



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 207]

CHENNAI, FRIDAY, AUGUST 7, 2009
Aadi 22, Thiruvalluvar Aandu-2040

Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 19 OF 2009

An Act to regulate Agricultural Practice and to provide for the establishment of Agricultural Council and the maintenance of register of persons having qualification in agriculture or horticulture and for matters connected therewith.

WHEREAS it is expedient to make provisions for the regulation of agricultural practice and to provide, for that purpose, to establish Agricultural Council and the maintenance of register of persons having qualification in agriculture or horticulture for the state of Tamil Nadu and for matters connected therewith or ancillary thereto ;

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

CHAPTER-I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu State Agricultural Council Act, 2009.

(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,—

(1) “*agricultural institution*” means any university or other institution which grants degree in agriculture or horticulture;

(2) “*agricultural practitioner*” means persons having agricultural qualification and carrying out agricultural project;

(3) “*agricultural project*” means specific programme of work pertaining to agriculture or horticulture with well-defined objectives and programme of action with time-frame along with financial implication;

(4) “*agricultural qualification*” means any of the qualifications specified in the Schedule which is granted by the institutions specified therein and the qualifications declared by the Government under sections 15 and 16;

(5) “*committee*” means the executive committee or other committees constituted by the Council under section 12;

(6) “*Council*” means the Tamil Nadu State Agricultural Council established under section 3 of the Act;

(7) “*Government*” means the State Government;

(8) “*member*” means the member of the Council;

(9) “*register*” means the Tamil Nadu State Agricultural Practitioners Register maintained under section 21;

(10) “*regulation*” means a regulation made under section 43 of this Act;

(11) “*Schedule*” means Schedule appended to this Act;

(12) “*Secretary*” means a person appointed by the Council under section 11.

CHAPTER - II

TAMIL NADU STATE AGRICULTURAL COUNCIL.

3. (1) The Government may, by notification, establish a Council to be called the Tamil Nadu State Agricultural Council.

Establishment and Composition of the Council.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name, sue or be sued.

(3) The Council shall consist of the following Members, namely:—

(a) twenty members to be elected, from among themselves, by the persons whose name has been entered in the register;

(b) “five senior faculty members one each representing the faculty of Agriculture, Horticulture, Forestry, Agricultural Engineering and Home Science to be nominated by the Tamil Nadu Agricultural University” established under the Tamil Nadu Agricultural University Act, 1971;

(c) two members of Agriculture Department of the Government having qualification in agriculture, to be nominated by the Government;

(d) one member of Horticulture Department of the Government having qualification in horticulture, to be nominated by the Government;

(e) one member of Agricultural Engineering Department of the Government having qualification in Agricultural Engineering to be nominated by the Government;

(f) one leading Agricultural entrepreneur preferably with agricultural qualification to be nominated by the Government;

(4) The President and the Vice-President of the Council shall be elected by the members of the Council from among themselves.

(5) The names of persons nominated or elected as members of the Council including the President and the Vice-President shall be notified by the Government in the *Tamil Nadu Government Gazette*.

(6) A person shall not be qualified for nomination or election to the Council unless he has registered himself in the register.

4. (1) An election, under clause (a) of sub-section (3) of section 3 shall be conducted by the Government in accordance with such rules as may be prescribed and any rules so made may provide that pending the preparation of register in accordance with the provisions of this Act, the members referred to in clause (a) of sub-section (3) of section 3 may be nominated by the Government.

Mode of election.

(2) Where any dispute arises regarding any election to the Council, it shall be referred to the Government for its decision which shall be final.

5. (1) The President or Vice-President shall hold office for a term not exceeding four years and not extending beyond the expiry of his term as a member.

Term of Office of President, Vice-President and members.

(2) Subject to the provisions of sub-section (1), a member shall hold office for a term of four years from the date of his election or nomination to the Council:

Provided that such a member shall, notwithstanding the expiry of the said period of four years continue to hold office until his successor is elected or nominated.

(3) Member of the Council shall be eligible for re-nomination or re-election.

(4) Where the term of four years in respect of any member of the Council is about to expire, a successor may be nominated or elected at anytime within one month before the said term expires, but he shall not assume office until the said term has expired.

Cessation of membership.

6. (1) An elected or nominated member shall be deemed to have vacated his office:—

(a) if he is absent without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council;

(b) in the case of the member elected or nominated, if he ceases to be a person enrolled in the register;

(c) if he has been convicted of an offence involving moral turpitude and punishable with imprisonment;

(d) if he is an undischarged insolvent;

(e) if he is of unsound mind and stands so declared by competent court.

(2) On the occurrence of a vacancy referred to in sub-section (1), the Secretary shall forthwith report the fact of such vacancy to the Government and thereafter the Government may subject to the proviso to section 7, take necessary steps to fill such vacancy.

Casual Vacancy.

7. A casual vacancy in the Council shall be filled by nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes, was nominated or elected:

Provided that no such casual vacancy occurring within six months on the date of expiry of the term of office of a nominated or an elected member need be filled under this section.

Resignation.

8. (1) The President or Vice-President of the Council may at any time resign his office by notice in writing, addressed to the Council and delivered to the Secretary and the resignation shall take effect from the date on which it is accepted by the Council or on the expiry of ninety days from the date of receipt of the resignation by the Secretary whichever is earlier.

(2) A member may at any time resign his office by notice in writing addressed to the President and every such resignation shall take effect from the date on which it is accepted by the President or on the expiry of ninety days from the date of receipt of the resignation by the President, whichever is earlier.

Meetings.

9. (1) The Council shall meet every quarter in a year at such time and place as may be appointed by the Council.

(2) The quorum necessary for the transaction of business at a meeting of the Council shall be nine.

(3) The President when present shall preside at the meeting of the Council, and in his absence, the Vice-President, and in the absence of both, any other member elected by the members present from amongst themselves shall preside at such meeting.

(4) Save as otherwise provided in this Act, all questions which come up before any meeting of the Council shall be decided by a majority of the members present and voting.

(5) In the case of an equality of votes, the President of the Council or the member who presides the meeting shall have a casting vote.

(6) Subject to the provisions of sub-sections (1) to (5), the Council shall observe such rules of procedure in regard to transaction of business at its meetings as may be provided in the regulation.

10. No Act or proceeding of the Council shall be invalid by reason of the existence of a vacancy in the Council or on account of any defect or irregularity in its constitution.

Vacancies in the Council not to invalidate acts, etc.

11. (1) The Council may with the previous sanction of the Government appoint a person with agricultural qualification as Secretary of the Council, who shall also act as Treasurer unless the Council appoints any other person as Treasurer. The Council may also appoint such other officers and employees as it may deem necessary to carry out the purposes of this Act.

Appointment of Secretary and other officers and employees.

(2) The terms and conditions of service of the Secretary, other officers and employees appointed by the Council shall be such as may be provided in the regulation.

(3) The Secretary, Officers and other employees of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Central Act XLV of 1860.

(4) All orders and decisions and other instruments of the Council shall be authenticated by the signature of the Secretary or any other officer of the Council duly authorised by it in this behalf.

