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Part IV—Section 1

Tamil Nadu Bills

CONTENTS

	<i>Pages.</i>
L.A. Bills:	
No. 25 of 2018 The Chennai City Municipal Corporation (Amendment) Act, 2018.	118-120
No. 26 of 2018 The Tamil Nadu Agricultural Produce Marketing (Regulation) Amendment Act, 2018	121-122
No. 27 of 2018 The Tamil Nadu Shops and Establishments (Amendment) Act, 2018	123-127

**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 27th June, 2018 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 25 of 2018

A Bill further to amend the Chennai City Municipal Corporation Act, 1919.

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

Short title and
commence
ment.

1. (1) This Act may be called the Chennai City Municipal Corporation (Amendment) Act, 2018.

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

Amendment of
Schedule-IV.

Tamil Nadu
Act IV of 1919.

2. In Schedule-IV to the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the principal Act), in Part VI, after rule 29-C, the following rules shall be added, namely:—

“29-D. If any amount remains unpaid after the due date for its payment, the assessee shall pay, in addition to the amount due, interest at such rate not exceeding two per cent simple interest, as may be prescribed.

29-E. Where arrears amount are due to the corporation consequent on the orders delivered by the Taxation Appeal Tribunal in the appeal preferred by the assessee, the assessee shall pay the said amount with two per cent simple interest from the due date of payment of the said amount, within fifteen days from the date of delivery of the order.

29-F. Five per cent of the net property tax payable by an assessee, subject to a maximum of five thousand rupees shall be granted as an incentive, who has paid the property tax within fifteen days from the date of commencement of the half-year.”.

Amendment of
Schedule-V.

3. In Schedule-V to the principal Act, in Part II, in rule 14, after clause (h) and before the proviso, the following clause shall be inserted, namely:—

“(i) incentive payable to the assessee under rule 29-F of Schedule-IV.”.

STATEMENT OF OBJECTS AND REASONS

At present, there is no provision in the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), to grant incentives to the assessee who has paid the property tax within the period specified for its payments and for levying interest on the assessee who has not paid the said tax on the due date. The Fourth State Finance Commission has made recommendations to the Government to examine the need to give incentives to the prompt payers of property tax and to levy interest for delayed payment of the said tax, the Government, after careful examination of the recommendations, have decided to accept the said recommendations. Accordingly, the Government have decided to amend the said Tamil Nadu Act IV of 1919 suitably for the said purpose.

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

S.P. VELUMANI,
*Minister for Municipal Administration and
Rural Development, Implementation of Special Programme.*

K. SRINIVASAN,
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 27th June, 2018 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 26 of 2018

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-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Agricultural Produce Marketing (Regulation) Amendment Act, 2018.

Short title and commencement.

(2) It shall be deemed to have come into force on the 31st day of May 2018.

Tamil Nadu Act
27 of 1989

2. In section 33 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (hereinafter referred to as the principal Act), in the proviso to sub-section (1), for the expression "seven years", the expression "seven years and six months" shall be substituted.

Amendment of Section 33.

3. 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 2018, 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 2018 and ending with the date of publication 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.

Validation.

STATEMENT OF OBJECTS AND REASONS.

Sub-section (1) of section 33 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989) empowers the Government to appoint a Special Officer to manage the affairs of the market committee pending constitution of a new market committee for a period not exceeding three years in the aggregate. By virtue of the said provision, Special Officers were appointed to 23 market committees to manage the affairs of the said market committees and their term was lastly extended by virtue of Tamil Nadu Act 25 of 2017 up to seven years. As the tenure of the Special Officers was due to expire on 30-05-2018 and as it will take some more time to nominate members to the Market Committees, it is necessary to extend the tenure of the said Special Officers for a further period of six months beyond 30-05-2018 or till the reconstitution of the market committees, whichever is earlier. The Government have therefore, decided to amend the said Tamil Nadu Act 27 of 1989 for the aforesaid purpose.

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

R. DORAIKANNU,
Minister for Agriculture.

K. SRINIVASAN,
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 27th June, 2018 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 27 of 2018

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-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Shops and Establishments (Amendment) Act, 2018.

Short title and commencement.

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

Tamil Nadu Act
XXXVI of 1947.

2. In section 2 of the Tamil Nadu Shops and Establishments Act, 1947 (hereinafter referred to as the principal Act), after clause (17), the following clause shall be inserted, namely:—

Amendment of Section 2.

“(17-a) “time” means the Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time;”.

3. For section 3 of the principal Act, the following sections shall be substituted, namely:—

Substitution of section 3.

“3. **Registration of shops and establishments.**— (1) On and from the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018, employer of every establishment employing ten or more workers shall, within a period of six months from the date of commencement of his business, apply for registration and obtain a registration certificate.

(2) Every application for registration under sub-section (1) shall be in such form and in such manner as may be prescribed.

(3) The inspector on receipt of an application under sub-section (2), register the establishment and issue a registration certificate to the employer in such form as may be prescribed.

(4) The inspector shall maintain the Register of establishments and, the registration certificate issued by the inspector shall be prominently displayed in the establishment by the employer.

