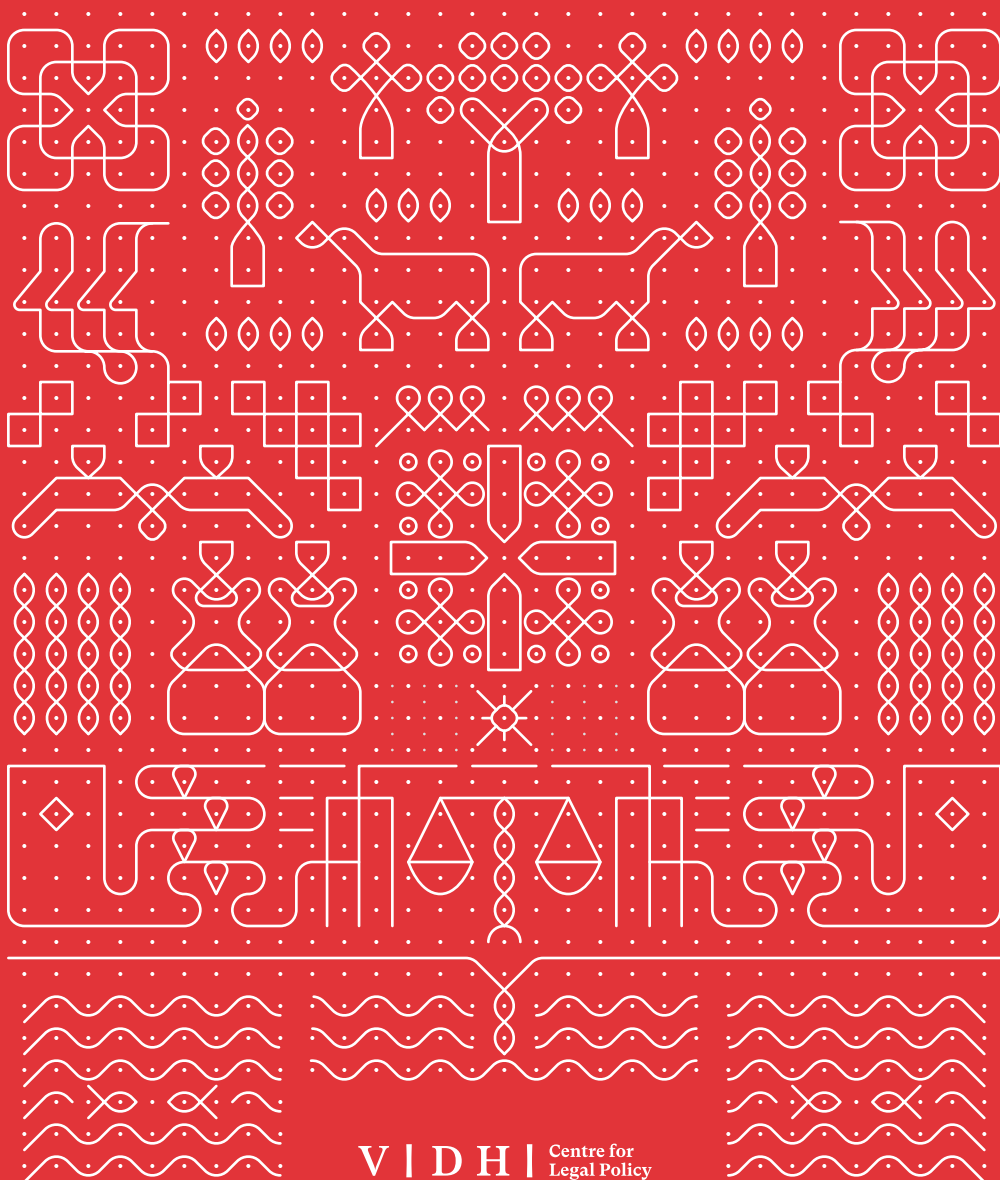


Fifteen Legal Reform Ideas for Tamil Nadu

Briefing Book 2025



Fifteen Legal Reform Ideas for Tamil Nadu

Briefing Book 2025

Published in February 2025
by the Vidhi Centre for Legal Policy,
A-232 Ratan Lal Sahdev Marg, Defence
Colony, New Delhi 110024

Designed by
Kunal Agnihotri

Translated by
John Sundar Krishnasami and Gurshabad
Localization Services

Printed by
Adyar Students Xerox Private Limited,
27, Sardar Patel Rd, Gandhi Nagar, Adyar,
Chennai 600020

© Vidhi Centre for Legal Policy 2025
All rights reserved. No part of this
publication may be reproduced, stored
in a retrieval system, or transmitted in
any form or by any means, electronic,
mechanical, photocopying, recording or
otherwise, without prior permission of
the publisher.