12. (1) The Council shall constitute from among its members an executive committee and may constitute such other committees for such general or specific purposes as the Council considers necessary and may co-opt any person or persons specifically qualified to advise on any matter to any committee other than executive committee. The composition and functions of executive committee shall be such as may be provided in the regulation.

Executive Committee and other committees.

(2) A committee constituted under this section shall meet at such time and at such place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided in the regulation.

13. The President, Vice-President and other members of the Council and also the members of the committees shall be paid such fees and allowances for attending the meetings of the Council or as the case may be, the committees, as may be provided in the regulation.

Fees and allowances.

14. (1) The agricultural qualifications granted by the agricultural institutions in the State of Tamil Nadu which are included in the Schedule shall be recognized agricultural qualifications for the purposes of this Act.

Recognition of agricultural qualifications.

(2) Any agricultural institution in the State of Tamil Nadu which grants an agricultural qualification not included in the Schedule may apply to the Government to have such qualification recognized and the Government, after consulting the Council, may by notification, amend the Schedule, so as to include such institution and such qualification therein when granted after a specified date.

15. (1) The agricultural qualifications granted by agricultural institutions outside the State of Tamil Nadu or outside India with which there is a scheme of reciprocity shall be recognized qualifications for the purposes of this Act.

Recognition of agricultural qualifications when there is scheme of reciprocity.

(2) The Council may enter into negotiations with the authority in any State outside the State of Tamil Nadu or in any Country outside India which by the law of such State or Country is entrusted with the maintenance of a register similar to the register referred to in section 21 and for the setting up of a scheme of reciprocity for the recognition of agricultural qualifications, and in pursuance of any such negotiation and on the recommendation of the Council the Government may, by notification, declare that it shall be recognized only when granted after a specified date.

(3) Where the Council has refused to recommend any agricultural qualification which has been proposed for recognition by any authority referred to in sub-section (2) and such authority applies to the Government, the Government after considering such application and after obtaining from the Council a report, if any, as to the reasons for any such refusal may, by notification, declare that it shall be recognized only when granted after a specified date.

Recognition of agricultural qualifications when there is no scheme of reciprocity.

16. (1) The Government after consultation with the Council may, by notification, direct that the agricultural qualifications granted by agricultural institution in any State outside the State of Tamil Nadu or in any Country outside India in respect of which a scheme of reciprocity for the recognition of agricultural qualifications is not in force, shall be recognized agricultural qualifications for the purposes specified in sub-section (2) and shall be so only when granted after a specified date or before a specified date.

(2) The agricultural practice by persons possessing such qualifications,—

(a) shall be permitted only if such persons are enrolled as agricultural practitioner in accordance with the law regulating the registration of such persons for the time being in force in that State or Country;

(b) shall be limited to the institutions to which they are attached for the time being for the purpose of teaching and research work; and

(c) shall be limited to the period specified in this behalf by the Government by general or special order.

Power to require information as to courses of study and examinations.

17. Every agricultural institution which grants a recognized agricultural qualification shall furnish such information as the Council may from time to time require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the age of which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

Inspection of agricultural institutions and examinations.

18. (1) The Council may, subject to regulations, if any, made by it, authorise such number of members as it may deem requisite to inspect any agricultural institution where agricultural education is given or to attend any examination held by any agricultural institution for the purpose of recommending to the Government for recognition of agricultural qualification granted by such agricultural institution.

(2) The members so authorized shall not interfere with the conduct of any training or examination, but shall report to the Council on the adequacy of the standards of agricultural education including staff, equipment, accommodation, training and other facilities provided in the regulation for giving agricultural education or on the sufficiency of every examination which they attend.

(3) The Council shall forward a copy of any such report to the agricultural institution concerned and shall also forward a copy with remarks, if any, of the said institution thereon, to the Government.

Withdrawal of recognition.

19. (1) When upon report by the members so authorised, it appears to the Council—

(a) that the courses of study and examinations to be undergone or the proficiency required from candidates at any examination held by any agricultural institution in order to obtain the agricultural qualification are not in conformity with the regulation made under this Act or fall short of the standards required thereby, or

(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such agricultural institution do not conform to the standards as may be provided in the regulation the Council shall send a statement to that effect to the Government.

(2) After considering such a statement, the Government shall forward it along with such remarks as it may choose to make to the agricultural institution, with an intimation of the period within which that institution may submit its explanation to the Government.

(3) The Government, on receipt of the explanation and after making such inquiry, if any, as it deems fit, may, by notification, direct that an entry shall be made in the Schedule against the said agricultural qualification granted by such agricultural institution declaring that it shall be recognized agricultural qualification only when granted before a specified date or after a specified date:

Provided that before issuing such notification, the Government may consult the Indian Council of Agricultural Research.

20. (1) The Council may by regulation specify the minimum standards of education required for granting agricultural qualifications by the agricultural institutions.

Minimum standards of agricultural education.

(2) A committee, if any, constituted under section 12 for this purpose shall, from time to time, report to the Council on the efficacy of the regulation and may recommend to the Council such amendments thereof as it may think fit.

CHAPTER-III.

TAMIL NADU STATE AGRICULTURAL PRACTITIONERS REGISTER.

21. (1) The Council shall cause to be maintained in the prescribed manner a register to be known as the "Tamil Nadu State Agricultural Practitioners Register" which shall contain the names of all persons who possess the agricultural qualification and who are for any time being registered his name in the said register.

Tamil Nadu State Agricultural Practitioners Register.

(2) It shall be the duty of the Secretary of the Council,—

(a) to keep the register in accordance with the provisions of this Act;

(b) to keep any orders made by the Council;

(c) to revise the register from time to time; and

(d) to publish the register in the *Tamil Nadu Government Gazette* in such manner as may be provided in the regulation.

(3) Such register shall be deemed to be a public document with in the meaning of the Indian Evidence Act, 1872, and may be proved by a copy published in the *Tamil Nadu Government Gazette*.

Central Act 1 of 1872.

22. (1) For the purposes of preparing the first Tamil Nadu State Agricultural Practitioners Register, the Government shall, by notification, constitute a Registration Tribunal consisting of three persons holding agricultural qualifications and also appoint a Registrar holding agricultural qualifications who shall act as Secretary of the Tribunal.

Preparation of the first register.

(2) The Government may also, by notification, appoint a date on or before which application for registration, shall be made in such form and in such manner as may be prescribed, to the Registration Tribunal. The application for registration shall be accompanied by such fee not exceeding one thousand rupees, as may be prescribed.

(3) The Registration Tribunal shall examine every application received on or before the appointed date, and if it is satisfied that the applicant is qualified for registration, shall direct the entry of the name of the applicant in the register.

(4) The register so prepared shall thereafter be published in such manner as may be prescribed. Any person aggrieved by any entry in the register as so published may, within sixty days from the date of such publication, appeal to an authority appointed by the Government in this behalf by notification.

(5) The Registrar shall amend the register in accordance with the decision of the authority appointed under sub-section (4) and shall thereupon issue to every person whose name is entered in the register, a certificate of registration in such form as may be prescribed.

