

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

L.A. Bill No. 18 of 2020

A Bill further to amend the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

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:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Government Servants (Conditions of Service) Amendment Act, 2020.

(2) (a) Clause (1) of section 2 shall be deemed to have come into force on the 15th day of September 2016.

(b) Clause (2) of section 2 shall be deemed to have come into force on the 2nd day of March 2017.

(3) Section 3 shall be deemed to have come into force on the 30th day of May 2019.

(4) Section 4 shall be deemed to have come into force on the 19th day of April 2017.

Amendment of section 20.

2. In section 20 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (hereinafter referred to as the principal Act), in sub-section (2),—

Tamil Nadu Act 14 of 2016.

(1) under the heading "Subject for the Examination", for the expression "(1) English", the expression "(1) General Tamil or General English" shall be substituted;

(2) under the heading "Minimum percentage of marks", for the entry "35", "occurring in two places", the entry "45" shall, be substituted.

Amendment of section 25.

3. Section 25 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so renumbered, for clause (b), the following clause shall be substituted, namely:—

"(b) possesses such other qualifications as have been declared to be higher than or equivalent to the said special qualifications or special tests by the Government in consultation with the Equivalence Committee.";

(ii) after sub-section (1) as so re-numbered and amended, the following sub-section shall be inserted, namely:—

"(2) (a) The Equivalence Committee shall consist of—

- (i) The Secretary to Government, in-charge — Chairman.
of Higher Education Department.

- (ii) The Secretary to Government, — Member.
in-charge of Personnel and
Administrative Reforms Department.
- (iii) The Secretary to Government, — Member.
in-charge of School Education
Department.
- (iv) The Vice-Chairman, Tamil Nadu State — Member.
Council for Higher Education.
- (v) The Vice-Chancellor, University of — Member.
Chennai.
- (vi) The Vice-Chancellor, Anna University. — Member.
- (vii) The Vice-Chancellor, Annamalai — Member.
University.
- (viii) The Director of Technical Education. — Member.
- (ix) The Director of Collegiate Education. — Member.
- (x) The Member-Secretary, Tamil Nadu — Member
State Council for Higher Education. Secretary.

(b) The Chairman of the Equivalence Committee may request the Chairman or Secretary, Tamil Nadu Public Service Commission, the Chairman or Member Secretary of the Tamil Nadu Teachers Recruitment Board or any other official to attend any meeting of the Committee as a special invitee, if considered necessary.”.

4. In Schedule-VI to the principal Act,—

Amendment of
Schedule-VI.

(1) under the category “BLINDNESS AND LOW VISION”,—

(i) under the heading “General Turn”, for the turn “121” indicated against rotation “37”, the turn “125” shall be substituted;

(ii) under the heading “General Turn Women”, for the turn “125” indicated against rotation “3”, the turn “121” shall be substituted;

(iii) under the heading “Backward Classes (other than Backward Class Muslims)”,—

(a) for the turn “117” indicated against rotation “6”, the turn “118” shall be substituted;

(b) for the turn “22” indicated against rotation “86”, the turn “20” shall be substituted;

(iv) under the heading “Most Backward Classes and Denotified Communities”, for the turn “117” indicated against rotation “48”, the turn “113” shall be substituted;

(2) under the category “DEAF AND HARD OF HEARING”,—

(i) under the heading “Backward Classes (other than Backward Class Muslims)”, for the turn “72” indicated against rotation “18”, the turn “74” shall be substituted;

(ii) under the heading "Scheduled Castes", for the turn "173" indicated against rotation "22", the turn "172" shall be substituted;

(iii) under the heading "Scheduled Castes Women", for the turn "11" indicated against rotation "94", the turn "162" shall be substituted;

(3) under the category "LOCOMOTOR DISABILITY INCLUDING CEREBRAL PALSY, LEPROSY CURED, DWARFISM, ACID ATTACK VICTIMS AND MUSCULAR DYSTROPHY",—

(i) under the heading "General Turn Women", for the turn "148" indicated against rotation "11", the turn "145" shall be substituted;

(ii) under the heading "Most Backward Classes and Denotified Communities", for the turn "34" indicated against rotation "37", the turn "37" shall be substituted;

(iii) under the heading "Scheduled Castes", for the turn "149" indicated against rotation "93", the turn "126" shall be substituted;

