



**TAMIL NADU
GOVERNMENT GAZETTE**

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 131]

CHENNAI, WEDNESDAY, JUNE 7, 2006
Vaikasi 24, Viya, Thiruvalluar Aandu – 2037

Part IV – Section 2

Tamil Nadu Acts and Ordinances

CONTENTS

Acts:

No. 10 of 2006 – Tamil Nadu Prohibition of Forcible Conversion of Religion (Repeal) Act, 2006

No. 11 of 2006 – Tamil Nadu Essential Services Maintenance (Repeal) Act, 2006

No. 12 of 2006 – Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes
(Reservation of Seats in Private Educational Institutions) Act, 2006


Prof. Dr. E. Kannan
Registrar
Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
Deemed to be University Est. w/o 3 of UGC Act, 1956

Act No. 10 OF 2006

An Act to repeal the Tamil Nadu Prohibition of Forcible Conversion of Religion Act, 2002.

BE it enacted by the Legislative Assembly of the
State of Tamil Nadu in the Fifty-seventh Year of the
Republic of India as follows:---

1. (1) This Act may be called the Tamil Nadu Short title and
Prohibition of Forcible Conversion of Religion (Repeal)
Act, 2006.

(2) It shall be deemed to have come into force
on the 18th day of May 2004.

2. The Tamil Nadu Prohibition of Forcible Tamil Nadu Act 56
Conversion of Religion Act, 2002 is hereby repealed.
of 2002

Repeal

(By Order of the Governor)

S.Dheenadhayalan,
Secretary to Government-in-charge
Law Department.

Prof. Dr. E. Kannan
Registrar

Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
(Deemed to be University Est. u/s 3 of UGC Act, 1956)

Act No. 11 OF 2006

An Act to repeal the Tamil Nadu Essential Services Maintenance Act, 2002.

BE it enacted by the Legislative Assembly of the
State of Tamil Nadu in the Fifty-seventh Year of the
Republic of India as follows:---

1. (1) This Act may be called the Tamil Nadu Short title and
Essential Services Maintenance (Repeal) Act, 2006. commencement.

(2) It shall come into force at once.

Repeal

2. The Tamil Nadu Essential Services Tamil Nadu Act 36
Maintenance Act, 2002 is hereby repealed. of 2002

Tamil Nadu Act 36
of 2002

3. All actions taken under the Tamil Nadu Essential Abatement of
Services Maintenance Act, 2002 and all proceedings action taken and
thereunder pending immediately before the legal proceedings.
commencement of this Act, before any court or authority
shall abate.

(By Order of the Governor)

S.Dheenadhayalan,
Secretary to Government-in-charge
Law Department.


Prof. Dr. E. Kannan
Registrar
Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
(Deemed to be University Est. u/s 3 of UGC Act, 1956)

Act No. 12 OF 2006

An Act to provide for reservation of seats in private educational institutions in the State for the Backward Classes of citizens and for persons belonging to the Scheduled Castes and the Scheduled Tribes in the State of Tamil Nadu.

WHEREAS, the policy of reservation for the social, economic and educational advancement of the people belonging to Backward Classes of citizens in admissions to educational institutions in the State has been under implementation in the State of Tamil Nadu for a long time;

AND WHEREAS, the State of Tamil Nadu is a pioneer State in providing reservation for the underprivileged and the first communal Government Order was passed in the year 1921 and the proportional representation for communities was made in the year 1927 in the State of Tamil Nadu;

AND WHEREAS, a large percentage of population of Tamil Nadu suffering from social and educational backwardness for many years have started enjoying the fruits of the reservation policy and have been able to improve their lot and attain a higher standard of living;

AND WHEREAS, Tamil Nadu Legislature passed Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in Services

Prof. Dr. E. Kannan
Registrar

Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
Decreed to be University Est. w/d of UGC Act, 1956

under the State) Act, 1993;

AND WHEREAS, the Constitution (Seventy-Sixth Amendment) Act, 1994, added the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in Services under the State) Act, 1993 enacted by the Tamil Nadu Legislature, to the IX Schedule, so as to give protection to the State Act under Article 31B of the Constitution superseding the decision of the Supreme Court fixing a ceiling of 50% under Article 16(4) on the State forwarding the aforesaid Act to the Centre under Article 31C of the Constitution;

AND WHEREAS, under clause (1) of Article 38 of the Constitution, the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political shall inform all the institutions of the national life;

AND WHEREAS, under clause (2) of Article 38 of the Constitution, the State shall, in particular, strive to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or


Prof. Dr. E. Kannan
Registrar
Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
(Deemed to be University) Estd. 19/8 of UGC Act, 1956

engaged in different vocations;

AND WHEREAS, under Article 46 of the Constitution, the State shall promote, with special care, the educational and economic interest of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitations;

AND WHEREAS, the 93rd Constitution Amendment incorporating clause (5) of Article 15 of the Constitution enables the making of any special provisions, by law, for the advancement of any socially and educationally Backward Classes of citizens or for the Scheduled Castes or Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions, including private educational institutions whether, aided or unaided by the State other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution;

AND WHEREAS, it has been decided to require reservations to be applied for aided, unaided and deemed Universities;

AND WHEREAS, the State Government have, after careful consideration of the population in the respective categories, the present stage of their advancement in

Prof. Dr. E. Kannan
Registrar

Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
(Deemed to be University) Est. on 3 of UGC Act, 1956

education, taken a policy decision that the existing level of sixty-nine per cent reservation in admission to educational institutions other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution in the State for the Backward Classes of citizens and for the persons belonging to the Scheduled Castes and Scheduled Tribes, should be continued for ensuring the advancement of the majority of the people of the State of Tamil Nadu

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-Seventh Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Private Educational Institutions) Act, 2006.