(6) Upon the establishment of the Council, the register shall be given into its custody and all the application fees collected for registration in the first register shall be paid to the credit of the Council.

Registration in the register and issue of Certificate.

23. (1) After the establishment of the Council, the Secretary of the Council may, on an application made in such form and in such manner, as may be prescribed, by any such person, if satisfied that the person concerned possesses agricultural qualification, enter his name in the register.

(2) Any person whose name has been entered in the register shall on an application made in this behalf in such form and in such manner and on payment of such fee not exceeding one thousand rupees as may be prescribed be entitled to a certificate of registration and the Council shall grant to the applicant a certificate of registration in such form as may be prescribed:

Provided that on the removal of his name from the register, such certificate shall cease to be valid.

(3) Any person who acquired agricultural qualification from outside the State of Tamil Nadu and migrated into the State of Tamil Nadu shall also register with the Council within a period of ninety days of his entry in the State of Tamil Nadu.

(4) Where it is shown to the satisfaction of the Secretary that a certificate of registration has been lost or destroyed, the Secretary may, on payment of such fee not exceeding one thousand rupees as may be prescribed issue a duplicate certificate in such form as may be prescribed.

Registration of additional qualification.

24. If any person whose name is entered in the register obtains any post-graduate degree or diploma in addition to his agricultural qualification, he shall, on an application made in this behalf in such form and in such manner and on payment of such fee, not exceeding one thousand rupees as may be provided in the regulation, be entitled to have an entry stating such degree or diploma made against his name in the register in addition to any entry previously made.

Renewal of registration.

25. (1) For the retention of a name in the register, there shall be paid in every ten years to the Council, such renewal fee not exceeding one thousand rupees as may be provided in the regulation and such renewal fee shall be due to be paid before the first day of April of the year to which it relates.

(2) Where a renewal fee is not paid within the said date, the Secretary shall remove the name of the defaulter from the register after giving a notice in such manner as may be provided in the regulation:

Provided that a name so removed may be restored to the register on payment of such fee in such manner as may be provided in the regulation.

(3) On payment of the renewal fee, the Secretary shall issue a certificate of renewal and such certificate shall be proof of renewal of registration.

Removal from the register.

26. (1) Subject to the provisions of this section, the Council may order that the name of any person shall be removed from the register where it is satisfied after giving him reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit,—

(a) that his name has been entered in the register by error on account of mis-representation or suppression of a material fact, or

(b) that he has been convicted of an offence involving moral turpitude and punishable with imprisonment or has been guilty of any infamous conduct and etiquette or the code of ethics which in the opinion of the Council renders him unfit to be kept in the said register.

(2) An order under sub-section (1) may direct that any person whose name is ordered to be removed from the register shall be ineligible for registration under this Act, either permanently or for such period as may be specified in that order.

(3) An order under sub-section (1) shall not take effect until the expiry of three months from the date thereof or until an appeal, if any, on such order is finally disposed of, whichever date is later.

(4) A person aggrieved by an order under sub-section (1) may, within sixty days from the communication to him of such order, appeal to the Government and the decision of the Government shall be final.

(5) A person whose name has been removed by an order under sub-section (1) which has become final shall within such period as may be provided in the regulation surrender his certificate of registration and certificate of renewal, if any, to the Secretary and the name so removed shall be published in the *Tamil Nadu Government Gazette*.

27. Every person whose name is entered in the register shall inform any transfer of the place of his residence or practice to the Council within ninety days of such transfer, failing which his right to participate in the election of members of the Council shall be liable to be forfeited by order of the Council, either permanently or for such period as may be specified therein.

Person enrolled on the register to inform change of place of residence or practice.

CHAPTER - IV.

PRIVILEGES OF REGISTERED AGRICULTURAL PRACTITIONERS.

28. Subject to the conditions and restrictions laid down in this Act, every person whose name is borne on the register shall be entitled according to his qualifications to practice as an agricultural practitioner and to recover in due course of law in respect of such practice, any expenses, charges and fees to which he may be entitled.

Privileges of person whose name is entered in the register.

29. No person other than a person whose name is borne on the register shall practice as Agricultural consultant within the State of Tamil Nadu or render Agricultural services.

Right of person whose name is entered in the register.

Explanation.—“Agricultural service” means—

(a) rendering agricultural services in crop husbandry, pre-harvest technology, seed technology, soil testing, water testing, prescription for fertilizer, plant growth regulators, weedicides and plant protection materials, post-harvest technology, seed production technology and agricultural bio-technology;

(b) preparing agricultural projects for private or public sector enterprises and sign or authenticate agricultural projects and issue valuation certificate required by any law to be signed or authenticated by a duly qualified agricultural practitioner;

(c) organizing and running agricultural clinics and laboratories to help farmers, in assessing soil and water qualities, quantity of organic manorial substances and fertilizers, identifying pests and diseases of crops and prescribing remedial measures, formulating and helping implementation of cropping programs suited to different soil conditions and

agro-climatic factors, adopting Hi-tech farming systems in kitchen gardening, floriculture and in development of perennial plantations.

CHAPTER - V.

DISCIPLINE.

Professional conduct.

30. (1) The Council may, by regulation, specify the standards of professional conduct and etiquette and a code of ethics for agricultural practitioners.

(2) Regulation made by the Council under sub-section (1) may specify which violations there of shall constitute infamous conduct in any professional respect, that is to say, professional misconduct and such provisions shall have effect notwithstanding anything contained in any other law for the time being in force.

CHAPTER - VI.

PENALTIES.

Penalty for falsely claiming to be registered.

31. If any person whose name is not for the time being entered in the register falsely represents that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered in the register, he shall be punishable on first conviction with fine, which may extend to rupees five thousand and on any subsequent conviction, with imprisonment which may extend to six months, or with fine not exceeding rupees ten thousand, or with both.

Misuse of titles.

32. (1) If any person,—

(a) not being a person registered in the register, makes or uses the description as agricultural practitioner, or

(b) not possessing an agricultural qualification, uses a degree or an abbreviation indicating or implying such qualification, he shall be punishable on first conviction with fine which may extend to rupees five thousand, and on any subsequent conviction with imprisonment, which may extend to six months, or with fine not exceeding rupees ten thousand or with both.

Failure to surrender certificate of registration.

33. If any person whose name has been removed from the register fails without sufficient cause to surrender his certificate of registration within the period provided in the regulation, he shall be punishable with fine which may extend to rupees five hundred and in case of continuing offence with an additional fine which may extend upto rupees one hundred per month, or part thereof, after the first day during which the offence continues.

Cognizance of offence.

34. No court shall take cognizance of any offence punishable under this Act, except upon complaint made by an order of the Government or the Council.

CHAPTER - VII.

MISCELLANEOUS.

Accounts and Audit.

35. (1) The accounts of the Council shall be maintained in such manner and in such form as may be provided in the regulation. The Council shall prepare an annual statement of accounts in such form as may be provided in the regulation.

(2) The accounts of the Council shall be audited once in a year by such auditor as the Government may appoint in this behalf.

