



**TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY** PUBLISHED BY AUTHORITY

No. 175]

CHENNAI, MONDAY, MARCH 21, 2022
Panguni 7, Pilava, Thiruvalluvar Aandu-2053

Part IV—Section 1

Tamil Nadu Bills

**BILL 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 Tamil Nadu on 21st March, 2022 is published together with Statement of Objects and Reasons for general information:-

L.A Bill No. 16 of 2022

A Bill to provide, in the interest of the general public, for the transfer and vesting of the Chikkaiah Naicker College, Erode, in Government and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Chikkaiah Naicker College, Erode (Transfer and Vesting) Act, 2022. Short title and commencement.
- (2) It shall come into force on such date as the Government may, by notification, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) “appointed day” means the date on which this Act comes into force;
 - (b) “college” means Chikkaiah Naicker College, Erode affiliated to Bharathiar University with land and buildings as specified in the Schedule;
 - (c) “Commissioner” means the Commissioner appointed under section 6;

(d) "Government" means the State Government;

(e) "person interested" includes all persons claiming or entitled to claim an interest in compensation to be made on account of the vesting of the college in the Government under this Act.

Transfer and vesting of college.

3. On and from the appointed day, the college and the right, title and interest of the persons interested, shall stand transferred to, and vest absolutely in, the Government.

Effect of vesting.

4. (1) All properties of the college which have vested in the Government under section 3 shall, by virtue of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien or any other encumbrance affecting them, and any attachment, injunction or decree or order of any court restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(2) Where any recognition, affiliation, licence or other instrument in relation to the college had been granted at any time before the appointed day, in the name of a person interested, or in the name of the college, the Government or any other authority, on and from such date, be deemed to be substituted in such recognition, affiliation, licence or other instrument in the place of the person interested, if any, referred to therein as if such recognition, affiliation, licence or other instrument had been granted to it and shall hold such recognition, affiliation, licence or such other instrument for the remainder of the period for which the person interested if any would have held such licence or such other instrument.

(3) Every mortgagee of any property which has vested under this Act with the Government and every person holding any charge, lien or other interest in or in relation to any such property shall give in writing within sixty days of time from the appointed day, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgage of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the compensation amount to be paid under this Act.

Transfer of certain employees.

5. (1) Every person, who immediately before the appointed day, is serving in the college shall, on and from the said date, become an employee of the Government.

(2) Every person referred to in sub-section (1) shall hold office under the Government, subject to the conditions as applicable to him on the date of his appointment, for the same tenure, at the same remuneration and upon the same rights and privileges as to pension or gratuity, if any, and other matters as he would have held the same on the appointed day as if this Act had not come into force.

(3) The seniority and promotion of the employees referred to in sub-section (1) and the manner of filling up of arising vacancies of the college, shall be such as the Government may, by order, specify in this behalf.

6. (1) Every person interested in the college, whose land and properties stand vested in the Government under this Act, shall be entitled to receive and be paid compensation as hereinafter provided. Every such person shall make an application to the Commissioner appointed under sub-section (2).

Appointment of
Commissioner
and Payment of
compensation.

(2) For the purpose of determination of compensation payable to the persons interested, the Government shall, by notification, appoint a Commissioner.

Central Act 30 of
2013.

(3) The Commissioner appointed under sub-section (2) shall follow the provisions of sections 26, 27, 28 and 29 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the purpose of determination of market value of the land and properties attached to the college and thereupon decide the compensation payable to the persons interested.

(4) The Commissioner shall value the movable properties such as furniture, equipments, stores, apparatuses, appliances etc., and thereupon decide the compensation payable to the persons interested.

(5) After arriving at the compensation amount for the immovable and movable properties payable to the persons interested, the Commissioner shall recommend the same to the Government for making payment.

7. (1) Where several persons claim to be interested in the compensation, the Commissioner shall determine the persons who, in his opinion, are entitled to receive the compensation amount and the compensation amount payable to each of them.

Apportionment
of amount.

(2) When the compensation amount has been determined under section 6, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Commissioner may refer such dispute for the decision of the court.

8. (1) Where the compensation amount is determined by agreement and recommended by the Commissioner to the Government, the Government shall pay such amount to the person or persons entitled thereto.

Payment of amount.

(2) Where the compensation amount is determined by the Commissioner under section 6, the Government shall tender payment of the amount determined to the persons entitled thereto according to such determination and shall pay to them unless prevented by one or more of the contingencies mentioned in sub-section (3).

(3) If the persons entitled to the compensation amount, as determined by the Commissioner do not consent to receive it, or if there be no person competent to alienate the land and properties or if there be any dispute as to the title to receive the compensation amount, the Government shall deposit the compensation amount, so determined, in the court:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the compensation amount:

Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any amount determined under this Act, to pay the same to the person lawfully entitled thereto.

Investment of amount deposited in court.

9. Where any amount has been deposited in court under sub-section (3) of section 8, the court may either of its own motion or an application made by or on behalf of any party interested or claiming to be interested in such amount, order the same to be invested in such Government or other securities approved by the Government as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion give the parties interested therein the same benefit therefrom as they might have had from the land and properties in respect whereof such amount has been deposited or as near thereto as may be.

Claims to be made to Commissioner.

10. Every person having a claim against the person interested shall prefer such claim before the Commissioner within thirty days from the appointed day:

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

Admission or rejection of claims.

11. (1) On receipt of the claims, the Commissioner shall examine the same, and after examination, if he is satisfied with the genuineness of the claim, he shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of recommendation to the Government for disbursement.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and one issue of the daily newspaper in the Tamil language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the date so fixed.

