

# **Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983**

TAMILNADU

India

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### **Act 23 of 1983**

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Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983(Tamil Nadu Act 23 of 1983)Statement of Objects and Reasons - Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions (Amendment) Act, 1987 (Tamil Nadu Act 45 of 1987). - The Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983 (Tamil Nadu Act 23 of 1983), provides for the payment, among other things, of pension to the Tamil Scholars. In view of the rise in the cost of living conditions, the Government have decided to increase the pension payable under the said Act from Rs. 150 to Rs. 250 per mensem with effect on and from the 14th April 1987.2. The Bill seeks to give effect to the above decision.Published in Part IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 17th November 1987.Statement of Objects and Reasons - Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions (Amendment) Act, 1990 (Tamil Nadu Act 18 of 1990). - The Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983 (Tamil Nadu Act 23 of 1983), as amended by Tamil Nadu Act 45 of 1987, provides for the payment, among other things, of pension to the Tamil Scholars. In view of the rise in the cost of living conditions, the Government have decided to increase the pension payable under the said Act from Rs. 250 to Rs. 350 per mensem and it shall be deemed to have come into force on the first October 1989.2. The Bill seeks to give effect to the above decision.Published in Part IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 24th March 1990.Statement of Objects and Reasons - Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions (Amendment) Act, 1993 (Tamil Nadu Act 34 of 1993). - The Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983 (Tamil Nadu Act 23 of 1983), provides for the payment, among other things, of pension to the Tamil Scholars. In view of the rise in the cost of living conditions, the Government have decided on and from the 1st January 1991, to increase the pension payable under the said Act from Rs. 350 to Rs. 400 per mensem.2. The Bill seeks to give effect to the above decision.Published in Part IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 29th October

1993. Received the assent of the Governor on the 14th May 1983 and published in Part IV - Section 2, pages 108 to 112 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th May 1983. An Act to provide for the sanction of pension or grant or scholarships to those who have exhibited courage or nobility in their zeal to preserve the growth of Tamil language or Tamil culture or exhibited conspicuous talents in Tamil language and to provide for the sanction of pension or grant to the families of persons who have evinced remarkable enthusiasm for Tamil language or Tamil culture, and while striving to uphold their enthusiasm for Tamil language or for the preservation of Tamil culture, lost their lives. Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fourth Year of the Republic of India as follows:

## **1. Short title, extent and commencement.**

(1) This Act may be called the Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983. (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.

## **2. Definitions.**

- In this Act, unless the context otherwise requires, - (a) "dependant" means the wife or husband, as the case may be, and includes - (i) sons who have not attained the age of eighteen years; (ii) unmarried or widowed daughters; (iii) parents; (iv) brothers who have not attained the age of eighteen years; and (v) unmarried or widowed sisters; of a person or martyr and who had been wholly dependant on such person or martyr, as the case may be; (b) "Government" means the State Government; (c) "grantee" means a person to whom pension, grant or scholarship has been sanctioned under this Act; (d) "martyr" means a person, who has evinced remarkable enthusiasm for Tamil language and Tamil culture and while striving to uphold his enthusiasm for Tamil language or in his zeal to preserve the growth of Tamil language or to preserve the Tamil culture, has lost his life.

## **3. Sanction of pension, grant or scholarship.**

(1) The Government may sanction a pension of four hundred rupees per mensem, or a grant not exceeding ten thousand rupees or both - (a) to every person who has exhibited conspicuous courage and nobility in his enthusiasm for the Tamil language or in his zeal to preserve the growth of Tamil language or to preserve the Tamil culture; (b) to the dependant of every martyr: Provided that where there are more than one dependant of a martyr, the pension or grant shall be sanctioned only to one of such dependants and for purpose of such sanction of pension, preference shall be given to a dependant in the order specified in clause (a) of section 2 and where there are more than one dependants of the same category specified therein, the pension or grant shall be apportioned among such dependants in such manner as may be prescribed; (2) On the death of a person who has been sanctioned pension under clause (1) of sub-section (1), the Government may sanction a pension of [two hundred and fifty rupees] [Substituted for 'three hundred and fifty rupees per mensem' by the Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions (Amendment) Act, 1993 (Tamil Nadu Act 34 of 1993). Previously amended by Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions (Amendment) Act, 1987 (Tamil Nadu Act 45 of 1987) and

Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions (Amendment) Act, 1990 (Tamil Nadu Act 18 of 1990).] per mensem to the dependant of such person: Provided that where there are more than one dependant of such person, the pension under this sub-section shall be sanctioned to only one of such dependants and for purpose of such sanction of pension, preference shall be given to a dependant in the order specified in clause (a) of section 2 and where there are more than one dependants of the same category specified therein, the pension or grant shall be apportioned among such dependants in such manner as may be prescribed. (3) The Government may sanction scholarships not exceeding five thousand rupees in such number of instalments and in such manner, as may be prescribed, to - (i) students who have exhibited conspicuous talents or marked skill in Tamil language; (ii) teachers who have evinced notable interest to the preservation and growth of Tamil language; (iii) poets and writers of outstanding merit in Tamil language; and (iv) persons engaged in research work in Tamil language or Tamil culture.

