



TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 1

Tamil Nadu Bills

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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 16th September, 2020 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 45 of 2020

A Bill to provide for the establishment of a Foundation for making long-term arrangements for the conversion of 'Veda Nilayam', the residence of former Chief Minister of Tamil Nadu Puratchi Thalaivi Dr. J Jayalalithaa (Late) at Poes Garden, Chennai into a Memorial, for upkeep and management thereof, and for the matters connected therewith or incidental thereto.

WHEREAS, the Hon'ble Chief Minister of Tamil Nadu announced on 17.08.2017 that 'Veda Nilayam', the residence of former Chief Minister of Tamil Nadu Puratchi Thalaivi Dr. J Jayalalithaa (Late), situated at Poes Garden, Chennai, be converted as a Memorial and opened to the public, in remembrance of her achievements and sacrifices for the people of Tamil Nadu;

AND WHEREAS, the aforesaid land and building have been acquired by the State Government under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013);

AND WHEREAS, as the aforesaid land and building including the movable items therein such as furniture, books, jewels, etc., are in a state of disuse for more than three years, it is imminently necessary to prevent them from being spoilt and ruined due to lack of proper care and maintenance;

AND WHEREAS, the State Government have decided to transfer the aforesaid movable items to the State Government for its upkeep and management and to establish a Foundation and entrust the 'Veda Nilayam' to it, to make long term arrangements for its conversion into a Memorial;

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

1. (1) This Act may be called the Tamil Nadu Puratchi Thalaivi Dr. J Jayalalithaa Memorial Foundation Act, 2020.

Short title and commencement.

(2) It shall be deemed to have come into force on the 22nd day of May 2020.

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

Definitions.

(a) "Claims Commissioner" means the Claims Commissioner appointed under section 10;

(b) "Foundation" means the Puratchi Thalaivi Dr. J Jayalalithaa Memorial Foundation established under section 4;

(c) "Government" means the State Government;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "property" means 'Veda Nilayam', the residence of former Chief Minister of Tamil Nadu Puratchi Thalaivi Dr. J Jayalalithaa (Late), situated at Poes Garden, Chennai, more particularly specified in Part-A of the Schedule and includes the movable properties like books, furniture, jewels and other items specified in Part-B of the Schedule;

(f) "Schedule" means the Schedule to this Act.

Transfer of property.

3. (1) The right, title and interest of any person, in relation to the movable properties specified in Part-B of the Schedule, shall by virtue of this Act, stand transferred to, and vest in, the Government.

(2) The Government may, by notification, transfer the immovable property specified in Part-A, acquired by the Government under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and the movable properties specified in Part-B of the Schedule, to the Foundation.

Central Act 30 of 2013.

(3) The Government shall value the movable properties specified in Part-B of the Schedule and shall deposit the amount with the Claims Commissioner.

Establishment of Foundation.

4. (1) The Government may, by notification, establish, for the purpose of this Act, a Foundation, to be called the Puratchi Thalaivi Dr. J Jayalalithaa Memorial Foundation.

(2) The Foundation 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 and be sued.

(3) The Foundation shall consist of the following members, namely:—

(a) Hon'ble Chief Minister - Chairperson;

(b) Hon'ble Deputy Chief Minister;

(c) Hon'ble Minister (Information and Publicity);

(d) Chief Secretary to Government;

(e) Secretary to Government, Finance Department;

(f) Secretary to Government, Tamil Development and Information Department;

(g) Chief Engineer (Buildings), Public Works Department;

(h) The Director of Museums;

(i) Six members to be nominated by the Government from amongst the members of the political party to which former Chief Minister Puratchi Thalaivi Dr. J Jayalithaa (Late) belonged,; in consultation with that party.

(j) The Director of Information and Public Relations—Member Secretary.

(4) The tenure of the nominated members shall be for a period of three years and they shall be eligible for re-nomination.