The Vidhi Centre for Legal Policy is an independent think-tank doing legal research to make better laws and improve governance for the public good.

Established in 2024, Vidhi Tamil Nadu aims to work with the Tamil Nadu government to enhance law drafting capacity, support policy-making with sound legal advice, and draft primary legislation, rules, and regulations in relevant areas of reform.

Helmed by the Vidhi Tamil Nadu team, this Briefing Book on fifteen legal reform ideas for Tamil Nadu is a collection of essays exploring critical reforms for law and governance in the state.

Contributors

Manjushree RM
Sruthakeerthy Sriram
Raagini Ramachandran
Nihal Sahu

Errors in this draft, if any, are the sole responsibility of the contributors.
We acknowledge the use of AI-assisted tools for proofreading and editing.

Acknowledgements

We are thankful to everyone at Vidhi without whom this book would not have been possible. In particular, we would like to thank:

Arghya Sengupta
Aditya Prasanna Bhattacharya
Alok Prasanna Kumar
Dhvani Mehta
Jwalika Balaji
Namrata Mukherjee
Naveed Mehmood Ahmad
Rituparna Padhy
Shreyashi Ray
Sneha Yanappa
Sunetra Ravindran

We would also like to thank our interns Ankita Jha (Xavier Law School, St. Xavier's University), Perugu Sai Sujana Sannidhi (NALSAR University of Law), Ravi S. Pahwa (NALSAR University of Law), Reneta Yazhini Rajkumar (CHRIST Deemed to be University), and Vysakh M.P. (Tamil Nadu National Law University) for their research assistance.

We are grateful to R. Sriram and Ravi Ramachandran for their invaluable contribution in translating this book.

Foreword

Dr. Girija Vaidyanathan



The pursuit of legal reform is a vital endeavour in shaping a just and equitable society. In the words of Thomas Jefferson, “laws and institutions must go hand in hand with the progress of the human mind”.

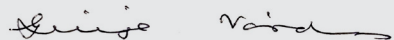
Tamil Nadu has always been at the forefront of India’s development story, pioneering innovative policies that have become models for other states to emulate. As someone who has had the privilege of serving the state for over three decades, including as its Chief Secretary, I have witnessed firsthand both the transformative power of well-drafted legislation and the challenges that arise from outdated legal frameworks.

Brought out by the Vidhi Centre for Legal Policy, this briefing book, with fifteen thoughtfully curated legal reform ideas, emerges as a timely and significant contribution to the ongoing discourse on law and governance in the state. These proposals are built on three pillars: fostering economic growth with equity, boosting social welfare through inclusivity, and

enhancing environmental sustainability. By proposing changes that protect vulnerable populations and ensure fair treatment under the law, the authors advocate for a legal framework that upholds the dignity and rights of all individuals.

Delving into crucial areas that include industrial productivity, workers' welfare, gender and social equity, public health, land policy, and natural resource management, the authors provide a comprehensive roadmap for strengthening the rule of law in Tamil Nadu. What sets these proposals apart is their practicality—they are actionable reforms grounded in administrative reality, crafted with a deep understanding of the state's unique socio-political context.

To navigate the complexities of the ever-changing global landscape, the time is ripe for Tamil Nadu to carry out legal reforms that can unlock the state's full potential. It is my hope that this book will spark meaningful discourse among policymakers, administrators, the legal fraternity, and citizens alike, ultimately contributing to the continued progress and prosperity of our state and country.



