GOVERNMENT OF TAMIL NADU

1997

TAMIL NADU

GOVERNMENT GAZETTE

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PART IV – Section 2
Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 10th May 1997 and is hereby published for general information:-

ACT No. 33 OF 1997.

An Act to provide for the constitution of the Tamil Nadu Industrial Township Area Development Authority and matters connected therewith.

WHEREAS clause (1) of Article 243 Q of the Constitution provides for the constitution of an Industrial Township in an urban or transitional area in the manner provided therein;

AND WHEREAS in an Industrial Township so constituted there will be no municipality for providing the municipal services;

AND WHEREAS it is necessary to provide such municipal service in the area comprised in an Industrial Township;

AND WHEREAS it is necessary to make special provision to promote and assist the rapid and orderly establishment, growth and development of Industries in industrial areas and Industrial estates stituated in an Industrial Township.

AND WHEREAS for the purpose of administering the affairs or an Industrial Township and to promote the industrial growth, it is necessary to constitute an Industrial Area Development Authority ;

AND WHEREAS it is expedient to provide for all these and other matters connected therewith;

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

Short title extent and commencement

1. (1) This Act may be called the Tamil Nadu Industrial Township Area Development Authority Act, 1997.

(2) It extends to the whole of the State of Tamil Nadu.

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

(4) The provisions of the Act shall apply to any Industrial Township declared by the Governor under Article 243 Q (2) of the Constitution (on and from the date to be notified by the Government) (and different dates may be appointed for different Industrial Townships)

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Definition:

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

(a) "Authority" means the Tamil Nadu Industrial Township Area Development Authority constituted under section 3:

(b) "Government" means the State Government;

(c) "Industrial Township Area" means such urban area or part thereof declared by notification as "industrial township area" by the Governor of Tamil Nadu under Article 243 Q of the Constitution;

(d) "local authority" means,—

(i) any Municipal Corporation established under any law for the time being in force; or

Tamil Nadu Act V of 1920

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920; or

Tamil Nadu Act 21 of 1994

(iii) a District Panchayat or a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994;

(e) "promoting agency" means the Tamil Nadu Corporation for Industrial Infrastructure Development Limited (TACID) or Tamil Nadu Small Industries Development Corporation (SIDCO) or State Industries Promotion Corporation of Tamil Nadu (SIPCOT) or such other institution as may be notified by the Government in this behalf.

Constitution of Authority

3. (1) The Government may for the purposes of administering the affairs of an Industrial Township Area and for carrying out the provisions of this Act, by notification, constitute an Authority for each Industrial Township Area.

(2) The Authority shall be body corporate having perpetual succession and a common seal and shall by the said name sue or sued.

Composition of the Authority

4. The Authority shall consist of the following members, namely:-

(a) one member representing the promoting agency to be nominated by the Government;

(b) one member each representing the Factories, Public Health and Town and Country Planning Departments at such level and rank as may be determined and nominated by the Government in this behalf;

(c) (i) one member nominated by the Government from among the owners of Industrial undertakings situated in the Industrial Township Area;

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(ii) one member nominated by the Government having special knowledge of matters relating to technical or other aspects of industrial undertaking situated in the Industrial Township Area;

(iii) One member nominated by the Government to represent the interests of persons employed in the industrial undertakings situated in the Industrial Township Area;

(iv) A Chief Executive Officer appointed by the Authority; and

(v) The officer of the promoting agency nominated by the Government shall be the Chairman of the Authority.

Powers and duties of the Chief Executive Officer.

5. (1) The Chief Executive Officer shall be a whole time Officer of the Authority.

(2) The Chief Executive Officer shall exercise such powers and perform such duties as may be specified in the regulations or delegated to him by the Authority.

Terms of office of Chairman and Members.

6. (1) The Chairman and other Members of the Authority appointed by the Government by virtue of their office shall be the ex-officio Chairman and members.