(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.

Definitions.

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

(a) "Backward Classes of citizens" means the class or classes of citizens who are socially and educationally backward notified by the Government in the Tamil Nadu Government Gazette and includes the Most Backward

Prof. Dr. E. Kannan
Registrar

Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
(Deemed to be University) Est. on 9 of UGC Act, 1956

Classes and the Denotified Communities;

(b) "Competent Authority" means the competent authority appointed by the Government under section 6;

(c) "Government" means the State Government;

(d) "Private educational institution" means any deemed university or any private college or other private educational institution, including any institute or training centre recognized or approved, whether aided or unaided by the State, other than the minority educational institution referred to in clause (1) of Article 30 of the Constitution established with the object of preparing, training or guiding its students for any certificate, degree or diploma or other academic distinctions granted or conferred by any university or authority established or approved in this behalf;

(e) "Prescribed" means prescribed by the rules made under this Act;

(f) "Scheduled Castes" shall have the same meaning as in the Constitution;

(g) "Scheduled Tribes" shall have the same meaning as in the constitution.

Reservation of seats in private educational institutions.

3. (1) Notwithstanding anything contained in any judgement, decree or order of any court or other authority, having regard to the social and educational

Prof. Dr. E. Kannan
Registrar
Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
Deemed to be University Est. u/s 3 of UGC Act, 1956

backwardness of the Backward Classes of citizens and the persons belonging to the Schedules Castes and the Scheduled Tribes who constitute the majority of the total population of the State of Tamil Nadu, the reservation in respect of the annual permitted strength in each branch or faculty for admission into private educational institutions in the State, for the Backward Classes of citizens and for the persons belonging to the Scheduled Castes and the Scheduled Tribes, shall be sixty-nine per cent.

(2) The reservation referred to in sub-section (1) shall, in respect of the persons belonging to the Backward Classes, the Most Backward Classes and Denotified Communities, the Scheduled Castes and the Scheduled Tribes, be as hereunder:

(a) Backward Classes .. Thirty per cent

(b) Most Backward Classes .. Twenty percent

and Denotified Communities

(c) Scheduled Castes .. Eighteen percent

(d) Scheduled Tribes .. One per cent

4. Notwithstanding anything contained in section 3, Reservations not to be affected.
the claims of the students belonging to the Backward

Prof. Dr. E. Kalman
Registrar

Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
(Deemed to be University Est. by S of UGC Act, 1956)

Classes of citizens or the Scheduled Castes or the Scheduled Tribes, shall also be considered for the unreserved seats, and where a student belonging to the Backward Classes of citizens or the Scheduled Castes or the Scheduled Tribes, is selected on the basis of merit, the number of seats reserved for the Backward Classes of citizens or for the persons belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, shall not in any way be affected.

5. The Government may, from time to time, based on the reports presented at the appropriate periods to the Government by the Tamil Nadu Backward Classes Commission constituted in G.O. Ms. No.9, Backward Classes and Most Backward Classes Welfare Department, dated the 15th day of March 1993, by notification, classify or sub-classify the Backward Classes of citizens for the purpose of this Act.

Classification of Backward Classes of citizens.

6.(1) The Government may, by notification, appoint any officer not below the rank of District Backward Classes and Minorities Welfare Officer to be the competent authority for the purposes of carrying out the provisions of this Act and the rules made thereunder and different competent authorities may be appointed for different areas.

Competent authority.

Prof. Dr. E. Kannan
Registrar

Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
(Deemed to be University) Est. 1989

(2) The competent authority shall exercise such powers and perform such functions as may be prescribed.

7.(1) The Government may, in the public interest, by order, direct the competent authority to make an enquiry or to take appropriate proceedings under this Act in any case specified in the order, and the competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

Power of Government to give direction.

(2) On receipt of the report from the competent authority under sub-section (1), the Government shall give such direction as they deem fit and such direction shall be final and binding.

Central Act XLV of 1860

8. The competent authority appointed under section 6 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Competent authority to be public servant.

9. No suit, prosecution or other legal proceedings shall lie against the competent authority, Government or its Officers for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

Protection of action taken in good faith.

10. (1) The Government may take rules for carrying out the purposes of this Act.

Power to make rules.


Prof. Dr. E. Kannan
Registrar
Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
Deemed to be University Est. w/t 5 of UCC Act, 1950

(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 the particular day, shall come into force on the day on which they are so published.

(b) All notification 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 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 remove difficulties.

11. If any difficulty arises in giving effect to the


Prof. Dr. L. Kannan
Registrar

Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
(Deemed to be University Estd. by UGC Act, 1956)

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 the difficulty;

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

(By Order of the Governor)

S.Dheenadhayalan,
Secretary to Government-in-charge
Law Department.


Prof. Dr. E. Kannan
Registrar

Vel Tech
Rangarajan Dr. Sagunthala
R&D Institute of Science and Technology
Deemed to be University Est. u/s of UGC Act, 1986