Dr. Girija Vaidyanathan

Former Chief Secretary to the Government of
Tamil Nadu (2016-2019)

Introduction

This Briefing Book is a catalyst for change, presenting fifteen innovative legal reform ideas that aim to reshape Tamil Nadu's legal landscape. By tailoring these ideas to the state's unique context, we seek to create a legal framework that is practical, effective, and responsive to the needs of Tamil Nadu's people.

Tamil Nadu is ripe for legal reform. As a state with the most factories in India and the largest share of women in the factory workforce, Tamil Nadu has the potential to set new standards for labour laws and gender equality. The state's pioneering welfare initiatives, high gross enrolment ratio in higher education, and progressive transgender policies make it an ideal testing ground for innovative legal reforms. While grappling with climate change and events like heat waves, exacerbated by rapid industrialisation and urbanisation, the state has also shown its resolve to adopt trailblazing climate action policies.

This Briefing Book delves into critical questions that lie at the heart of Tamil Nadu's legal landscape: What does it take to boost female labour force participation? How can the state address the pressing issue of caste discrimination in prisons? In a rapidly evolving economy, what steps must be taken to protect the rights of gig workers? How can Tamil Nadu position itself as a hub for Global Capability Centres, and what legal reforms are necessary to make this a reality? As the state faces the challenges of climate change, what strategies should it employ to build climate resilience?

To answer these questions, the Briefing Book presents fifteen carefully crafted legal reform ideas that span three key themes: growth, welfare, and sustainability. Each idea has been designed to strengthen the rule of law and create a legal ecosystem that supports Tamil Nadu's diverse goals. By exploring these questions and proposing innovative solutions, we aim to drive positive change in Tamil Nadu's legal landscape.

The reform ideas in this book are the result of a comprehensive consultative process involving key stakeholders from Tamil Nadu's bureaucracy, judicial system, civil society, and academia. By engaging with these stakeholders, we have ensured that the proposed solutions are rooted in law, actionable, and practical.

We believe that the legal reform initiatives outlined in this book have the potential to not only transform Tamil Nadu but also serve as a model for other states looking to implement similar reforms. By embracing these ideas, Tamil Nadu can lead the way in creating a more equitable, sustainable, and prosperous future for its people.

Contents



Growth

1.	Removing legal barriers limiting female labour force participation	2
2.	Enacting a framework with comprehensive legal safeguards for platform-based gig workers	5
3.	Enacting purpose-fit rules to encourage industrial land pooling	9
4.	Ensuring robust legal safeguards for factory workers in extended shifts	13
5.	Making Tamil Nadu a hub for Global Capability Centres	16
6.	Rethinking Tamil Nadu's digitisation strategy	20



Welfare

7.	Eradicating caste discrimination in prisons	24
8.	Modernising public health laws	28
9.	Enacting a framework for Deed of Familial Associations to recognise queer families	32

10. Adopting a public health approach to drug addiction	36
11. Recalibrating POCSO implementation: Balancing protection with consent	40



Sustainability

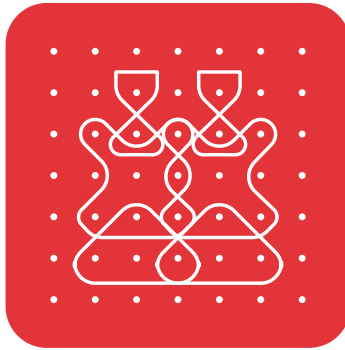
12. Strengthening groundwater management	45
13. Enacting a framework to regulate aquaculture	49
14. Modernising forest laws to recognise the rights of forest-dwelling communities	53
15. Building climate resilience by empowering Urban Local Bodies	57

Annexure 1: Inputs from stakeholder engagement workshops	62
Annexure 2: Experts and stakeholders consulted	65
Annexure 3: Stakeholder index	67
Annexure 4: References	69



Growth

Removing legal barriers limiting female labour force participation



Authority: Labour Welfare and Skill Development Department

Legislative Competence: Seventh Schedule, List III, Entries 23, 24 and 36

Key Legislative and Policy Instruments: Factories Act, 1948; Plantations Labour Act, 1951; Tamil Nadu Factories Rules, 1950; Tamil Nadu Plantations Labour Rules, 1955; Tamil Nadu Contract Labour (Regulation and Abolition) Rules, 1975; Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983

Problem

Tamil Nadu's female labour force participation rate ('FLFPR') has been consistently higher than the national average, and the state's women constitute nearly half of India's female factory workforce. However, the FLFPR in Tamil Nadu has shown a gradual decline over the years, falling from 43% in 2020 to 40.5% in 2022.