(2) The non-official members shall hold office for such time as may be prescribed

Powers of the Authority

7. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transactions of its business including quorum as may be provided by regulations made under this Act.

(2) The authority may appoint such number of officers and employees as may be necessary for the performance of its functions and may determine their grades and designations subject to such control and restrictions as may be determined by general or special orders of the Government.

(3) The Officers and other employees of the authority, as the case may be, shall be entitled to receive from the funds of the Authority such as salaries and allowances and shall be governed by such other conditions of service as may be specified by the authority in the regulations.

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Central Act LXIII of 1948 Tamil Nadu Act III of 1939. Tamil Nadu Act 35 of 1972

(4) The Chairman may appoint any Officer exercising powers under the Factories Act, 1948, the Tamil Nadu Public Health Act, 1939 and the Tamil Nadu Town and Country Planning Act, 1971 as ex-officio members of the Authority and the officers so appointed shall exercise all powers and functions vested with their departments under the respective Acts in the Industrial Township Area.

Functions of the Authority

8. (1) The functions of the Authority shall be to administer the affairs and secure the planned development and maintenance of the Industrial Township Area.

(2) Without prejudice to the generality of the functions of the Authority, specified in clause (1), the Authority shall perform the following functions, namely;

(a) to cater to the civic needs and the requirements of industrial units situated in Industrial Township Area;

(b) to act as a single point contact for clearance required from different agencies or departments;

(c) to promote and assist in the rapid and orderly establishment, growth and development of Industries in the Industrial Township Area;

(d) to identify appropriate industrial sites acquired by them and tie up the required infrastructure facilities like power, water, roads, communications, drainages and pollution abatement systems, industrial sheds, social infrastructure like Industrial housing and common amenity buildings for banks, post office, hospitals, fire stations and the like;

(e) to acquire land in the Industrial Township Area by agreement of through proceedings under the Land Acquisition Act, 1984 for the purposes of this Act; Central Act of 1894

(f) to prepare a plan for the development of the Industrial Township Area;

(g) to demarcate and develop sites for industrial, commercial and residential purposes according to the plan;

(h) to provide infrastructure for industrial, commercial and residential purposes;

(i) to provide all amenities like roads, water supply to the Industrial units;

(j) to allocate and transfer either by way of sale or lease or otherwise alienate the developed plots of land situated within the industrial area to any person or body of persons or any company or any industrial undertaking for industrial, commercial or residential purposes subject to such terms and conditions as may be imposed;

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(k) to regulate the erection of buildings and setting up of industries;

(l) to lay down the purpose for which a particular site or plot of land shall be used namely for Industrial or commercial or commercial or residential purpose or any other specified purpose is each area; and

(m) such other functions as are necessary in furtherance of the objects of the Authority.

Applicablity of the provisions of Factories Act, 1948 and Tamil Nadu Public Health Act, 1939

Central Act LXIII of 1948 Tamil Nadu Act, III of 1939

9.(1) The provisions of the Factories Act, 1948 and the Tamil Nadu Public Health Act, 1939 shall apply to the Industrial Township Area subject to the following modifications:-

Central Act LXIII of 1948

(a) the power to grant licence or approval under the Factories Act, 1948 in relation to any industrial unit situated within the Industrial Township Area shall vest with the officer representing the Factories Department and functioning as a member under the control of the authority

Tamil Nadu Act III of 1939

(b) the power to grant licence or any approval under the Tamil Nadu Public Health Act, 1939 in relation to any industrial unit situated within the Industrial Township Area shall vest with the Public Health Officer representing the Public Health Department and functioning as a member under the control of the authority.

Central Act LXIII of 1948 Tamil Nadu Act III of 1939

(2) Subject to the modifications referred to in sub-section 1, the provisions of the factories is Act, 1948 and the Tamil Nadu Public Health Act, 1939 shall, however, apply in relation to such industrial unit including the provisions relating to appeal revision, inspection and other provisions, as they may apply to any industrial unit situated outside the Industrial Township Area.