(iv) under the heading "Scheduled Castes (Arunthathiyars on Preferential Basis)", for the turn "31" indicated against rotation "31", the turn "32" shall be substituted;

(4) under the category "AUTISM,INTELLECTUAL DISABILITY, SPECIFIC LEARNING DISABILITY & MENTAL ILLNESS / MULTIPLE DISABILITIES",—

(i) under the heading "General Turn Women",—

(a) for the turn "200" indicated against rotation "62", the turn "195" shall be substituted;

(b) for the turn "78" indicated against rotation "72", the turn "98" shall be substituted;

(c) for the turn "100" indicated against rotation "82", the turn "98" shall be substituted;

(ii) under the heading "Backward Classes (other than Backward Class Muslims) Women",—

(a) for the turn "181" indicated against rotation "9", the turn "180" shall be substituted;

(b) for the turn "93" indicated against rotation "13", the turn "97" shall be substituted;

(c) for the turn "195" indicated against rotation "48", the turn "194" shall be substituted.

Validation.

5. Notwithstanding anything contained in the principal Act,—

(1) any person who is already a member of a service and did not possess the minimum general educational qualification, appeared for the examination of the S.S.L.C Standard prescribed in sub-section (2) of section 20 of the principal Act conducted by the Tamil Nadu Public Service Commission,—

(i) by choosing General Tamil as one of the subject along with General Knowledge and obtained the minimum percentage of marks during the period commencing on and from the 15th September 2016; or

(ii) obtained 45 percentage of marks in each subject, by choosing either General Tamil or General English along with General Knowledge, during the period commencing on and from the 2nd day of March 2017;

and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette*, shall be deemed to possess the minimum general educational qualification under the principal Act, as amended by this Act;

(2) the Equivalence Committee specified in section 25 of the principal Act and continued as modified during the period commencing on the 30th day of May 2019 and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette* shall be deemed to have been validly in existence on and from the said date and continued in accordance with law, and any power exercised or duty performed by the said Committee during the said period shall be deemed to have been validly exercised or performed, as if the principal Act as amended by this Act had been in force at all material times; and

(3) the reservation of appointments provided for persons with disabilities against the turns specified in Schedule – VI of the principal Act commencing on and from the 19th day of April 2017 and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette* shall be deemed to have been validly provided as if the principal Act as amended by this Act had been in force at all material times.

STATEMENT OF OBJECTS AND REASONS

For the benefit of the candidates, who are in service and who do not possess the minimum general educational qualification, an examination of the S.S.L.C. Standard, comprising two papers, namely, English and General Knowledge, is conducted by the Tamil Nadu Public Service Commission, so as to acquire the said minimum general educational qualification as per section 20(2) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act No.14 of 2016). Executive instructions issued by the Government provided for inclusion of General Tamil as one of the subject for the said examination, with option to the candidates to choose either General Tamil or General English along with General Knowledge in the said examination. Further, orders have also been issued by the Government in G.O.(Ms.)No.33, Personnel and Administrative Reforms Department, dated 02-03-2017 to revise the minimum percentage of marks required to pass in each subject of the said examination from 35 per cent to 45 per cent.

2. Further, the Government have issued orders in G.O(Ms.)No.93, Higher Education Department, dated 30-05-2019 for replacing the existing Equivalence Committee under the Chairmanship of the Chairman, Tamil Nadu Public Service Commission for considering the request of the educational institutions to issue equivalence to the courses offered by them, for the purpose of appointment in public services, with a new Committee under the Chairmanship of the Secretary to Government, in-charge of Higher Education Department.

3. Further, section 27(b) of the said Tamil Nadu Act 14 of 2016, as amended by Tamil Nadu Act 30 of 2017 with effect from 19th April 2017, provides a total reservation of four percent for persons with disabilities, under different categories, for appointments in the services under the State, in the turn and the order of rotation specified in Schedule-VI to that Act. It has been brought to the notice of the Government that certain discrepancies have crept in the turns specified in the said Schedule-VI.

4. To give statutory effect to the aforesaid executive instructions and orders and to set right the discrepancies crept in the said Schedule-VI, the Government have decided to amend the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016) retrospectively and also to validate any action taken or anything done based on the said instructions or orders.

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

D. JAYAKUMAR,
*Minister for Fisheries and Personnel
and Administrative Reforms.*

K. SRINIVASAN,
Secretary.