Research on FLFPR has consistently shown that increasing women's labour force participation drives both individual economic empowerment and broader economic growth through enhanced productivity. To achieve meaningful progress in women's workforce participation, the Tamil Nadu government must address systemic legal barriers limiting women's access to diverse economic opportunities and full workplace equality. While the state has removed some restrictions like limitations on women working night shifts in shops and establishments, multiple labour laws still contain provisions that restrict women's employment opportunities. For instance:

- Rule 92 of the Tamil Nadu Plantations Labour Rules, 1955 imposes gender-specific prohibitions on hazardous work and handling of certain substances;
- Rule 57 of the Tamil Nadu Factories Rules, 1950 prescribes limits on lifting weights based on gender rather than individual capability;

- Section 25 of the Plantations Labour Act, 1951 (as it applies to Tamil Nadu) mandates state government permission for women to work at night in plantations;
- Rule 25(2)(vi)(f) of the Tamil Nadu Contract Labour (Regulation and Abolition) Rules, 1975 restricts women contract workers from undertaking night work;
- Rule 11(2)(ix) of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983 restricts women migrant workers from undertaking night work.

These restrictions, while intended to protect women, often create unnecessary barriers based on outdated stereotypes. For example, the gender-specific prohibitions on handling certain substances in plantations ignore modern safety equipment and protocols that can protect all workers equally. Similarly, the gender-based weight lifting limits prevent qualified women from accessing jobs in warehousing and manufacturing, even when they meet the physical requirements.

The various blanket prohibitions on night work—whether in plantations, contract labour, or for migrant workers—block women from accessing higher-paying night shifts, disregarding their right to make informed choices about working hours. A more effective approach would base workplace safety standards on individual capability rather than gender. For Tamil Nadu, removing these legal barriers is crucial for unlocking the full

potential of its female workforce and maintaining its status as a major industrial hub.

Approach

To raise women's labour force participation in Tamil Nadu, the state government must pursue two parallel and interdependent interventions: first, systematically remove legal barriers that restrict women's workforce participation, and second, introduce robust safety measures and support systems tailored to different sectors. Simply eliminating legal barriers without establishing adequate safety mechanisms would be ineffective and potentially counterproductive.

The first intervention requires amending or repealing labour laws that limit women's employment options, including restrictions on night work and certain occupations. The Madras High Court has already supported this direction by striking down Section 66(1)(b) of the Factories Act, 1948 which restricted women's night work in factories, holding it discriminatory and unconstitutional. The state government subsequently amended the Tamil Nadu Factories Rules, 1950 to include guidelines for women's night shift employment.

The second intervention involves establishing legally mandated safety measures and incentive-based support systems, customised according to sector requirements.

Implementation

In order to enhance women's workforce participation in Tamil Nadu while safeguarding their well-being, we recommend the following measures:

- **Conduct a comprehensive review of state labour laws** to identify restrictive provisions, particularly those limiting night work and specific occupations, building on precedents like the Madras High Court's ruling on the Factories Act, 1948;
- **Amend or repeal legal provisions** that impose unnecessary or unwarranted restrictions on women's participation in the workforce;
- **Strengthen implementation of existing workplace safety measures** (Internal Complaints Committees, security protocols, statutory creches) while incentivising enhanced protections. Tamil Nadu's recent 10% payroll subsidy for companies employing women shows how financial incentives can boost women's employment. Similar benefits could reward businesses implementing advanced safety measures, with subsidies tied to compliance performance.