(5) (a) The registration certificate shall be valid for a period of five years and shall be renewable once in five years on payment of such fees as may be prescribed and the provisions of sub-sections (2) and (3) shall apply for the renewal of registration certificate;

(b) Every employer shall apply for renewal of his registration certificate before thirty days from the date of expiry of the period of validity of the registration certificate.

(6) If registration or renewal of a registration certificate is not issued within a period of thirty days from the date of receipt of application by the inspector, the registration certificate shall be deemed to have been granted or renewed, as the case may be, under this Act.

(7) The employer shall give intimation to the inspector, of any change in any of the particulars furnished in the application form submitted under sub-section (2), within a period of thirty days of such change. The inspector shall on receipt of such intimation shall amend the registration certificate or issue a fresh registration certificate.

(8) The employer shall, within a period of thirty days of the closure of the establishment, give intimation of such closure to the inspector and on receipt of such intimation, he shall cancel the registration certificate:

Provided that where the inspector is satisfied otherwise than on receipt of such intimation, that the establishment has been closed, he shall cancel such registration certificate.

(9) Notwithstanding anything contained in sub-section (1) employer of every existing establishment employing ten or more workers on the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018 shall intimate the details of the establishment along with a self declaration in such form as may be prescribed to the inspector, within a period of six months from the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018. The inspector shall after recording the intimation furnished by the employer in the register, issue a registration certificate.

3-A. Intimation of shops and establishments employing less than ten workers.— (1) Employer of every establishment employing less than ten workers shall, within a period of six months from the date of commencement of the Tamil Nadu Shops and Establishments (Amendment) Act, 2018 or within a period of six months from the date of commencement of his business, give intimation of his business in such form and in such manner as may be prescribed, to the inspector. The inspector shall record the particulars furnished by the employer in such register as may be prescribed:

Provided that, if at any point of time, the numbers of workers engaged in the establishment become ten or more, then all the provisions of this Act shall apply to such establishment and the employer of such establishment shall apply for registration and obtain a registration certificate as per the provisions of section 3.

(2) The employer of an establishment employing less than ten workers shall, within a period of thirty days of the closure of the establishment give intimation of such closure to the inspector. The inspector, on receiving the information shall remove the entry of such establishment from the register maintained by him.”.

Amendment of section 9.

4. In section 9 of the principal Act, in the proviso to sub-section (1), for the expressions “ten hours” and “fifty-four hours”, the expressions “ten and a half hours” and “fifty-seven hours” shall, respectively, be substituted.

Amendment of section 14.

5. In section 14 of the principal Act, in the proviso to sub-section (1), for the expressions “ten hours” and “fifty-four hours”, the expressions “ten and a half hours” and “fifty-seven hours” shall, respectively, be substituted.

Amendment of section 45.

6. In section 45 of the principal Act, for the expression “sections 7 to 11, 13 to 23, 25, 26, 29 to 41 and 47”, the expression “sections 3, 3-A, 7 to 11, 13 to 23, 25, 26, 29 to 41 and 47” shall be substituted.

Insertion of new section 47-A.

7. After section 47 of the principal Act, the following section shall be inserted, namely:—

"47-A. **Annual Return.**— Every employer of an establishment shall furnish an annual return, in such form and manner to such authority as may be prescribed."

8. In section 49 of the principal Act, in sub-section (2), for the expression "which may extend to fifty rupees", the expression "which may extend to two thousand rupees" shall be substituted.

Amendment of section 49.

9. After section 50 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 50-A.

"50-A. **Prohibition of discrimination against women employee.**— No woman employee shall be discriminated in matters of recruitment, training, transfers, promotions or wages."

STATEMENT OF OBJECT AND REASONS

The Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) provides for working hours regulation, weekly rest, opening and closing hours of shops etc. But there is no provision for the registration of shops and establishments under the Tamil Nadu Act XXXVI of 1947.

2. The Government of India has suggested Model Shops and Establishment (Regulation of Employment and Conditions of Service) Bill, 2016, a suggestive piece of legislation that provides for freedom to operate 365 days in a year; freedom to prescribe opening and closing time of establishment; women can be permitted during night shift if the provision of shelter, rest room, adequate protection of their dignity and transportation etc., exists; no discrimination against women in the matter of recruitment, training, transfer or promotions; online Registration through a simplified procedure; Safety and Welfare measures etc., and has requested the State Government to modify the State Shops and Establishments Act either by adopting the said Model Bill as it is, or by modifying its provisions as per the requirement of the State.

Accordingly, after considering the present scenario and advent to technological development, it is felt necessary that the Tamil Nadu Act XXXVI of 1947 needs certain amendments for introduction of registration and renewal of shops and establishments, prohibition of discrimination against women employee etc.

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

Dr. NILOFER KAFEEL,
Minister for Labour.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1(2) and the new section 3, 3-A and 47-A proposed to be inserted by clauses 3 and 7, of the Bill authorize the Government to issue notification or to make rules, as the case may be, for the purposes specified therein.

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

Dr. NILOFER KAFEEL,
Minister for Labour.

K. SRINIVASAN,
Secretary.