(3) The auditor appointed under sub-section (2) shall, in connection with such audit, have such rights, privileges and authority as may be provided in the regulation and in particular, the right to demand the production of books, accounts, connected vouchers and other documents and to inspect any of the offices of the Council.

(4) The Secretary shall cause the report of the auditor to be printed and shall bring such report before the Council for consideration at its next meeting.

(5) The Council shall remedy forthwith, any defects or irregularities that may be pointed out by the auditor and submit a report thereon to the Government.

36.(1) The Council shall furnish such reports, copies of its minutes, abstract of its accounts and other information to the Government as the Government may require.

Information to be furnished by the Council and Publication thereof.

(2) The Government may publish, in such manner as it thinks fit, any report, copy, abstract or other information furnished to it under this section.

37. No order refusing to enter a name in a register or removing a name from the register shall be called in question in any court of law.

Bar of Jurisdiction.

38. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act, any rule, regulation or order made thereunder.

Protection of action taken in good faith.

39. 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 appears 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 a period of two years from the date of commencement of this Act.

40. The Government may, from time to time, issue such directions not inconsistent with the provisions of this Act, to the Council as it may deem fit for giving effect to the provisions of this Act and the Council shall comply with such directions.

Power of Government to give directions.

41.(1) Whenever it appears to the Government that the Council is not complying with any of the provisions of this Act, the Government may appoint a Commission consisting of three persons, two of whom shall be appointed by the Government, one being the Judge of High Court and one named by the Council and refer to the Commission, the matter on which the enquiry is to be made.

Appointment of Commission.

(2) The Commission shall proceed to enquire in a summary manner and report to the Government on the matters referred to it together with such remedies, if any, as the Commission may like to recommend.

(3) The Government may accept the report or remit the same to the Commission for modification or reconsideration. After the report is finally accepted, the Government may order the Council to adopt the remedies so recommended within such time as may be specified in the order and if the Council fails to comply within the time so specified, the Government may pass such order or take such action as may be necessary to give effect to the recommendations of the Commission.

42.(1) The Government may make rules to carry 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 date 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.

Power to
make
regulations.

43.(1) The Council may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Act and the rules made under section 42, to carry out the purposes of this Act.

(2) No regulation or its cancellation or modification shall have effect until the same have been approved by the Government.

(3) The Government may, by notification, rescind any regulation made under this section and thereupon, the regulation shall cease to have effect.

(4) All regulations 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.

THE SCHEDULE.

[See sections 2(4) and 14(1).]

Recognized Agricultural Qualification.

<i>Sl. No.</i>	<i>Institution</i>	<i>Qualification</i>	<i>Abbreviation for Registration.</i>
(1)	(2)	(3)	(4)
1	University of Chennai	Bachelor of Science (Agriculture)	B.Sc. (Agriculture)
2	Tamil Nadu Agricultural University.	Bachelor of Science (Agriculture)	B.Sc.(Agriculture)
		Bachelor of Science (Forestry)	B.Sc. (Forestry)
		Bachelor of Science (Horticulture)	B.Sc. (Horticulture)
		Bachelor of Science (Home Science)	B.Sc. (Home Science)
		Bachelor of Technology (Biotechnology)	B. Tech. (Biotechnology)
		Bachelor of Technology (Agricultural Engineering)	B. Tech. (Agricultural Engineering)
		Bachelor of Technology (Agricultural Information Technology)	B. Tech. (Agricultural Information Technology)
		Bachelor of Technology (Bioinformatics)	B. Tech. (Bioinformatics)
		Bachelor of Technology (Energy and Environmental Engineering)	B. Tech. (Energy and Environmental Engineering)
		Bachelor of Technology (Food Process Engineering)	B. Tech. (Food Process Engineering)
		Bachelor of Technology (Horticulture)	B. Tech. (Horticulture)
		Bachelor of Science (Agribusiness Management)	B.S. (Agribusiness Management)
3	Annamalai University	Bachelor of Science (Agriculture)	B.Sc. (Agriculture)
		Bachelor of Science (Horticulture)	B.Sc. (Horticulture)

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 20 OF 2009.

An Act further to amend the Tamil Nadu Panchayats Act, 1994.

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

1. (1) This Act may be called the Tamil Nadu Panchayats (Third Amendment) Act, 2009.

Short title
and
commence-
ment.

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

2. For section 12 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Substitution of
section 12.

“12. *Division of panchayat village into wards.*— (1) For the purpose of election of members to a village panchayat, the Inspector may, after consulting the village panchayat, by notification, divide the panchayat village into wards in accordance with such scale as may be prescribed.

(2) Only one member shall be elected from each ward.”.

3. Notwithstanding anything contained in the principal Act, as amended by this Act or the rules made thereunder, the members of the wards in the village panchayats who are holding office as such immediately before the date of the commencement of this Act shall continue to hold office till the expiry of their term of office and every casual vacancy in the office of such members shall be filled up in accordance with the provisions of the principal Act and the rules made thereunder.

Elected
members of
village
panchayats
to continue
as members
and casual
vacancies to
be filled up.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

Tamil Nadu
Act 21 of
1994.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 21 OF 2009.

An Act to provide for compulsory registration of all marriages in the State of Tamil Nadu and for matters connected therewith or incidental thereto.

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 Registration of Marriages Act, 2009. Short title, extent and commencement.
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) 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) "District Registrar" means a District Registrar of Marriages appointed under sub-section (2) of section 4;
- (b) "Government" means the State Government;
- (c) "marriage" includes all marriages performed by persons belonging to any caste or religion under any law for the time being in force, or as per any custom or usage in any form or manner and also includes remarriage;
- (d) "memorandum" means a memorandum of marriage referred to in section 5;
- (e) "pries" means any person who performs a marriage or any person present in the marriage referred to in section 7-A of the Hindu Marriage Act, 1955;
- (f) "Registrar" means a Registrar of Marriages appointed under sub-section (3) of section 4;
- (g) "Registrar-General" means the Registrar-General of Marriages appointed under sub-section (1) of section 4;
- (h) "State" means the State of Tamil Nadu.
3. Every marriage performed on and from the date of commencement of this Act shall be registered under this Act notwithstanding the fact that the said marriage had been entered in the marriage registers governed by any other personal laws of the parties to the marriage or custom or usage or tradition. Marriages to be compulsorily registered.
4. (1) The Government shall, by notification, appoint a person to be the Registrar-General of Marriages for the State of Tamil Nadu. Appointment of Registrar-General, District Registrar and Registrar of Marriages.
- (2) The Government shall, by notification, appoint a person to be the District Registrar of Marriages for each District for carrying out the purposes of this Act.
- (3) The Government shall, by notification, appoint such number of persons as it thinks necessary, to be the Registrar of Marriages for such local areas as may be specified in the notification, and one or more Registrars may be appointed for one or more such areas for carrying out the purposes of this Act.
- (4) Every District Registrar and Registrar shall exercise such powers and perform such duties as may be prescribed and shall be under the general supervision and control of the Registrar-General.
5. (1) The parties to a marriage shall prepare a memorandum in such Form as may be prescribed in duplicate and shall deliver it in person or send in the manner as may be prescribed, to the Registrar of the area where the marriage is performed within ninety days from the date of the marriage: Memorandum of marriage.
- Provided that the memorandum may be delivered or sent to the Registrar within a further period of sixty days after the expiry of the said ninety days with the payment of additional fee as may be prescribed.