Enacting a framework with comprehensive legal safeguards for platform-based gig workers



Authority: Labour Welfare and Skill Development Department

Legislative Competence: Seventh Schedule, List III, Entries 23 and 24

Key Legislative and Policy Instruments: Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982; Tamil Nadu Manual Workers Social Security and Welfare Scheme 2006

Problem

Platform-based gig work offers significant employment potential in India's urban areas, with Tamil Nadu alone employing around 7-8 lakh gig workers. This is particularly valuable given the state's high youth unemployment rate of 17.5%. The low skill requirements of most popular forms of platform-based gig work today allow them to absorb a large portion of this cohort, while also allowing others to supplement their primary income by offering flexible working hours. This flexibility serves as a crucial safety net during periods of economic stress, enabling workers to diversify their income across multiple platforms.

The concentrated nature of platform markets has created multiple challenges for Tamil Nadu's gig workers, manifesting differently across service types. At a basic level, workers lack fundamental protections - no insurance coverage, limited healthcare access, and significant income instability. Platform practices exacerbate these vulnerabilities through unilateral changes to commission structures and opaque algorithmic management systems without adequate dispute resolution mechanisms.

The challenges become more acute based on work type. Ride-hailing drivers face unpredictable fluctuations in commission rates, while delivery workers struggle with unrealistic targets regardless of conditions. Both groups face significant safety risks from traffic hazards and extreme weather, yet lack basic protections like hazard pay or reduced hours during dangerous conditions like

floods. Home service providers, especially women, face a different set of challenges, particularly around inadequate harassment protections and personal safety.

In 2023, the state government extended the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 ('TNMWA') to gig workers, applying traditional labour protections to this new form of work. The TNMWA aims to extend safeguards designed for conventional employment: fixed working hours, minimum wages, overtime pay, and benefits like maternity leave. It also establishes a welfare fund for social security benefits such as educational assistance, marriage assistance, and accident relief.

However, this approach does not account for the fundamental mismatch between conventional labour laws and the reality of gig work. Traditional labour protections assume a clear employer-employee relationship with fixed workplaces, set schedules, and single employers. In contrast, gig workers operate in a fundamentally different way - they work flexible hours, across multiple platforms, without fixed workplaces or schedules. This creates significant implementation challenges: How can minimum wage requirements be enforced when workers simultaneously engage with multiple platforms? Which platform bears responsibility for maternity benefits? How should welfare fund contributions be structured when workers split their time across different platforms? While well-intentioned, the TNMWA's extension

of traditional labour protections to gig work leaves these crucial operational questions unanswered.

Approach

While gig workers face real challenges, reverting to traditional labour laws does not solve these challenges. The underlying assumptions baked into these laws are fundamentally incompatible with the reality of platform work. To apply these laws, then, creates three related challenges: (a) they are difficult to operationalise, (b) they stifle the sector's job creation potential, and (c) they do not solve the real problems gig workers face.

Attempting to retrofit traditional labour laws onto gig work can create fundamental hurdles in implementation. These are designed for conventional employer-employee relationships, making them ill-suited for workers who engage on a task-by-task basis with multiple platforms. It is thus extremely complex to import even basic legal ideas, from minimum wage commitments to maternity benefits, into this new paradigm.

Such ideas can only be implemented, then, if the core nature of gig work is altered to fit the traditional paradigm of labour relations. This would stifle the sector's job creation potential. The gig economy's ability to rapidly generate employment opportunities stems from its ability to draw large numbers of workers where required, with minimum friction. Imposing rigid regulations risks dampening this flexibility to a degree that damages the sector's potential for job creation.

Most importantly, this approach may misaddress the actual challenges gig workers face. Different types of gig workers encounter distinct issues: ride-hailing drivers struggle with high commission rates, delivery personnel face unrealistic targets, and salon service providers need stronger anti-harassment protections. Instead of applying uniform traditional protections, Tamil Nadu needs a purpose-built framework that addresses platform-specific challenges like arbitrary deactivations, unfair deductions, and opaque algorithmic management.

This requires close collaboration with platforms, workers, and industry experts to balance worker protection with the flexibility that drives the gig economy's success.

