



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 21st February 2020 and is hereby published for general information:—

ACT No. 11 OF 2020.

An Act to protect the agricultural lands in the Cauvery Delta Region of the State of Tamil Nadu.

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 Protected Agricultural Zone Development Act, 2020.

Short title and commencement.

(2) It shall come into force at once.

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

Definitions.

(a) “agriculture” means growing or cultivation of plants or crops, production of agriculture, horticulture, apiculture, sericulture or forest produce or any other such activity for the purpose of food, fodder, fibre, bio-fuel and raw materials for agro-industries;

(b) “agricultural land” means all land that is used for the purpose of agriculture;

(c) “Authority” means the Tamil Nadu Protected Agricultural Zone Development Authority constituted under section 5;

(d) “District” means the revenue district;

(e) "District Collector" means the District Collector or any other officer authorised by the Government to perform the functions of the District Collector;

(f) "Government" means the State Government;

(g) "prescribed" means prescribed by rules;

(h) "protected agricultural zone" means the area specified in the First Schedule;

(i) "Schedule" means the Schedule appended to this Act;

(j) "State" means the State of Tamil Nadu.

Development of
Agriculture.

3. The Government shall take necessary steps,—

(a) to use the available agricultural lands for sustainable development of agriculture and ensure that the agricultural activities are not unduly constrained by non-agricultural use or other development;

(b) to develop the protected agricultural zone through integrated farming and enhanced cultivation practices by promotion of technologies to increase production and productivity of crops and farms;

(c) to promote optimum usage of water including flood management and other inputs in the field of agriculture;

(d) to promote agro-based and allied industries for sustainable agricultural development; and

(e) to promote research and development including skill building in the field of agriculture and allied sectors.

Prohibition.

4. (1) No person shall undertake any new project or new activity specified in the Second Schedule in the protected agricultural zone.

(2) Nothing contained in sub-section (1) shall,—

(a) affect the activities or projects in operation in the protected agricultural zone before the date of coming into force of this Act;

(b) affect infrastructure developments in the protected agricultural zone such as harbour, pipelines, road, tele communications, power, water supply and other utilities.

Constitution of
Authority.

5. (1) There shall be an Authority, by the name, the Tamil Nadu Protected Agricultural Zone Development Authority, consisting of the following members to carry out the purposes of this Act:—

(i) The Chief Minister – Chairperson;

(ii) The Deputy Chief Minister – Member;

(iii) The Minister for Finance – Member;

(iv) The Minister for Law – Member;

(v) The Minister for Agriculture – Member;

(vi) The Minister for Environment – Member;

(vii) The Minister for Rural Development and Local Administration – Member;

(viii) The Minister for Industries – Member;

(ix) The Minister for Rural Industries – Member;

- (x) The Minister for Animal Husbandry – Member ;
- (xi) The Minister for Fisheries – Member;
- (xii) The Chief Secretary to Government – Member, Ex-officio;
- (xiii) The Agricultural Production Commissioner and Secretary to Government, Agriculture Department – Member-Secretary, Ex-officio;
- (xiv) The Secretary to Government, Finance Department – Member, Ex-officio;
- (xv) The Secretary to Government, Animal Husbandry, Dairying and Fisheries Department – Member, Ex-officio;
- (xvi) The Secretary to Government, Industries Department – Member, Ex-officio;
- (xvii) The Secretary to Government, Rural Development and Panchayat Raj Department – Member, Ex-officio;
- (xviii) The Secretary to Government, Environment and Forest Department – Member, Ex-officio;
- (xix) The Secretary to Government, Housing and Urban Development Department – Member, Ex-officio;
- (xx) The Secretary to Government, Public Works Department – Member, Ex-officio;
- (xxi) The Vice-Chancellor, Tamil Nadu Agricultural University – Member, Ex-officio;
- (xxii) A Member of Parliament and two Members of Legislative Assembly representing the protected agricultural zone to be nominated by the Government – Members;
- (xxiii) Three representatives of farmers to be nominated by the Government – Members;
- (xxiv) One expert each in the field of Agricultural Science, Horticultural Science and Veterinary and Animal Science to be nominated by the Government – Members.

(2) The headquarters of the Authority shall be at Chennai.

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

6. (1) A nominated member shall hold office for a period of three years from the date of his nomination and he is eligible for re-nomination:

Provided that the Member of Parliament and the Members of Legislative Assembly shall hold office for a period of one year or till the expiry of his term of office, whichever is earlier and shall be eligible for re-nomination.

(2) A nominated member may, by writing under his hand addressed to the Government, resign his office, but he shall continue to hold office until his resignation is accepted by the Government.

(3) When the office of a nominated member becomes vacant by resignation, death, removal, disqualification or otherwise, the Government shall nominate within two months a new member to fill such vacancy.

Terms and conditions of appointment of nominated members of Authority.

(4) The Government may remove a nominated member from his office, if he incurs any one of the disqualifications specified below, namely:—

- (a) becomes an un-discharged insolvent; or
- (b) is convicted and sentenced to imprisonment for an offence; or
- (c) becomes of unsound mind and stands so declared by a competent court.