(2) Nothing in the proviso to sub-section (1) shall affect the liability of any person to any penalty under clause (a) of sub-section (1) of section 14.

Signature on memorandum and fees to be paid.

6. Every memorandum referred to in section 5 shall be signed by the parties to the marriage and by the priest and two witnesses and shall be accompanied by such fee as may be prescribed.

Power to refuse registration of marriage.

7. (1) Where the Registrar, before whom the memorandum is delivered or sent under section 5 on scrutiny of the documents filed with the memorandum or, on the other facts noticed or brought to his notice, is satisfied or has reason to believe that,—

(a) the marriage between the parties is not performed in accordance with the personal laws of the parties, or any custom or usage or tradition; or

(b) the identity of the parties or the witnesses or the persons testifying the identity of the parties and the performance of the marriage is not established beyond reasonable doubt; or

(c) the documents tendered before him do not prove the marital status of the parties,

he may, after hearing the parties and recording the reasons in writing, refuse to register the marriage and may,—

(i) call upon the parties to produce such further information or documents as deemed necessary, for establishing the identity of the parties and the witnesses or correctness of the information or documents presented to him, or

(ii) if deemed necessary, also refer the papers to the local police station within whose jurisdiction the parties reside, for verification.

(2) Where, on further verification as provided in sub-section (1), the Registrar is satisfied that there is no objection to register the marriage, he may register the same. If in the opinion of the Registrar, the marriage is not fit for registration, he may pass an order of refusal in writing, recording the reasons therefor.

Appeal to District Registrar.

8. (1) Any person aggrieved by the order of the Registrar under section 7 may, within a period of thirty days from the date of receipt of such order, appeal to the District Registrar in such manner as may be prescribed:

Provided that the District Registrar may, within a further period of thirty days, admit an appeal presented after the expiration of the first mentioned period of thirty days if he is satisfied that the appellant had sufficient cause for not presenting the appeal within the first mentioned period.

(2) The District Registrar, after giving an opportunity of being heard to the party affected and after recording the reasons in writing, direct the Registrar to register the marriage or confirm the order of the Registrar.

Appeal against the order under section 8.

9. Any person aggrieved by the order of the District Registrar made under section 8 may, within a period of thirty days from the date of receipt of the order, appeal against such order to the Registrar-General and the decision of the Registrar-General on such appeal shall be final and thereupon the Registrar shall act in conformity with such decision.

Issue of certificate and maintaining register.

10. (1) On registration of the marriage, the Registrar shall issue a certificate of registration of marriage to the parties in such form as may be prescribed.

(2) Every Registrar shall maintain a register of marriages, in such form and in such manner as may be prescribed.

(3) On receipt of the memorandum of marriage under section 5, the Registrar shall file the same in the register.

Search of marriage register.

11. (1) Subject to any rules made in this behalf by the Government including the rules relating to payment of fee, any person may,—

(a) cause a search to be made by the Registrar for any entry in the register of marriages; and

(b) obtain an extract from such register relating to marriages.

(2) All extracts given under this section shall be certified by the Registrar and shall be admissible in evidence for the purpose of proving the marriage to which the entry relates.

12. The register of marriages shall, at all reasonable times, be open to inspection and the certified extracts therefrom shall, on application, be given by the Registrar to the applicant on payment of such fee as may be prescribed.

Register to be open for public inspection.

13. No employer or a Government or quasi-Government Authority or Company or Public Sector Undertaking or Local Authority shall carry out any change in their office record or in any office documents, such as change in the marital status or change of nomination, of its employee or in their dealings with any person, customer or client unless the employee or, as the case may be, the applicant, applying for carrying out or recording of such change, submits a certified copy of the certificate of registration of marriage issued under section 10.

Responsibility of employer, etc. of verification of marriage registration certificate.

14. (1) Any person who—

Penalties.

(a) omits or neglects to deliver or send the memorandum as required by section 5; or

(b) makes any statement in the memorandum which is false in any material particular, and which he knows or has reason to believe to be false; or

(c) contravenes any of the provisions of this Act, or rules made thereunder,

shall, on conviction, be punished with fine which may extend to one thousand rupees.

(2) The Registrar who willfully fails to file the memorandum pursuant to section 5 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

15. Any person secreting, destroying or dishonestly or fraudulently altering the register of marriage or any part thereof shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

Penalty for secreting, destroying or altering register.

16. No prosecution for an offence punishable under this Act shall be instituted except by an officer authorized by the Registrar- General by general or special order, in this behalf.

Sanction for prosecution.

17. (1) If any person committing an offence under this Act is 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:

Offences by companies.

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act 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 also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For this purpose of the section,—

(a) 'company' means a body corporate and includes a firm or other association of individuals; and .

(b) 'director' in relation to a firm, means a partner in the firm.

Protection of
action taken
in good
faith.

18. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or a rule or order made thereunder.

Registrar, etc.
to be public
Servant.

19. The Registrar-General, every District Registrar and Registrar and other officers while acting or purporting to act in pursuance of the provisions of this Act or rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central Act
XLV of
1860.

Power to
remove
difficulties.

20. 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 appear to them to be necessary or expedient for removing the 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.

Power of
Government
to give
direction.

21. The Government may, from time to time, issue such directions not inconsistent with the provisions of this Act, to the Registrar, District Registrar and to the Registrar-General, as it may think fit for the effective implementation of the provisions of this Act and they shall comply with such direction.

Operation of
other laws not
affected.

22. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Non-
registration
not to
invalidate
marriage.

23. No marriage performed in this State to which this Act applies shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act.

Power to make
rules.

24. (1) The Government may make rules for carrying out all or any of 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 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.

(3) 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 in the next session, the Legislative Assembly makes any modification in any such rule, order or notification or the Legislative Assembly decides that the rule, order or notification should not be made or issued, the rule, 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, order or notification.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 22 OF 2009

An Act to provide for the regulation of collection of fee by schools in the State of Tamil Nadu and matters connected therewith and incidental thereto.

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 Schools (Regulation of Collection of Fee) Act, 2009.

Short title,
extent and
commence-
ment.

(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.

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

Definition

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

(b) “aided school” means a school receiving any sum of money as aid out of the State funds;

(c) “committee” means the committee constituted under section 5;

(d) “District Committee” means the committee constituted under section 11;

(e) “fee” means any amount, by whatever name called, collected directly or indirectly by a school for admission of a pupil to any standard or course of study;

(f) “Government” means the State Government;

(g) “Government School” means a school run by the Government or any local authority;

(h) “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.