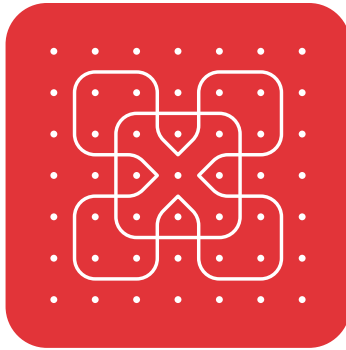
Implementation

We recommend a three-step approach to develop an effective regulatory framework for Tamil Nadu's gig economy:

- **First, the Tamil Nadu government should commission a comprehensive baseline study** mapping gig workers' demographics, work patterns, income stability, and current social security coverage. This study should particularly distinguish between full-time workers who depend primarily on platform work, and those who use it for supplementary income, providing crucial data to inform evidence-based policy decisions;
- **Second, based on the findings of the study, the state government should evaluate the need for a separate set of rules under the TNMWA** specifically addressing platform accountability and obligations that are purpose-fit for Tamil Nadu's gig economy. These rules should focus on key challenges like transparent commission structures, fair contract terms, and clear and accessible dispute resolution mechanisms for routine disputes (payments, ratings, etc.), while ensuring administrative simplicity and enforceability;
- **Third, the state government needs to establish clear operational guidelines for the welfare fund under the TNMWA**, specifying how platforms should contribute (especially in cases of workers engaged with multiple platforms), defining eligibility criteria, and creating transparent fund management procedures.

This structured approach would help Tamil Nadu develop a balanced framework that protects gig workers while preserving the gig economy's job creation potential.

Enacting purpose-fit rules to encourage industrial land pooling



Authority: Industries, Investment Promotion and Commerce Department; Housing and Urban Development Department

Legislative Competence: Seventh Schedule, List II, Entries 18 and 24

Key Legislative and Policy Instruments: Tamil Nadu Town and Country Planning Act, 1971; Tamil Nadu Industrial Township Area Development Authority Act, 1997; Tamil Nadu Land Pooling Area Development Scheme Rules, 2024

Problem

Tamil Nadu's vision of becoming a trillion-dollar economy by 2030 requires large-scale industrial development, yet assembling contiguous land parcels for industrial parks remains a significant challenge. Traditional land acquisition has led to protracted disputes over compensation and displacement, deterring industrial investment and delaying economic growth in the state. Land pooling offers a more equitable solution to this challenge.

Land pooling enables landowners to voluntarily combine their land for planned development in exchange for a share of the benefits. This collaborative approach contrasts with traditional land acquisition, where governments forcibly purchase land, often causing disputes and lengthy legal battles. By making landowners partners in development rather than mere sellers, land pooling helps avoid the contentious issues of inadequate compensation and displacement.

There are two broad types of land pooling: residential and industrial. Residential pooling creates planned urban spaces with amenities, where landowners receive developed plots and benefit from urbanisation through improved infrastructure and increased property values. Industrial pooling develops economic zones with specialised infrastructure, where landowners receive both developed land and an ownership stake in the industrial park, enabling them to earn regular income through rent or revenue sharing, rather than settling for one-time compensation. While both

models transform landowners from sellers into long-term stakeholders, they differ significantly in execution: industrial pooling requires higher initial capital investment, longer development timelines, greater corporate involvement, and extended periods for returns compared to residential projects. Despite these operational differences, both forms of land pooling succeed by offering landowners sustained economic benefits and development authorities a smoother path to land acquisition.

In 2018 and 2023, the Tamil Nadu government amended the Tamil Nadu Town and Country Planning Act, 1971, and introduced the Tamil Nadu Land Pooling Area Development Scheme Rules, 2024 to promote land consolidation and usage. However, these land pooling rules apply a one-size-fits-all approach to both residential and industrial pooling, overlooking crucial differences in their models. Several provisions demonstrate the limitation:

- Rule 6 prescribes uniform timelines for all schemes, ignoring that industrial projects need longer development periods - typically 3-5 years for infrastructure like effluent treatment plants, power substations, and specialised warehousing facilities;
- Rule 9 prescribes a one-size-fits-all consultation process and timelines, without recognising that industrial projects require additional technical consultations with potential anchor industries and environmental authorities;

- Rules 19 and 20 stipulate value estimation methods that appear better suited to residential than industrial properties, failing to account for factors like industrial zoning premiums, proximity to freight corridors, and potential for specialised infrastructure development.

