, in order to continue the present system of admission to post graduate courses in medicine and dentistry and to give statutory backing therefor, the Government have decided to bring in a legislation for the purpose.

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

Dr. C. VIJAYABASKAR,
*Minister for Health and
Family Welfare.*

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 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 9 of 2017

A Bill further to amend the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987.

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

1. (1) This Act may be called the Tamil Nadu Agricultural Produce Marketing (Regulation) Amendment Act, 2017.

Short title and commencement.

(2) Section 6 shall be deemed to have come into force on the 31st May 2015 and all other provisions of this Act shall come into force on such date as the State Government may, by notification, appoint.

2. In section 2 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (hereinafter referred to as the principal Act), for clause (8), the following clauses shall be substituted, namely:—

Amendment of section 2.

“(8) “Director” means the Director of Agricultural Marketing and Agri Business or the Commissioner or Special Commissioner of Agricultural Marketing and Agri Business, as the case may be, and includes any other person or authority authorised by the Government by notification to perform the functions of Director under this Act for such area as may be specified in the notification;

(8-a) “e-trading” means a virtual platform created using information and communication technology for marketing activities on any notified agricultural produce such as billing, booking, contracting, negotiating, information exchanging, record keeping, online trading, online payment and other connected activities as are done electronically on computer network or internet;”.

3. In section 6 of the principal Act, in sub-section (1), for the expression “providing such facilities”, the expression “providing such facilities including e-trading” shall be substituted.

Amendment of section 6.

4. After section 8 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 8-A.

“8-A. Trading in agricultural produce in the State.— (1) Notwithstanding anything contained in section 8, the Director or the officer authorised by him in this behalf may grant a licence to a person for buying or selling or operating in any other capacity in relation to buying or selling of any notified agricultural produce in any notified market area and every application for grant of licence shall be made in such form, in such manner and accompanied by such fee, as may be prescribed.

(2) A licence under sub-section (1) may be refused to a person—

(a) whose licence was cancelled by the market committee or the Director or the officer authorised by him and a period of three years has not elapsed since the date of the cancellation; or

(b) who has been convicted of an offence where such offence relates to his business or his integrity as a man of business; or

(c) in regard to whom the Director or the officer authorised by him is satisfied, after such enquiry as he considers adequate, that he is a

benamidar for, or a partner with, any other person to whom a licence has been refused under clause (a) or clause (b).

(3) If the Director or the officer authorised by him is satisfied, either on a reference made to him in this behalf, or otherwise, that—

(a) a licence granted under sub-section (1) has been obtained by misrepresentation or fraud, or

(b) the holder of a licence has contravened, or failed to comply with, any of the provisions of this Act or the rules or by-laws made under this Act or any of the conditions of the licence,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the Director or the officer authorised by him may, subject to such rules as may be made in this behalf, cancel or suspend the licence, after giving the holder of the licence a reasonable opportunity of showing cause against such cancellation or suspension.

(4) Any person aggrieved by the decision of the Director or the officer authorised by him,—

(a) refusing to grant, or

(b) cancelling or suspending,

a licence may, within such time as may be prescribed, appeal to the Board and the Board may make such order in the case as it may think fit.

(5) A licence granted under sub-section (1) shall be valid for a period of three years.

Amendment of section 24.

(6) Every person to whom a licence is granted under sub-section (1) shall comply with the provisions of this Act, the rules and by-laws made thereunder and the conditions specified in the licence.

Amendment of section 33.

(7) Every person to whom a licence is granted under sub-section (1) shall keep and maintain a true and correct account and such other records showing such particulars as may be specified by the Director and shall submit such periodical returns relating to his business transaction including processing as may be prescribed, to the Director in such manner and within such period as may be prescribed, together with the fee or other amount due on the basis of the return.

Validation.

5. In section 24 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

“Provided further that no fee shall be levied more than once on any notified agricultural produce bought or sold in any notified market area within the State.”.

6. In section 33 of the principal Act, in sub-section (1), in the proviso, for the expression “four years”, the expression “six years” shall be substituted.

7. Notwithstanding anything contained in the principal Act, every person exercising the powers and discharging the functions of a Special Officer of the market committees, with effect on and from the 31st day of May 2015, shall be deemed to have been appointed as such Special Officer of the said market committees under sub-section (1) of section 33 of the principal Act, as amended by this Act, and anything done or any action taken by the said Special Officers during the period commencing on the 31st day of May 2015 and ending with the date of publication of of this Act in the *Tamil Nadu Government Gazette*, shall be deemed to have been validly done or taken under the principal Act, as amended by this Act.”.

STATEMENT OF OBJECTS AND REASONS

The Government of India proposed a scheme for setting up of National Agriculture Market (NAM) through Agriculture Technology Infrastructure Fund in selected regulated wholesale markets during the period 2014-2015 to 2016-2017. The Ministry of Agriculture, Government of India, among others, suggested that e-trading, unified single licence and single point levy of market fee are mandatory for operationalization of the National Agriculture Market (NAM) platform and also for financial assistance upto Rs.30 lakhs per market. At present, all the 277 regulated markets are still using manual system of auction which is cumbersome, time consuming and confines operations within the respective market complexes. In order to fulfill the pre-requisite conditions to integrate the regulated markets with National Agriculture Market e-platform and also to avail financial assistance from the Government of India, necessary provisions have to be made in the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989) for e-trading, grant of unified single licence and for single point levy of market fee.