(5) The nominated members shall be eligible to draw such rate of sitting fee and travelling allowance, as may be prescribed.

Meetings of
Authority.

7. (1) The Authority shall meet, as often as may be necessary, at such time and place and observe such rules of procedure as may be decided by the chairperson:

Provided that the Authority shall meet at least twice in a year.

(2) The chairperson shall preside over the meeting of the Authority.

(3) In the absence of the chairperson, members present shall elect one among themselves to preside over the meeting.

(4) The quorum for the meeting shall be fifty per cent of the members of the Authority.

(5) Notice of the meetings of the Authority, the place and procedure regarding transactions of business of the Authority shall be such as may be decided by the chairperson.

Functions of
Authority.

8. The Authority shall perform the following functions, namely:—

(a) suggest measures for fostering the infrastructure for food security;

(b) recommend policies for the protection and development of agriculture and its allied activities;

(c) recommend schemes for irrigation and flood management in the protected agricultural zone;

(d) take necessary steps to increase agricultural production and productivity;

(e) facilitate the promotion of agro-based and allied industries in the protected agricultural zone;

(f) suggest measures for preserving agricultural lands for farming and allied activities for providing stability to the farming economy;

(g) recommend steps for augmenting water resources through efficient rain water harvesting methods, such as creation of adequate water storage structures, creation of farm ponds in private lands and check dams;

(h) suggest measures for efficient water use in agriculture including micro irrigation especially in water intensive crops;

(i) recommend various measures for improving the soil health, such as adoption of integrated farming system, green manuring, soil test based fertilizer application, alternate cropping, rice fallow pulses and integrated pest management practices;

(j) suggest measures for efficient use of solar energy for the purpose of irrigation and value addition;

(k) give recommendations on direct marketing of farm products, such as farmers' markets and outlets for Farmer Producer Organizations, to increase the farm income;

(l) promote activities that supply inputs and process farm produces relating to agriculture and allied sectors;

(m) explore various ways to promote the establishment of Food Parks and Agro Processing Clusters which generate additional income to farmers of the protected agricultural zone;

(n) promote optimum usage of agricultural machinery in the protected agricultural zone to enhance efficiency of farming operations;

(o) initiate various studies, on factors contributing to increase in agricultural production and productivity and on impact of specific measures taken up by the Government in the protected agricultural zone;

(p) recommend measures to provide adequate sustainable employment opportunities to agricultural labourers;

(q) promote agro forestry and social forestry in the protected agricultural zone;

(r) formulate development projects in the above areas and to seek funds for such projects; and

(s) perform such other functions, as may be prescribed.

9. (1) There shall be a District Level Committee, to assist the Authority, consisting of the following members, namely:—

Constitution of District Level Committee.

- | | |
|---|----------------------------|
| (a) District Collector | – Chairperson, Ex-officio; |
| (b) Joint Director of Agriculture | – Convenor, Ex-officio; |
| (c) Joint Director of Animal Husbandry | – Member, Ex-officio; |
| (d) Deputy Director of Horticulture | – Member, Ex-officio; |
| (e) Deputy Director of Agricultural Marketing and Agri-Business | – Member, Ex-officio; |
| (f) Deputy Director of Fisheries | – Member, Ex-officio; |
| (g) District Forest Officer | – Member, Ex-officio; |
| (h) Executive Engineer (Agricultural Engineering) | – Member, Ex-officio; |
| (i) District Environmental Engineer | – Member, Ex-officio; |
| (j) Executive Engineer, Water Resources Organisation | – Member, Ex-officio; |
| (k) Superintending Engineer, Tamil Nadu Generation and Distribution Corporation Limited | – Member, Ex-officio; and |
| (l) Two representatives of the farmers nominated by the District Collector. | |

(2) A nominated member shall hold office for a period of three years from the date of his nomination and he is eligible for re-nomination.

(3) A nominated member may, by writing under his hand addressed to the District Collector, resign his office, but he shall continue to hold office until his resignation is accepted by the District Collector.

(4) When the office of a nominated member becomes vacant by resignation, death, removal, disqualification or otherwise, the District Collector shall nominate within two months a new member to fill such vacancy.

(5) The District Collector may remove a nominated member from his office, if he incurs any one of the disqualifications specified below, namely:—

(a) becomes an un-discharged insolvent; or

(b) is convicted and sentenced to imprisonment for an offence; or

(c) becomes of unsound mind and stands so declared by a competent court.

(6) The nominated members shall be eligible to draw such rate of sitting fee and travelling allowance, as may be prescribed.

Functions of
District Level
Committee.

10. (1) The District Level Committee shall carry out the directions given by the Authority and shall assist the Authority in discharging its functions in the district.

(2) The District Level Committee may seek the opinion of experts in the relevant fields, as deemed necessary, in the discharge of its functions.

Fund of Authority.

11. (1) The Authority shall have a fund to be called the Tamil Nadu Protected Agricultural Zone Development Fund.

(2) All moneys paid by the Government from the Consolidated Fund of the State shall be credited to the fund.