Overall, the current land pooling rules lack industry-specific provisions. There is a clear need for a separate framework that addresses the unique planning, development, and management requirements of industrial land pooling schemes.

Approach

A dedicated industrial land pooling framework needs distinct provisions addressing the sector's unique requirements. Such a framework should enable flexible development timelines beyond standard periods, reflecting the longer cycles of industrial projects. Valuation methods must consider long-term economic impact, job creation potential, and technological advancement opportunities, with mechanisms for ongoing benefit-sharing tied to industrial success.

Additionally, the framework should mandate industrial-grade infrastructure specifications while establishing clear protocols for managing multiple stakeholders. This includes structured engagement with industry associations, labour groups, and anchor tenants throughout the development process. Key features should incorporate higher floor space indices for industrial use, provisions

for specialised industrial clusters with integrated commercial activities, and robust environmental safeguards through mandatory green spaces and pollution control measures.

The framework should also establish clear governance structures for industrial parks, including provisions for common facility management and infrastructure maintenance. Special emphasis should be placed on waste management protocols and sustainable resource utilisation.

Similar frameworks that facilitate industry-specific land pooling include the Gujarat Special Investment Region Act, 2009, the Madhya Pradesh Industrial Region Development and Management Act, 2013, and the Navi Mumbai Airport Influence Notified Area, 2013 in Maharashtra.

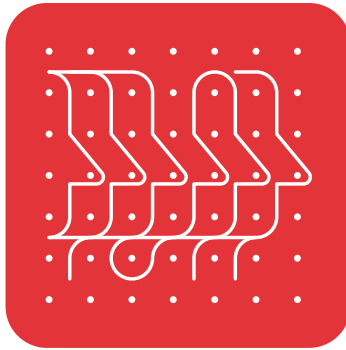
Implementation

To implement these reforms effectively, we recommend two key legislative changes:

- **First, the government should notify new industrial land pooling rules under the Tamil Nadu Industrial Township Area Development Authority Act, 1997.** This would provide a dedicated legal framework tailored to industrial development's unique requirements, including flexible timelines, specialised infrastructure standards, and stakeholder management protocols. These rules would empower the State Industries Promotion Corporation of Tamil Nadu Limited (SIPCOT) and the Tamil Nadu Industrial Development Corporation Limited (TIDCO), as the state's primary industrial development agencies, to efficiently plan and execute industrial land pooling schemes with appropriate technical and institutional capacity;
- **Second, a sunset clause should be introduced in the existing Tamil Nadu Land Pooling Area Development Scheme Rules, 2024, exempting industrial land pooling from its purview.** This would ensure regulatory clarity by bringing all industrial land pooling initiatives under a single, specialised framework. The transition should specify that ongoing projects can continue under existing land pooling rules while new projects would fall under the industry-specific framework.

These changes would streamline industrial land pooling implementation while maintaining regulatory coherence with Tamil Nadu's broader industrial development agenda.

Ensuring robust legal safeguards for factory workers in extended shifts



Authority: Labour Welfare and Skill Development Department

Legislative Competence: Seventh Schedule, List III, Entries 24 and 36

Key Legislative and Policy Instruments: Factories Act, 1948; Tamil Nadu Factories Rules, 1950

Problem

The Factories Act, 1948 is a cornerstone of Indian labour law that sets strict work hour limits for factories. In Tamil Nadu, it caps factory work at 9 hours daily and 48 hours weekly, though Section 65 allows state governments to extend this to 12 hours daily and 60 hours weekly with overtime. These limits are more restrictive than International Labour Organization ('ILO') standards and those of India's competitor countries.

While work hour limits aim to protect workers, their rigid nature creates challenges for both factories and workers. Companies in global value chains need flexibility to handle seasonal demand changes, but current regulations force them to either hire more workers or pay high overtime costs, hurting their competitiveness. These same restrictions prevent willing workers from earning more through additional hours at regular wages.

For Tamil Nadu, which aims to position itself as a global manufacturing hub, these rigid work hour regulations become critical hurdles to be addressed. In 2023, responding to industry demands for more flexible working hours, the state proposed amending the Factories Act, 1948 and inserting Section 65-A. This amendment would have allowed the state government to completely exempt select factories from major work hour restrictions, overriding Section 65's existing safeguards on daily and weekly limits, periods of work, and spread over.