2. Further, the term of Special Officers appointed under sub-section (1) of section 33 of the said Tamil Nadu Act 27 of 1989 expired on 30.05.2015 and it may take some more time to nominate new members to the market committees. Hence, there is compelling necessity to continue the appointment of the said Special Officers beyond 30.05.2015. The Government have, therefore, decided to amend the said Tamil Nadu Act 27 of 1989 for the above purposes and also to validate anything done or any action taken by the said Special Officers on or after the 31st May 2015.

3. The Bill seeks to give effect to above decisions.

R. DORAICANNU
Minister for Agriculture.

A.M.P. JAMALUDEEN,
Secretary.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause (8) of section 2, of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989) proposed to be substituted by clause 2 of the Bill and section 8-A of the said Act proposed to be inserted by clause 4 of the Bill, authorize the Government to issue notification and orders and 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.

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 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 10 of 2017

A Bill further to amend the Tamil Nadu Shops and Establishments Act, 1947.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Shops and Establishments (Amendment) Act, 2017.

Amendment of section 41.

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

2. In section 41 of the Tamil Nadu Shops and Establishments Act, 1947 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-sections shall be inserted, namely :-

“(2-A) The appellate authority may, if it considers that any document or the testimony of any person is relevant or necessary for the discharge of its duties under this Act as appellate authority, call for and inspect such document or summon and examine such person. For the aforesaid purposes, it shall have the same powers as are vested in a civil court while trying a

suit under the Code of Civil Procedure, 1908 (Central Act V of 1908), in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) compelling the production of documents;
- (iii) issuing commissions for the examination of witnesses.

(2-B) The appellate authority, may, after giving notice in the prescribed manner to the employer and the person employed, dismiss the appeal or direct the reinstatement of the person employed, with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.”

3. For section 45 of the principal Act, the following section shall be substituted, namely :-

Substitution of section 45.

“**45. Penalties.**—Whoever contravenes any of the provisions of sections 7 to 11, 13 to 23, 25, 26, 29 to 41 and 47 shall be punishable for a first offence, with fine which may extend to five thousand rupees and for a second or subsequent offence, with fine which may extend to ten thousand rupees.”

STATEMENT OF OBJECTS AND REASONS

As per sub-section (2) of section 41 of the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947), a person employed shall have a right to appeal to the appellate authority within such time either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer. In order to effectively deal with the said appeal, the Government have decided to confer on the appellate authority the powers of the civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) to summon and enforce the attendance of any person and examining him on oath, compel the production of documents and to issue commissions for the examination of witnesses. Further, as the fine amount prescribed for the contravention of the provisions of the said Act was fixed in the year 1947, the Government have decided to enhance the fine amount. Accordingly, the Government have decided to amend the said Tamil Nadu Act XXXVI of 1947 suitably for the aforesaid purposes.

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

Dr. NILOFER KAFEEL,
Minister for Labour.

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 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 11 of 2017
A Bill further to amend the Tamil Nadu Payment of
Subsistence Allowance Act, 1981.

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

Tamil Nadu
Act 43 of
1981.

1. (1) This Act may be called the Tamil Nadu Payment of Subsistence Allowance (Amendment) Act, 2017.

Short title and
commencement.

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

2. In section 2 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981, in clause (a), in item (ii), for the expression “draws wages exceeding three thousand and five hundred rupees per mensem”, the expression “draws wages exceeding fifteen thousand rupees per mensem” shall be substituted.

*Amendment of
section 2.*

STATEMENT OF OBJECTS AND REASONS

According to item (ii) of clause (a) of section 2 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981 (Tamil Nadu Act 43 of 1981), the persons employed in supervisory capacity drawing wages exceeding three thousand and five hundred rupees per mensem are excluded from the definition of the term "employee" for the payment of subsistence allowance during the period of suspension under the said Act. The said wage ceiling was revised way back in the year 1999 and thereafter many changes have taken place in the wage pattern. The wage ceiling prescribed in the Industrial Disputes Act, 1947(Central Act XIV of 1947), the Payment of Wages Act, 1936(Central Act IV of 1936) and the Employees' State Insurance Act, 1948 (Central Act XXXIV of 1948) have already been revised to be in tune with the above said changes. Further, the State Labour Advisory Board has also recommended to enhance the wage ceiling prescribed under the said Act from three thousand and five hundred rupees per mensem to fifteen thousand rupees per mensem. The Government have, therefore, decided to enhance the above said ceiling limit of wages to fifteen thousand rupees per mensem and to amend item (ii) of clause (a) of section 2 of the said Tamil Nadu Act 43 of 1981 suitably for the purpose.

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

Dr. NILOFER KAFEEL,
Minister for Labour.

A.M.P. JAMALUDEEN,
Secretary.