(j) “management” includes the managing committee or any person, body of persons, committee or any other governing body by whatever name called in whom the power to manage or administer the affairs of a school is vested:

Provided that the Board of Trustees or governing body of Wakf Board, by whatever name called, constituted or appointed by any law for the time being in force relating to the charitable and religious institutions and endowments and Wakfs shall be deemed to be a management for the purposes of this Act;

(j) “private school” means any pre-primary school, primary school, middle school, high school or higher secondary school, established and administered or maintained by any person or body of persons and recognized or approved by the competent authority under any law or code of regulation for the time being in force, but does not include,—

(i) an aided school;

(ii) a school established and administered or maintained by the Central Government or the State Government or any local authority;

(iii) a school giving, providing or imparting religious instruction alone but not any other instructions;

Explanation.—For the purpose of this clause,—

(1) “code of regulation” means the Code of Regulations for Approved Nursery and Primary Schools, Code of Regulations for Matriculation Schools and Code of Regulations for Anglo-Indian Schools;

(2) (i) pre-primary school shall consist of Pre-KG to UKG;

(ii) primary school shall consist of LKG to Standard V or Standards I to V;

(iii) middle school shall consist of LKG to Standard VIII, Standards I to VIII or Standards VI to VIII;

(iv) high school shall consist of LKG to Standard X, Standards VI to X or Standards IX and X;

(v) higher secondary school shall consist of LKG to Standard XII, Standards I to XII, Standards VI to XII or Standards XI and XII.

(3) aided schools conducting any classes or courses, for which no money is paid as aid out of the State funds, shall be construed as a private school in so far as such classes or courses are concerned.

Prohibition of collection of excess fee.

3. (1) No Government school or aided school shall collect any fee in excess of the fee fixed by the Government for admission of pupils to any Standard or course of study in that school.

(2) No fee in excess of the fee determined by the committee under this Act shall be collected for admission of pupils to any Standard or course of study in a private school,—

(a) by any person who is in charge of, or is responsible for, the management of such private school; or

(b) by any other person either for himself or on behalf of such private school or on behalf of the management of such private school.

(3) The fee collected by any school affiliated to the Central Board of Secondary Education shall commensurate with the facilities provided by the school.

Fixation of fee by Government.

4. The Government shall fix the fee for admission of pupils to any Standard or course of study in Government schools and aided schools.

Constitution of committee.

5. (1) The Government shall constitute a committee for the purpose of determination of the fee for admission to any Standard or course of study in private schools.

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

- | | |
|--|---|
| (a) a retired High Court Judge, nominated by the Government. | - Chairperson; |
| (b) Director of School Education. | - <i>Ex-officio</i> Member; |
| (c) Director of Matriculation Schools. | - <i>Ex-officio</i> Member; |
| (d) Director of Elementary Education. | - <i>Ex-officio</i> Member; |
| (e) Joint Chief Engineer (Buildings) Public Works Department. | - <i>Ex-officio</i> Member; |
| (f) Additional Secretary to Government, School Education Department. | - <i>Ex-officio</i> Member—
Secretary. |

(3) The term of office of the Chairperson shall be for a period of three years from the date of his nomination and in the case of vacancy arising earlier, for any reason, such vacancy shall be filled for the remainder of the term.

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

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

(6) The Chairperson shall preside over the meeting of the committee.

6. (1) The committee shall determine the fee leviable by a private school taking into account the following factors, namely:—

Factors for determination of fee.

- (a) the location of the private school;
- (b) the available infrastructure;
- (c) the expenditure on administration and maintenance;
- (d) the reasonable surplus required for the growth and development of the private school;
- (e) any other factors as may be prescribed.

(2) The committee shall, on determining the fee leviable by a private school, communicate its decision to the school concerned.

(3) Any private school aggrieved over the decision of the committee shall file their objection before the committee within fifteen days from the date of receipt of the decision of the committee.

(4) The committee shall consider the objection of the private school and pass orders within thirty days from the date of receipt of such objection.

(5) The orders passed by the committee shall be final and binding on the private school for three academic years. At the end of the said period, the private school would be at liberty to apply for revision.

(6) The committee shall indicate the different heads under which the fee shall be levied.

7. (1) The powers and functions of the committee shall be,—

Powers and functions of the committee.

(a) to determine the fee to be collected by private schools;

(b) to hear complaints with regard to collection of fee in excess of the fee determined by it or fixed by the Government, as the case may be. If the committee, after obtaining the evidence and explanation from the management of the private school or aided school concerned or from the Government school, comes to the conclusion that the private school or the Government school or aided school has collected fee in excess of the fee determined by the committee or fixed by the Government, as the case may be, it shall recommend to the appropriate competent authority for the cancellation of the recognition or approval, as the case may be, of the private school or aided school or for any other course of action as it deems fit in respect of the private school or Government school or aided school.

(2) The committee shall have power to,—

(i) require each private school to place before the committee the proposed fee structure of such school with all relevant documents and books of accounts for scrutiny within such date as may be specified by the committee;

(ii) verify whether the fee proposed by the private school is justified and it does not amount to profiteering or charging of exorbitant fee;

(iii) approve the fee structure or determine some other fee which can be charged by the private school.

(3) The Committee shall have power to,—

(i) verify whether the fee collected by the School affiliated to the Central Board of Secondary Education commensurate with the facilities provided by the school;

(ii) to hear complaints with regard to collection of excess fee by a school affiliated to the Central Board of Secondary Education; and

(iii) to recommend to the Central Board of Secondary Education for disaffiliation of the school, if it comes to a conclusion that the school has collected excess fee.

(4) The committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions, and shall, for the purpose of making any inquiry under this Act, have all the powers of a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

- (i) summoning and enforcing the attendance of any witness and examining him on oath;
- (ii) the discovery and production of any document;
- (iii) the receipt of evidence on affidavits;
- (iv) the issuing of any commission for the examination of witness.

Regulation of
accounts.

8. The Government may regulate the maintenance of accounts by the private schools in such manner as may be prescribed.

Penalties.

9. (1) Whoever contravenes the provisions of this Act 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 five thousand rupees:

Provided that the court may, for any adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three years.

(2) The person convicted under this section shall refund to the pupil from whom the excess fee was collected in contravention of this Act, such excess fee.

Offences by
companies.

10. (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 purposes 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.

District
Committee.

11. (1) There shall be a District Committee in every revenue district, which shall consist of the Chief Educational Officer of the district as Chairperson and such other members as may be prescribed.

(2) The District Committee or any member of the said committee authorised by it in this behalf may, at any time, during the normal working hours of any private school, enter such private school or any premises thereof or any premises belonging to the management of such private school if it or he has reason to believe that there is or has been any contravention of the provisions of this Act or the rules made thereunder and search and inspect any record, accounts, register or other document belonging to such private school or of the management, in so far as any such record, accounts, register or other document

relates to such private school and seize any such record, accounts, register or other document for the purpose of ascertaining whether there is or has been any such contravention.

Central Act
2 of 1974.

(3) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall apply, so far as may be, to search and seizure under sub-section (2).

12. 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 authorise in this behalf.

Cognizance of offences.

13. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Operation of other laws.