#### **4. Application for pension, etc.**

(1) Any person who is eligible for sanction of pension, grant or scholarship under this Act may make an application to the Government in such form and in such manner, as may be prescribed. (2) The application under sub-section (1) shall be accompanied by a certificate from such officer, in such form, and in such manner, as may be prescribed. (3) On receipt of an application under sub-section (1), the Government may cause such enquiries as they may deem necessary, to be made regarding the eligibility or otherwise of the applicant and may sanction the pension, grant or scholarship, as the case may be, in accordance with the provisions of this Act and the rules made thereunder. (4) The Government, while sanctioning pension (other than the pension referred to in sub-section (4)), grant or scholarship under this Act, shall take into consideration the following factors, namely: - (i) the remarkable skill or conspicuous talent in the Tamil language exhibited by the applicant or the martyr, as the case may be; (ii) the outstanding merit of the applicant or the martyr, as the case may be, in contributing to the growth of Tamil language and the preservation of Tamil culture; (iii) the courage and nobility exhibited by the applicant in his zeal to preserve the growth of Tamil language or to preserve the Tamil culture; (iv) the remarkable enthusiasm for Tamil language and his lead to preserve Tamil culture, evinced by the martyr; (v) the nature of the suffering either by way of imprisonment or otherwise undergone by the applicant or the martyr, as the case may be; or (vi) such other factors as may be prescribed. (5) The Government, while sanctioning pension under sub-section (2) of section 3, shall take into consideration such factors as may be prescribed.

#### **5. Sanction of pension or scholarship to lapse in certain cases.**

(1) On the death of the grantee, the sanction of pension or scholarship to such grantee shall, from the date of his death, including unpaid arrears, lapse: Provided that the Government may, if they deem fit, make the payment of such arrears in exceptional circumstances, to a claimant who shall be a dependant of such grantee. (2) The sanction of pension under clause (b) of sub-section (f) of section 3 or under sub-section (2) of that section shall lapse, - (i) where the grantee is the daughter or sister of the martyr or of the person referred to in clause (a) of sub-section (1) of section 3, who is unmarried, on her marriage; (ii) where the grantee is the son or brother of the martyr or the person referred to in clause (a) of sub-section (1) of section 3, on his attaining the age of eighteen years.

## **6. Cancellation of pension, etc.**

- In the event of the grantee ceasing to reside in the State. - Notwithstanding anything contained in this Act, the Government may cancel the pension or scholarship sanctioned under this Act, if the grantee is absent from the State of Tamil Nadu for a continuous period exceeding three months: Provided that if the grantee has returned to the State of Tamil Nadu at any time and continues to reside there, the Government may revive the payment of pension or scholarship, as the case maybe, after due verification in such manner as may be prescribed.

## **7. Cancellation of pension, etc., sanctioned on misrepresentation or fraud, etc.**

- If the Government are satisfied, either on a reference made to them in this behalf, or otherwise, that -(a)any pension, grant or scholarship sanctioned under this Act, has been obtained by misrepresentation or fraud; or(b)any pension, grant or scholarship has been sanctioned to any person under this Act under a mistake of fact; then, the Government may, by order in writing, cancel the pension, grant or scholarship, as the case may be, so sanctioned: Provided that no such order shall be made except after giving the person affected a reasonable opportunity of making his representations.

## **8. Finality of the decision of the Government.**

- The decision of the Government under this Act shall be final.

## **9. Power to make rules.**

(1)The Government may make rules for the purpose of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for -(a)the procedure for, and the manner of, enquiring in respect of the eligibility of a person who has applied for pension, grant or scholarship under this Act;(b)the manner of verification of applications for pension, grant or scholarship under this Act;(c)the procedure to be followed by the authorities for sending the enquiry report to the Government;(d)any other matter which is to be, or may be, provided for by rules under this Act.(3)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.(4)Every rule made under this Act shall, as soon as possible, after it is made, be placed on the table of [the Legislative Assembly] [Substituted for the words 'both Houses of Legislature' by Tamil Nadu Adaptation of Laws Order, 1987.] and if, before the expiry of the session in which it is so placed or the next session, the [Legislative Assembly, agrees] [Substituted for the words 'both House agrees' by Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or the [Legislative Assembly agrees] [Substituted for the words 'both House agrees' by Tamil Nadu Adaptation of Laws Order, 1987.] that the rule should not be made, the rule 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.