Central Act LXIII of 1948 Tamil Nadu Act III of 1939

Explanation: An order passed granting or refusing a licence or approval under this section shall be deemed to be an order passed under the Factories Act, 1948 or Tamil Nadu Public Health Act, 1939 as they case may be and provisions of the said Act, shall apply as if it were an order passed under the said act.

power to issue direction in respect of erection of Building

10. (i) For the purposes of proper planning and Development of the Industrial Township Area i.e., Authority may issue such directions for the following purposes as it may consider necessary.

(a) regarding architectural features of the elevation of frontage of any buildings;

(b) the alignment of buildings of any site;

(c) the restrictions and conditions in regard to open spaces to be maintained in and around buildings and height and character of buildings;

(d) the number of residential buildings that may be erected on any site;

(e) the regulations of erection of shops, workshop, warehouses, factories or buildings;

(f) the maintenance of the heights and position of walls, fences, hedges or any other structure or architectural constructions;

(g) the maintenance of amenities;

(h) the restriction of use of any site for a purpose other than that for which it has been allocated; and

(i) the means to be provided for proper:-

i. drainage of waste water;
ii. disposal of industrial wastes; and
iii. disposal of town refuse.

(2) Every allotee or transferee of any land or industrial unit shall comply with the directions issued under sub-section (1) and shall as expeditiously as possible erect any building or take such other steps as may be necessary to comply with such directions.

Proceedings of the Authority not to be questioned

11. No act or proceedings of the authority shall be invalid by reason of the existence of any vacancy in or defect in the constitution of the Authority.

Cessation of application of local body Act.

12. Subject to the provisions of section 11, on and from the date on which an Authority is constituted under section 3, the Government may direct that any functions exercisable by the local authority within the Industrial Township Area shall be transferred and performed by the Authority under the local body Act which is applicable on the said date, in relation to such Industrial Township Area, which shall cease to apply to the said Industrial Township Area.

Explanation:- For the purposes of this section and other provisions of this Act, local body Act shall mean:-

(1) The Madras City Municipal Corporation Act, 1919 — Tamil Nadu Act IV of 1919.

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(2)	The Madurai City Municipal Corporation Act, 1971	Tamil Nadu Act 15 of 1971.
(3)	The Coimbatore City Municipal Corporation Act, 1981	Tamil Nadu Act 25 of 1981.
(4)	The Trichirapalli City Municipal Corporation Act, 1994	Tamil Nadu Act 27 of 1994.
(5)	The Tirunelveli City Municipal Corporation Act, 1994	Tamil Nadu Act 28 of 1994.
(6)	The Salem City Municipal Corporation Act, 1994	Tamil Nadu Act 29 of 1994
(7)	The Tamil Nadu District Municipalities Act, 1920	Tamil Nadu Act V of 1994
(8)	The Tamil Nadu Panchayats Act, 1994	Tamil Nadu Act 21 of 1920

Application of local body Act

13. (1) The Government may, by notification, direct that any of the provision of the respective local body Act or any rules made thereunder or of any other enactment for the time being in force in the Industrial Township Area shall apply to that area to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

(2) In particular and without prejudice to the generality of the foregoing provision, such notification may authorize-

(a) the Authority to levy all or any of the taxes and fees which may be levied by virtue of the provisions applied to the authority under this section,

(b) the Chief Executive Officer of the Authority to exercise and perform in regard to the authority the powers and duties assigned to the executive authority of a local authority under the provisions applied as aforesaid subject to such restrictions, limitations and conditions and to such control if any as may be specified in the notification.

Rights and liabilities

14. (1)All property, all rights of whatsoever kind used, enjoyed or possessed by and all interests of whatever kind owned or vested in or held in trust by or for the local authority as well as all liabilities legally subsisting against it shall on and from the date of constitution of the authority, stand transferred to the said Authority.

(2) All proceedings taken by or against the local authority may be continued by or against the Authority.

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Assets of the Promoting Agency or any persons.