14. No suit, prosecution or other legal proceeding shall be instituted against the committee or its members, Government or any officer, authority or person empowered to exercise the powers or perform the functions by or under this Act for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

15. If any difficulty arises as to the first constitution of the committee after the date of commencement of this Act or otherwise in giving effect to the provisions of this Act, the Government may, by notification, make such provision, not inconsistent with the provisions of this Act, as may appear to them to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such notification shall be issued after the expiry of five years from the date of commencement of this Act.

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

Power to make rules.

(2) Every rule 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 notification, or the Assembly decides that the rule or notification should not be made or issued, the rule 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 notification.

(By order of the Governor)

S. DHEENADHAYALAN,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 23 OF 2009.

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

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

1. (1) This Act may be called the Tamil Nadu Value Added Tax (Third Amendment) Act, 2009.

Short title
and
commence-
ment.

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

Tamil Nadu
Act 32 of
2006.

2. In the Fourth Schedule to the Tamil Nadu Value Added Tax Act, 2006, in Part – B, after item 41 and the entries relating thereto, the following items and entries shall be inserted, namely:—

Amendment of
Fourth
Schedule.

“41-A. Handmade steel trunk boxes.

41-B. Handmade tin containers.”.

(By order of the Governor)

S. DHEENADHAYALAN,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 24 OF 2009.

***An Act to amend the Tamil Nadu Agricultural Labourers - Farmers
(Social Security and Welfare) Act, 2006.***

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

1. (1) This Act may be called the Tamil Nadu Agricultural Labourers - Farmers (Social Security and Welfare) Amendment Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 3rd day of June 2009.

Tamil Nadu
Act
29 of 2006.

2. In section 5 of the Tamil Nadu Agricultural Labourers - Farmers (Social Security and Welfare) Act, 2006, for sub-section (4), the following sub-section shall be substituted, namely:—

Amendment of section 5.

“(4) The Chairman of the Board shall be appointed from amongst the members nominated to represent the Government and a Joint Chairman of the Board may be appointed from amongst the members.”.

(By order of the Governor)

S. DHEENADHAYALAN,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 25 OF 2009.

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

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

1. (1) This Act may be called the Tamil Nadu Value Added Tax (Fourth Amendment) Act, 2009.

Short title and commencement.

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

Tamil Nadu
Act
32 of 2006.

2. After section 6 of the Tamil Nadu Value Added Tax Act, 2006 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of new section 6-A.

“6-A. Payment of tax at compounded rate by brick manufacturers.—

(1) Notwithstanding anything contained in this Act, every dealer manufacturing bricks may, at his option, instead of paying tax in accordance with the provisions of sub-section (2) of section 3, pay tax, for each year, by way of composition the lumpsum linked with production capacity of each kiln as specified in the Seventh Schedule.

(2) Every dealer, who opts for payment of tax under sub-section (1), shall apply to the assessing authority on or before the 30th day of April of the year or within thirty days of commencement of business, as the case may be and shall pay tax in advance during the year in monthly instalments and for this purpose, he shall furnish such returns, within such period and in such manner, as may be prescribed:

Provided that for the year 2009-2010, every dealer who opts for payment of tax under sub-section (1) shall apply to the assessing authority within two months from the date of commencement of the Tamil Nadu Value Added Tax (Fourth Amendment) Act, 2009:

Provided further that in respect of dealers referred to in the first proviso, the total turnover for the period prior to the date of opting for payment of tax under sub-section (1), shall be treated as the total turnover for that year and the excess input tax credit, if any, on that date shall lapse to the Government.

(3) The option so exercised under sub-section (2) shall be final for that year and shall continue for subsequent years until the dealer becomes ineligible or withdraws his option in writing.

(4) The dealer who pays tax under this section shall not collect any amount by way of tax or purporting to be by way of tax and shall not be entitled to input tax credit on goods purchased by him.

(5) The dealer who purchases goods from such dealer shall not be entitled to input tax credit on the goods purchased by him.

(6) Notwithstanding the operation of a brick kiln for a part of the year, the dealer owning the kiln and opted for payment of lumpsum shall be liable to make payment of lumpsum for the whole year, except when the dealer opts for payment of lumpsum for the first time after the commencement of the business, he shall be liable to pay lumpsum from the beginning of the month in which he exercises his option.

Explanation.—For the purpose of this section, “brick manufacturer” means the manufacturer of brick specified in sub-item (a) or (b) of item (22) in Part-B of the First Schedule.”

Insertion of
Seventh
Schedule.

3. After the Sixth Schedule to the principal Act, the following Schedule shall be added, namely:—

“THE SEVENTH SCHEDULE.

(See section 6-A)

Compounded rate for Brick Kilns.

<i>Serial No.</i>	<i>Brick Kiln capacity.</i>	<i>Lumpsum tax per annum in lieu of tax payable.</i>
1.	Kiln upto 16 chambers	Rs. 90,000
2.	Kiln with more than 16 chambers but not exceeding 26 chambers	Rs. 1,20,000
3.	Kiln with more than 26 chambers but not exceeding 32 chambers	Rs. 1,80,000
4.	Kiln with more than 32 chambers	Rs. 1,80,000 plus Rs. 6,000 per additional chamber above 32 chambers.

Explanation.—If a kiln is designed to be fired at two places, the rate of lumpsum payable by the dealer owning such kiln shall be double of the aforesaid rates.”.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 26 OF 2009.

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

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

1. (1) This Act may be called the Tamil Nadu Value Added Tax (Fifth Amendment) Act, 2009.

Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu
Act
32 of 2006.

2. After sub-section (1) of section 3 of the Tamil Nadu Value Added Tax Act, 2006, the following sub-section shall be inserted, namely:—

Amendment of section 3.

Tamil Nadu
Act
1 of 1959.

"(1-A) Notwithstanding anything contained in this Act, for the purpose of assessment of tax under this Act, for the period from the 1st day of January 2007 to the 31st day of March 2007 in respect of dealers referred to in clause (a) or (b) of sub-section (1), the total turnover for the period from the 1st day of April 2006 to the 31st day of December 2006 under the repealed Tamil Nadu General Sales Tax Act, 1959 and the total turnover for the period from the 1st day of January 2007 to the 31st day of March 2007 under this Act, shall be the total turnover for the year 2006-2007. In respect of such dealer whose total turnover for that year exceeds the total turnover referred to in the said clause (a) or (b) of sub-section (1) and if,—

(a) such dealer has not collected the tax under this Act, he is not liable to pay tax under this Act,

(b) such dealer has collected the tax under this Act, he is liable to pay tax under this Act and the other provisions of this Act shall apply to such dealer."

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 27 OF 2009.