Disbursement of money by Commissioner to claimants.

12. After admitting a claim under section 11, the Commissioner shall recommend to the Government the amount of claim for payment. The amount due in respect of such claim shall be paid to the person or persons to whom such sums are due and on payment the liability of the person interested in respect of such claim shall stand discharged.

Act to override all other laws.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any decree or order of any court, tribunal or other authority.

Explanation.— For the purpose of this section “law” includes any award, agreement, settlement, instrument or contract of service.

Contracts to cease to have effect unless ratified by Government.

14. (1) Every contract entered into by the person interested, for any service, sale or supply and in force immediately before the appointed day shall, on and from the expiry of a period of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified in writing by the Government and in ratifying such contract the Government may make such alterations or modifications therein as it deems fit:

Provided that the Government shall not omit to ratify a contract, and shall not make any alteration or modification in a contract, unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interest of the college.

(2) The Government shall not omit to ratify a contract, and, shall not make any alteration or modification therein, except after giving to the parties to the contract, a reasonable opportunity of being heard and except after recording in writing, its reasons for refusal to ratify the contract or for making any alteration or modification therein.

15. Any person who,—

Penalties.

(a) having in his possession, custody or control any property forming part of the college, wrongfully withholds such property from the Government or any person authorised by the Government, in this behalf; or

(b) wrongfully obtains possession of, or retains, any property forming part of the college or wilfully withholds or fails to furnish to the Government or any person specified by the Government, any document relating to such college which may be in his possession, custody or control or fails to deliver to the Government or any person specified by the Government, any asset, book of accounts, register or other documents in his custody relating to the college; or

(c) wrongfully removes or destroys any property, forming part of the college or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

16. No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government for anything which is, in good faith, done or intended to be done under this Act.

Protection of action taken in good faith.

17. (1) The Government may, by notification, delegate all or any of the powers exercisable by it under this Act, other than the power under section 18, to any person or persons.

Delegation of powers.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated, shall act under the direction, control and supervision of the Government.

18. 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 it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of two years from the appointed day.

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

Commencement of notification and placing on the table of the Legislative Assembly.

(2) Every notification or order issued under this Act shall, as soon as possible, after it is 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 Legislative Assembly makes any modification in any such notification, or order, or the Legislative Assembly decides that the notification, or order should not be issued, the 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 notification or order.

THE SCHEDULE.

[See section 2(b)]

Details of Land and Buildings

Taluk	:	Erode
Town	:	Erode
Survey Numbers	:	266, 267, 268, 269 and 272
Total Area	:	52 Acres
Boundaries	:	East - Road Survey Nos.253, 255, 265 West - Survey Nos.270, 271, 681 South - Survey Nos.273, 274, 483, 484 North - V.No.35 Erode
Structures	:	11 - Ground Floor Buildings; and 3 - Ground Floor + First Floor Buildings

STATEMENT OF OBJECTS AND REASONS.

The Chikkaiah Naicker College, Erode was established in the year 1954 with the help of donations received from public and Government in the form of land and money by the Mahajana School Board. The said Board started the college in the name of "Mahajana College" on 12.07.1954 in 52 acres of Land at Erode. Later in the year 1959 the college was renamed as "Chikkaiah Naicker Mahajana College" and in the year 1970 again renamed as "Chikkaiah Naicker College".

2. The Mahajana School Board created a Board in the name of "Chikkaiah Naicker College Managing Board" and registered it as a society under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975). In as much as the said society became inactive, the District Registrar, Erode struck off its name from the Registrar of Societies and published notice thereof in the *Tamil Nadu Government Gazette* dated the 3rd May 1995 and the society is deemed to be dissolved from that date.

3. In the meanwhile, on the complaints of financial irregularities and mal-administration against the then Management Committee of the said college, the Director of Collegiate Education, by resorting to G.O.(Ms) No.1021, Education Department, dated 02.09.1985, authorized the Regional Joint Director of Collegiate Education, Coimbatore among others, to make payment of salaries directly to the teaching and non-teaching staff of the said college from 09.01.1998. During the year 2002, the State Government under section 14-A of the Tamil Nadu Private Colleges Regulation Act, 1976 (President's Act 19 of 1976), suspending the management of the said college, appointed the Regional Joint Director of Collegiate Education, Coimbatore as the Special Officer.

4. Thereafter, under section 30(1) of the said President's Act of 19 of 1976, the management of the said college was taken over by the State Government, initially for a period of two years from 19.12.2002 and the Regional Joint Director of Collegiate Education, Coimbatore region was appointed as caretaker to run the management of the college. The management of the said college is continued to be taken over, from time to time, by amending the said Act periodically and is still under the control of the Government. In the interest of the welfare of the students and teachers of the said college and in public interest, it is considered that the said college may now be transferred and vested in the Government. The Government have, therefore, decided to undertake legislation for the purpose.

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

DR. K. PONMUDY,
Minister for Higher Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 1 (2), 5(3), 6(2), 17(1) and 18 of the Bill authorise the Government to issue notifications or orders, as the case may be, for the purposes specified therein.

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

DR. K. PONMUDY,
Minister for Higher Education.

FINANCIAL MEMORANDUM.

The Bill provides for taken over the management of Chikkaiah Naicker College, Erode permanently by the Government. The Bill when enacted and brought into force would involve expenditure from the consolidated fund of the State. 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.

DR. K. PONMUDY,
Minister for Higher Education.

Chennai-600 009,
21st March 2022.

K. SRINIVASAN,
Secretary.