15. Notwithstanding any provision contained in this Act or in any other law for the time being in force, all lands, structures and other facilities, including lights, water supply and drainage owned by the promoting agency or any person immediately proceeding to the date of constitution of the authority shall continue to be owned by the said promoting agency or person concerned.

Central Act I of 1980

Recovery of Land Revenue

16. All sums payable by any person or any persons to the Authority or recoverable by it or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as a means of land revenue due to Government under the provisions of Revenue Recovery Act, 1890 for the time being in force on the application of the Authority

Tamil Nadu Act 35 of 1972

Authority to be Local Authority and Planning Authority.

17. The Authority shall be deemed to be the local authority and also the local planning authority and shall exercise the powers of the said local authority as one vested under the local body Act concerned and the Town and Country Planning Act, 1971.

Fund of the Authority

18. (1) The Authority shall have and maintain its own fund to which shall be credited,-

(a) all moneys received by the Authority from the Government by way of grants, loans, advances or otherwise;

(b) all moneys borrowed by the Authority from sources other than the Government by way of loans or debentures;

(c) all fees, tolls, costs and charges received by the Authority under this Act and under any provision of law made applicable to the township under section 12;

(d) all moneys received by the Authority from the disposal of lands, buildings and other properties movable and immovable and from other transactions; and

(e) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.

(2) The fund shall be applied towards meeting the expenses incurred by the Authority and in the administration of this and for no other purposes.

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Budget of the Authority

19. (1) The Authority shall within such time as may be prescribed, prepare a budget in respect of the financial year next ensuing, showing the estimated receipt and expenditure and the programme of work for the succeeding financial year of the Authority and submit the same to the promoting agency for approval.

(2) The authority shall be competent to make variations in the programme of work with the prior approval of promoting agency.

Accounts and Audit

20.(i) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as the Government may specify.

(2) The accounts of the Authority shall be subject to audit annually by a qualified Chartered Accountant as may be approved by the authority.

(3) A copy of the audited accounts together with the report shall be sent to the promoting agency.

Annual Report

21.(i) The Authority shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date as the Government may specify.

Control by Government

22.(i) The Government may from time to time issue to the Authority such general or special directions of policy as they deem necessary or expedient for the purpose of carrying out the objects of this Act and the Authority shall be bound to follow and act upon such directions.

(2) The Government may, at any time, either on its own motion or any application made to it in this behalf, call for the records of any case disposed or order passed by the authority of the Chairman for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it may think fit.

(3) Provided that the Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

Every order of the Government made in exercise of the powers conferred by this Act shall be final and shall not be called in question in any court.

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Returns and inspection

23 (1) The Authority shall furnish to the Government such reports, returns and other information as the Government may from time to time, require.

(2) Without prejudice to the provisions of sub-section (1) the Government or any officer authorised by the Government in this behalf may call for reports, returns and other information from the authority as may be considered necessary.

Power to make Rules

24 (1) The Government may, by notification, make rules to carry out the purposes of this Act,-

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

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

(3) Every rule, order or notification made or 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, the Legislative Assembly in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule, order or notification if the Legislative Assembly decides that the rule, order or notification should not be made or issued, the rule, order or notification 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, order or notification.

Power to make regulations

25.(i) The Authority may with the previous approve of the Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder for the administration of the affairs of the Authority.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:

(a) The summoning the holding of meeting of the Authority, the time and place were such meeting are to be held, the conduct of business at such meetings and the number of members to form a quorum thereat;

(b) the powers and duties of the Chief Executive Officers;

(c) the form of registers to the maintained by the Authority;

(d) the management of properties of the Authority;

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(e) fees to be levied in the discharge of its functions;

(f) conditions of service of the officers and employees of the Authority, and

(g) such other matters as are to be provided for in regulations.

Power to remove difficulty.

26. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, 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 year from the date of the Commencement of this Act.

(By Order of the Governor)

A.K.RAJAN
Secretary to Government
Law Department

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