(5) (a) The Foundation shall,—

(i) take necessary steps to maintain the immovable property specified in Part-A of the Schedule in good condition, and shall also undertake repairs, wherever necessary;

(ii) take necessary steps for the maintenance, upkeep and safety of all the movable properties specified in Part-B of the Schedule;

(iii) take such precautionary measures as it deems fit to protect the property from theft, fire or other damages;

(iv) prepare an action plan for conversion of the property into a Memorial and send it to the Government for approval;

(v) take necessary action to convert the property into a Memorial, on transfer of the property to the Foundation under subsection (2) of section 3 and on approval of the action plan.

(b) The Foundation shall be entitled to receive donations and grants from any person including the Government, and shall also be entitled to raise funds in any manner as it deems fit.

5. The Chairperson and other members of the Foundation shall not be entitled to any salary and allowances:

Salary and allowances.

Provided that the nominated members shall be paid such fees and allowances, as may be prescribed.

6. (1) The Foundation shall meet at least once in a year at such time as may be fixed by the Chairperson of the Foundation.

Meetings.

(2) All the decisions at any meeting of the Foundation shall be taken by a majority of the members present and voting:

Provided that in case of equality of votes, the Chairperson of the Foundation shall have a casting vote.

Vacancies,
etc., not to
invalidate
proceedings of
the Foundation.

7. No act or proceeding of the Foundation shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Officers of
Foundation.

8. (1) The Government may appoint an officer not below the rank of Joint Secretary to Government as Secretary to the Foundation to exercise such powers and perform such duties under the Chairperson of the Foundation as may be prescribed or as may be delegated to him by the Chairperson.

(2) The term of the office and other conditions of service of the Secretary to the Foundation shall be such as may be prescribed.

(3) Subject to such control, restrictions and conditions as may be prescribed, the Foundation may appoint such other officers and employees as may be necessary for the efficient performance of its functions.

Committee of
Management.

9. (1) For the purpose of managing the affairs of the Foundation, the Foundation may, by resolution passed at a meeting, appoint a Committee of Management, and entrust to it such powers, duties and functions, as may be specified in such resolution.

(2) The Foundation may, by resolution, appoint any person as a member of the Committee of Management, whether such person is a member of the Foundation or not, and may, from time to time, vary or rescind any resolution passed by it under this section.

Appointment
of Claims
Commissioner.

10. (1) The Government shall, for the purpose of deciding the claim of any person over the movable properties specified in Part-B of the Schedule, by notification, appoint a Claims Commissioner.

(2) The Claims Commissioner may regulate his own procedure for receiving and deciding the claims.

(3) Any person having a claim over the said movable properties may make a claim to the Claims Commissioner within ninety days from the date of appointment under sub-section (1):

Provided that if the Claims Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of ninety days, he may entertain the claim within a further period of sixty days and not thereafter.

Chairperson,
Members, etc.,
of Foundation
to be public
servants.

11. The Chairperson and members of the Foundation and the Claims Commissioner, Secretary and other officers and employees of the Foundation shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Central Act XLV
of 1860.

12. No suit, prosecution or other legal proceedings under this Act shall lie against any public servant, in respect of anything which is done in good faith or intended to be done in the discharge of his official functions or in exercise of his powers.

Protection of action taken in good faith by any public servant.

13. (1) The Government may, by notification, make rules to carry out the provisions of this Act.

Power to make rules.

(2) All rules made and notifications or orders 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 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.

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

Power to remove difficulties.

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

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

Power to give directions.

Tamil Nadu
Ordinance 3 of
2020.

16. (1) The Tamil Nadu Puratchi Thalaivi Dr. J Jayalalithaa Memorial Foundation Ordinance, 2020 is hereby repealed.

Repeal and Saving.