An Act to regulate the Jallikattu in the State of Tamil Nadu

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 Regulation of Jallikattu Act, 2009. Short title and commencement.
- (2) It shall come into force on such date, as the State Government may, by notification, appoint.
2. (1) In this Act, unless the context otherwise requires,— Definitions.
- (a) "Collector" means the Collector of a District and includes any officer specially appointed by the Government to perform the functions of the Collector under this Act;
- (b) "Government" means the State Government;
- (c) "Jallikattu" includes "manjuvirattu", "oormaadu", "vadamadu", "erudhu vidum vizha" and all such events involving taming of bulls.
3. (1) Notwithstanding anything contained in any other law for the time being in force or in any judgement, or decree or order of any court or other authority, no person shall conduct "Jallikattu" (hereinafter referred to in this Act as "the event") without prior written permission of the Collector. Regulation of Jallikattu.
- (2) No permission under sub-section (1) shall be granted to any person, to conduct the event, unless the Collector satisfies himself that,—
- (i) the event is conducted during the months from January to May of a year;
- (ii) the place selected is suitable for orderly conduct of the event;
- (iii) the event should have been conducted during the past five years continuously;
- (iv) the event shall be held at a place notified by the Collector in the District Gazette.
- (3) A permission granted under sub-section (1) shall be—
- (a) valid for such area, for such period and for such purposes, as may be specified therein;
- (b) subject to such conditions and restrictions as may be specified therein.
- (4) A permission granted under sub-section (1) may be withdrawn or modified by the Collector at any time prior to the conduct of the event, after giving a reasonable opportunity of hearing to the person organising the event:
- Provided that the permission may be withdrawn or modified by the Collector without giving a reasonable opportunity to the person organising the event if the Collector is satisfied, for reasons to be recorded in writing, that immediate action is necessary.
4. Every person who organises the event shall,— Responsibility of organiser.
- (i) take all precautionary steps for the orderly conduct of the event;
- (ii) inform in writing to the Collector thirty days prior to the date of the event and obtain his permission;
- (iii) double-barricade the arena or the way through which the bulls pass through, in order to avoid injuries to the spectators and by-standers who may be permitted to remain within the barricades;
- (iv) fix up the gallery for the spectators to sit and watch the event and the gallery shall be made up with strong sticks to permit occupation;
- (v) arrange to obtain prior permission of the Collector to the persons, who wish to bring their bulls to participate in the event;

(vi) ensure that the bulls are put to proper testing by the authorities of the Animal Husbandry Department to ensure that performance enhancement drugs are not administered to the bulls in any form and shall obtain a certificate to this effect in such form and in such manner as may be prescribed;

(vii) arrange to enroll the names and other particulars of the bull tamers in the event with the Collector at least fifteen days prior to the holding of the event and the bull tamers shall also be put to thorough check up by a medical team constituted by the Collector for this purpose;

(viii) ensure that every bull tamer to wear an exclusive dress for the sake of identification with necessary identification card issued by the Collector;

(ix) deposit with the Collector, a sum as may be determined by the Collector, which shall not be less than rupees two lakhs, for the benefit of the victim including the members of the family of the victim in case of accident or injury during the event:

Provided that nothing in this clause, shall be deemed to make the Government or any of its authorities liable to make payment of compensation for the injury or loss caused during the course of conduct of event unless it is established there is a default on the part of the authorities in complying with the provisions of this Act; and

(x) carryout any other responsibility that may be prescribed.

Arrangements
to be made
by the
Collector.

5. The Collector shall,—

(i) ensure double barricading of the arena at the minimum of six feet height so that bulls will not jump the double barricading and avoid causing of injuries to the spectators;

(ii) ensure the number of spectators in the gallery shall not exceed the limit prescribed by the Public Works Department;

(iii) ensure safety certificate is obtained from the Public Works Department for the double barricading and for the safety of the gallery;

(iv) ensure that the bulls are free of any diseases and not intoxicated or administered with any substance like nicotine, cocaine with the object of making them more aggressive or ferocious with the assistance of the Animal Husbandry Department;

(v) arrange to provide adequate police protection at the places where the event is held;

(vi) arrange to provide adequate medical facilities including the ambulance at the place where the event is held, to give medical treatment and constitute a medical team for such purpose;

(vii) arrange for necessary drinking water supply as well as sanitation facilities in the place where the event is to be held;

(viii) authorise an officer not below the rank of a Deputy Collector to look after each item of event and arrangement like checking up of bulls, checking up of bull tamers, checking up of the barricading and gallery arrangements, medical facilities, water supply, sanitary arrangements and safety of spectators and any other requirement in connection with the event;

(ix) arrange to give wider publicity of the provisions of the Prevention of Cruelty to Animals Act, 1960 and the rules framed thereunder and the risk involved in participating in the event;

Central Act
59 of 1960.

(x) ensure the presence of Animal Welfare activists representing the Animal Welfare Board established under the Prevention of Cruelty to Animals Act, 1960 during the conduct of the event;

Central Act
59 of 1960.

(xi) videograph the entire event and provide the same to the Government or any other authority as and when required; and

(xii) make all such other arrangements as may be prescribed.

Appeal.

6. (1) Where the Collector refuses to give permission under sub-section (1) of section 3, any person aggrieved by such order of refusal may file an appeal to the Government within a period of fifteen days from the date on which such order is communicated to him:

Provided that the Government may entertain an appeal after the expiry of the said period of fifteen days if it is satisfied that the appellant has sufficient cause for not preferring an appeal within the period of fifteen days.

(2) On receipt of the appeal under sub-section (1), the Government shall after examining the case and after giving the appellant an opportunity of being heard pass such order as they deem fit.

7. Whoever contravenes the provisions of this Act shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to ten thousand rupees or with both. Penalty.

8. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or a rule or order made thereunder. Protection of action taken in good faith.

9. 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 appear to them to be necessary or expedient for removing the difficulties. Power to remove difficulties.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force. Operation of other laws not affected.

11. (1) The Government may make rules for carrying out all or any of 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 in the next session, the Legislative Assembly makes any modification in any such rule or notification or order, or the Legislative 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.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 6th August 2009 and is hereby published for general information:—

ACT No. 28 OF 2009.

An Act further to amend the Tamil Nadu Panchayats Act, 1994

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

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| 1. | (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 2009. | Short title and commencement. |
| | (2) It shall come into force at once. | |

Tamil Nadu
Act
21 of 1994.

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|----|---|---------------------------|
| 2. | In section 110 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), in clause (g), the expression "or tank" shall be omitted. | Amendment of section 110. |
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| 3. | In section 112 of the principal Act, for clause (aa), the following clause shall be substituted, namely:— | Amendment of section 112. |
|----|---|---------------------------|

"(aa) the excavation, repair and maintenance of tanks and the construction of water works for the supply of water for drinking, washing and bathing purposes;"

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 6th August 2009 and is hereby published for general information:—

ACT No. 29 OF 2009

***An Act to amend the Indian Stamp and the Registration
(Tamil Nadu Amendment) Act, 2006***

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

1. (1) This Act may be called the Indian Stamp and the Registration (Tamil Nadu Amendment) Amendment Act, 2009.

Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu
Act
13 of 2008.

2. In section 1 of the Indian Stamp and the Registration (Tamil Nadu Amendment) Act, 2006, in sub-section (3), after the expression “by notification, appoint”, the expression “and different dates may be appointed for different provisions of this Act.” shall be inserted.

Amendment of section 1.

(By order of the Governor)

S. DHEENADHAYALAN,
*Secretary to Government,
Law Department.*