

Tamil Nadu Town and Country Planning State Infrastructure and Amenities Fund Rules, 2008

[G.O.MS.NO.30, HOUSING AND URBAN DEVELOPMENT (UD4-1) DATED THE 7TH FEBRUARY 2008]

No.S.R.O.A-4(a)/2008.- In exercise of the powers conferred by sub-section (1) of section 122 read with section 63-C of the Tamil Nadu Town and Country Planning Act , 1971(Tamil Nadu Act 35 of 1972), the Government of Tamil Nadu hereby makes the following rules.-

1. **Short title.-** These Rules may be called the **Tamil Nadu Town and Country Planning State Infrastructure and Amenities Fund Rules, 2008.**
2. **Definition.-** In these rules, unless the context otherwise requires;-
 - (a) “Act” means the Tamil Nadu Town and Country Planning Act, 1071 (Tamil Nadu Act 35 of 1972).
 - (b) “Auditor” means the Chief Internal Auditor and Chief Auditor of Statutory Boards or his nominee;
 - (c) “Committee” means the State Infrastructure and Amenities Promotion Committee constituted under rule 3;
 - (d) “Infrastructure” means the sum of technical installations and social institutions creating a basis for human activities. Specifically it is the physical equipment needed to provide services such as transport, power, water supply, sewerage, drainage, communications and access;
 - (e) “Local Authority” means –
 - i. Municipal Corporation established under any law for the time being in force; or
 - ii. a Municipal Council or a Third Grade Municipality or a Town Panchayat constituted under the Tamil Nadu District Municipalities Act, 1920(Tamil Nadu Act V of 1920); or
 - iii. a panchayat union council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act 1994(Tamil Nadu Act 21 of 1994);
 - (f) “Fund” means in the State Infrastructure and Amenities Fund and constituted under section 63-C of the Act.

(2) The words and expression used in these rules and not defined, but defined in the act shall have the meaning respectively assigned to them in the Act.

3. Administration of the Fund.- (i) The fund shall vest in, and the administered by the State Infrastructure and Amenities Promotion Committee for the purposes of the Act , subject to the provisions of the Act and these rules. The Committee shall consist of the following officials.-

1. Secretary to Government, Housing and Urban Development Department – Chairman.
2. Secretary to Government, Finance Department-Member.
3. Secretary to Government, Planning and Development and Special Initiative Department-Member.
4. Secretary to Government, Rural Development and Panchayat Raj Department-Member.
5. Secretary to Government, Municipal Administration and Water Supply Department- Member.
6. Vice-Chairman of the Chennai Metropolitan Development Authority-Member.
7. Director of Town and Country Planning- Member Secretary.

(ii) The Committee shall meet as often as necessary and in any case, not less than once in three months, in case of urgency, approval of the members may be obtained by circulation.

(iii) The Committee shall be entrusted with the selection of schemes, funding pattern and other related of funds as and when it deems necessary.

(iv) Implementing agencies shall present their project reports to the committee and after approval by the Committee or the Government as the case may be funds may also be released directly to the implementing agency.

(v) Receipts: The amount realized through the levy and collection of infrastructure and amenities charges as outlined in rule 4 and rule 9 of the Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008 shall be credited to the Government Account. The amount remitted as above shall be transferred to the fund by the Government annually.

4. Audit.- (1) The accounts of the fund shall be audited once in a year by the Auditor.

(2) The Committee shall submit all the accounts of the fund to the Auditor within forty-five days from the close of the finance year to which the account relate.

(3) The Auditor may,-

a. by issuing summons, in writing, require production of any books, deeds, contracts, account, vouchers, receipts or other documents, the perusal or examination of which he consider necessary;

b. by issuing summons, in writing require any person having the custody of control or any such documents or accountable for them to appear in person before him;

c. require any person so appearing to make and sign a declaration with respect of such document or to answer any question or to prepare and furnish any statement relating thereto.

(4) The Auditor shall,-

a. report to the committee any material impropriety or irregularity which he may observe in the expenditure or the recoveries of monies, if any, due to the fund's accounts;

b. advise the committee on the lines and forms in which such various accounts of the fund shall ne maintains, so as to avoid any such impropriety or irregularity, including other measures, as may be considered necessary;

c. furnish to the committee, such information as it may require concerning the progress of audit;

d. report to the committee any loss or wastage of monies caused by neglect or misconduct with the names of persons, directly or indirectly responsible for such loss or wastage;

e. submit to the committee the final statement of the audit and a duplicate copy thereof to the Government within a period of ninety days from the end of the financial year or within such other period as the Government may notify.

5. Placing of the report before the Committee.- The Member-Secretary of the committee shall place the audit report with his replies thereto, before the committee and submit it to the Government through the auditor together with a copy of his replies and the resolution of the committee approving them within sixty days from the date of receipt of the audit report.

6. Utilisation of the fund.- (1) Monies from the fund may be advanced by the Government as grants, on such terms and conditions as the Government may determine, to the planning authorities or the local authorities or the Government agencies or the parastatal organizations or such other organizations, as the case may be, for implanting the infrastructure and amenities projects;, which may include-

(a) preparation of infrastructure investment plans;

(b) execution of the infrastructure investment plans in full or part;

(c) any purpose incidental to the preparation or execution of infrastructure investment plans.

2. The fund shall be utilised for translating the proposals of the respective development plans prepared in accordance with the provisions of the Act, into specific action programmes.

3. Projects to be funded from the fund shall comprise essential infrastructure schemes. The committee shall decide the scheme to be implemented.

4. The Committee may sanction funds to the implementing agencies or planning authorities or the local authorities or the Government agencies through the planning authorities or the local authorities, as the case may be, up to five crore Rupees per scheme on capital expenditure and up to twenty lakh rupees on other items. The committee shall approach the Government for sanction of proposals beyond this limit. For sanction of funds exceeding the said limits, the committee shall obtain the precious approval of the Government.

5. Expenditure for administration, establishment or contingency all put together shall not exceed 5% of the total corpus of the fund available at any given time.

7. Mode of control.-(a) The infrastructure and amenities charges shall be transferred to the fund account.

(b) The fund account shall embody all financial transactions of receipts and payments. The fund account shall not deal with the credits and debits pertaining to other special schemes fund by the State or Central Government.

8. Registers to be maintained.- Maintenance of the following registers and records shall be under the overall control of the Member-Secretary of the Committee.-

1. Cash Book.
 2. Cheque Book.
 3. Pass Book.
 4. Register of Grant.
 5. Ledger for classification of receipts and charges.
 6. Annual account.
 7. Stock Register.
 8. Tools and Plants register; and
 9. Register of Staff.
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