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

THE SCHEDULE

(See section 3)

PART-A

The Immovable Property

Taluk	:	Mylapore
Town	:	Mylapore I
Block No.and Survey No.	:	Block No.31, Survey No.1567/50
Municipal Door No.	:	36/81
Classification of Land	:	Ryotwari Manai Quit Rent
Area	:	00.22.60 Hectare
Boundaries	:	North 1567/1 East 1567/1, 1567/63, 1567/64 and 1567/43 South 1567/73 West 1567/1
Structures	:	3 Storied Building (Ground + 2 Floors)
Trees	:	Mango Trees – 2, Jack Fruit Tree – 1, Coconut Trees – 5, Banana Trees – 5
Owner	:	Former Chief Minister of Tamil Nadu Puratchi Thalaivi Dr. J Jayalalithaa (Late)

PART-B

The Movable Properties.

Sl. No.	Name of Items	Total Numbers
1.	Gold	14 items = 4 Kg and 372 grams
2.	Silver	867 items = 601 Kg and 424 grams
3.	Silver Items (Small Utensils)	162 items
4.	Televisions	11
5.	Refrigerators	10
6.	Air Conditioners	38
7.	Furniture (Except Kitchen Racks)	556
8.	Kitchen Utensils	6514
9.	Kitchen Racks and Furniture	12
10.	Cutlery Items (Showcase)	1055
11.	Pooja Utensils	15
12.	Dress Materials /Towels/ Bed Sheets / Other Cloth items/ Pillow Covers / Curtains / Footwear	10438
13.	Telephones / Mobile phone	29
14.	Kitchen Electrical Items	221
15.	Electrical Accessories	251
16.	Books	8376
17.	Mementos	394
18.	Documents like License, Court documents and IT Statements	653
19.	Stationery Items	253
20.	Furnishing Accessories	1712
21.	Carry cases (Suit cases)	65
22.	Cosmetic Items	108
23.	Clocks	6
24.	Canon Xerox Machine 2525	1
25.	Laser Printer T 1588	1
26.	Miscellaneous Items	959
	TOTAL	32721

STATEMENT OF OBJECTS AND REASONS

On 17.08.2017, the Hon'ble Chief Minister of Tamil Nadu announced that, 'Veda Nilayam', the residence of the former Chief Minister of Tamil Nadu Puratchi Thalaivi Dr. J Jayalalithaa (Late) situated at Poes Garden, Chennai would be converted as a Memorial and would be opened to the public, in remembrance of her achievements and sacrifices for the people of Tamil Nadu.

2. Pending acquisition of the aforesaid land and building under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the Tamil Nadu Puratchi Thalaivi Dr. J Jayalalithaa Memorial Foundation Ordinance, 2020 (Tamil Nadu Ordinance 3 of 2020) was promulgated by the Governor on the 21st day of May 2020 providing for transfer of the possession of 'Veda Nilayam' temporarily to the State Government and for the transfer and vesting of the movable properties contained therein such as furniture, books, jewels etc., with the State Government and for establishing a Foundation to make long term arrangements for its conversion into a Memorial.

3. Now, the aforesaid land and building have been acquired by the State Government under the said Central Act 30 of 2013.

4. The Bill seeks replace the said Ordinance taking into consideration the aforesaid subsequent development.

KADAMBUR RAJU,
Minister for Information and Publicity.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1 (2), 3 (2), 4 (1), 5, 8, 10 (1), 13, 14 and 15 of the Bill authorise the Government to issue notifications or orders or directions 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.

KADAMBUR RAJU,
Minister for Information and Publicity.

FINANCIAL MEMORANDUM

The Tamil Nadu Puratchi Thalaivi Dr.J Jayalithaa Memorial Foundation Bill, 2020 which when enacted and brought into operation would involve expenditure from the Consolidated Fund of State in the implementation of the Act. It is however not possible at this stage to estimate with any degree of accuracy the expenditure to be incurred as a result of the proposed legislation.

KADAMBUR RAJU,
*Minister for Information and
Publicity.*

Chennai-600 009,
16th September 2020.

K. SRINIVASAN,
Secretary.