(3) All moneys received by the Authority shall be deposited in the State Bank of India or in any other nationalised bank or co-operative bank, as may be prescribed.

Expenditure.

12. The expenditure incurred by the Authority for meeting the salaries and allowances, including contingencies of the employees serving under the Authority shall be defrayed out of the fund.

Audit.

13. (1) The accounts of the Authority shall be maintained in such form and in such manner as may be prescribed.

(2) The Authority shall prepare an annual statement of accounts in such form and in such manner as may be prescribed.

(3) The accounts of the Authority shall be audited once in a year by a person duly qualified to act as an auditor of a company under the Companies Act, 2013.

(4) The accounts of the Authority as certified by the auditor together with audit report along with the remarks of the Authority thereon shall be forwarded to the Government within such time, as may be prescribed.

(5) The Government may, by order, direct the Authority to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Authority shall comply with such direction.

14. (1) The Authority shall, as soon as may be, after the end of each financial year, prepare and submit to the Government, before such date and in such form, as may be prescribed, a report giving an account of its activities during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Authority in the current financial year.

Annual Report.

(2) The Government shall cause every such report to be laid before the Legislative Assembly, as soon as may be, after its receipt under sub-section (1).

15. No act or proceedings of the Authority or a District Level Committee shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Proceedings of Authority or District Level Committee not to be invalidated.

16. Any person who contravenes the provisions of section 4 shall be punishable with imprisonment for a term which may extend to five years but shall not be less than six months and with fine which may extend to rupees fifty lakhs, but shall not be less than rupees ten lakhs and in the case of continuing contravention, with an additional fine which may extend to rupees fifty thousand for every day of such contravention.

Penalty.

17. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanations.— For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

Power of entry,
search and
seizure.

18. (1) Any officer of the Revenue department not below the rank of Revenue Divisional Officer or any officer authorized by the Government in this regard or any Police Officer not below the rank of Deputy Superintendent of Police, who has reason to believe that any activity is being carried out in the protected agricultural zone, in contravention of the provisions of the Act with a view to ensure the compliance of the provisions of the Act, enter and search any premises and seize any material, machinery, equipment etc., deemed to have been used for such activity and a report regarding such seizure, whether prosecution has been initiated or not, shall be given to the District Level Committee having jurisdiction over that area within forty eight hours of such seizure.

(2) All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

Central Act 2 of
1974.

Confiscation
of material,
machinery,
equipment.

19. (1) After obtaining a report under section 18 regarding seizure, the District Level Committee may, if it thinks fit, order confiscation of the objects seized.

(2) No order of confiscation under sub-section (1) shall be made by the District Level Committee, unless the owner thereof has been given an opportunity of being heard.

(3) No order of confiscation under sub-section (1) shall be invalid merely by reason of any defect or irregularity in the notice given under sub-section (2), if the provisions have been substantially complied with.

Overriding effect.

20. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any State Law for the time being in force.

Protection of action
taken in good
faith.

21. No suit, prosecution or other legal proceeding shall lie against the Authority, District Level Committee or its members or any officer or other employee of the Authority or of the Government for anything done or intended to be done in good faith under this Act.

Power to amend
Schedule.

22. (1) The Government may, by notification, add or omit any area in the First Schedule and upon the issue of such notification, the First Schedule shall be deemed to be amended accordingly.

(2) The Government may, on the recommendation of the Authority, by notification, omit, or add any other project that may adversely affect agricultural developments in the protected agricultural zone in the Second Schedule, and upon the issue of such notification, the Second Schedule shall be deemed to be amended accordingly:

Provided that the Authority shall make such recommendation based on the report of a technical committee, consisting of such members, as may be prescribed.

Power to make
rules.

23. (1) The Government may make rules to carry out the provisions 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, shall come into force on the day on which they are published.

(3) Every rule or order made or notification issued by the Government 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 order or notification, or the Assembly decides that the rule or order or notification should not be made or issued, the rule or 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 or order or notification.

24. If any difficulty arises in giving effect to any of 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 may be necessary or expedient for the purpose of removing the said difficulty:

Power to remove difficulties.

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

THE FIRST SCHEDULE.
[See sections 2(h) and 22(1)]
Area.

1. Thanjavur district.
2. Tiruvarur district.
3. Nagapattinam district.
4. Kattumannarkoil, Melbhuvanagiri, Keerapalayam, Parangipettai and Kumaratchi blocks of Cuddalore district.
5. Aranthangi, Avudaiyarkoil, Manamelkudi, Tiruvarangulam and Karambakudi blocks of Pudukkottai district.

THE SECOND SCHEDULE.**[See sections 4(1) and 22(2)]****Projects.**

1. Zinc smelter.
2. Iron ore process plant, integrated steel plant and sponge iron plant.
3. Copper smelter.
4. Aluminium smelter.
5. Bone meal, processing of animal horn, hoofs and other body parts.
6. Tannery.
7. Exploration, drilling and extraction of oil and natural gas including coal-bed methane, shale gas and other similar hydrocarbons.
8. Ship breaking Industry.

(By order of the Governor)

C. GOPI RAVIKUMAR,
*Secretary to Government (FAC),
Law Department.*