While rigid work hour caps can stifle industrial flexibility, the complete removal of limits also poses risks. The state amendment's approach of eliminating all boundaries left workers vulnerable, without basic safeguards for rest periods, shift limits, and recovery time. After hefty opposition from workers' unions concerned about exploitation in physically demanding manufacturing work, the government withdrew the proposal, highlighting the need for a more balanced approach to labour reform.

Approach

Having withdrawn the original amendment, Tamil Nadu now faces the challenge of crafting a more balanced approach to work hour flexibility. As a major manufacturing hub, the state must carefully balance investment attraction with worker protection. This requires reforms that can be strategically implemented across different categories of factories, keeping worker consent, safety, and well-being at the forefront.

One potential path forward is aligning with ILO conventions through a pilot programme. The change would be incremental: instead of fixed daily and weekly caps, work hours could be calculated as averages over longer periods. The same 9-hour daily limit would apply, but averaged over three days, and the existing 48-hour weekly limit would be averaged over three weeks. This simple shift in calculation method would give factories room to adjust shifts during peak demand while maintaining current work hour limits. Through mutual agreement, weekly hours could extend

to 52 hours - the ILO-recommended limit - while preserving daily maximum caps, offering flexibility without compromising safeguards.

To prevent misuse, such reforms would need comprehensive safeguards: mandatory overtime compensation, limits on consecutive extended shifts, verifiable worker consent systems, and effective grievance redressal mechanisms. Female workers would require additional protections, including enhanced night

shift regulations, secure transportation, mandatory security infrastructure, and rigorous enforcement of harassment prevention measures.

This measured approach would allow Tamil Nadu to modernise its labour regulations while protecting its workforce. Success would depend on careful implementation, staunch oversight, and continuous monitoring of impacts on both industrial productivity and worker welfare.

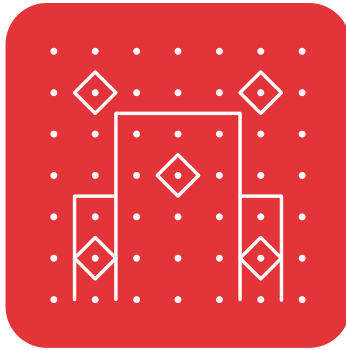
Implementation

We recommend that the state government:

- **Amend the Factories Act, 1948**, to:
 - Allow averaging of the standard 9-hour shifts (Section 54) over three days and 48-hour work weeks (Section 51) over three weeks, with daily limits maintained;
 - Empower factories and workers to, on mutual agreement, increase weekly standard shifts beyond 48 hours;
 - Introduce complementary safeguards, including meticulous enforcement of overtime compensation for hours beyond standard shifts, restrictions on successive extended shifts, strong worker consent mechanisms, and grievance redressal systems;
- **Strengthen female worker protection** through enhanced night shift regulations, reliable transportation, improved security infrastructure, and stringent enforcement of sexual harassment prevention measures.

These measures could be supported by mandating a comprehensive monitoring system to periodically evaluate the impact of extended shifts on both worker well-being and industrial productivity.

Making Tamil Nadu a hub for Global Capability Centres



Authority: Industries, Investment Promotion and Commerce Department

Legislative competence: Seventh Schedule, List II, Entries 5, 18 and 24; Seventh Schedule, List III, Entries 23 and 24

Key Legislative and Policy Instruments: Tamil Nadu Business Facilitation Act, 2018; Tamil Nadu Town and Country Planning Act, 1971

Problem

India has emerged as the premier destination for Global Capability Centres ('GCCs'), which are specialised offshore units established by multinational corporations to deliver advanced services. GCCs in India currently employ an impressive 19 lakh people nationwide, with projections indicating potential growth to 25-28 lakh jobs by 2030. The economic impact of this sector is substantial, with GCCs poised to contribute USD 121 billion, equivalent to 3.5% of India's GDP, by the end of the decade. India's emergence as a GCC powerhouse reflects its compelling value proposition, built on a foundation of skilled talent, significant cost advantages, widespread English proficiency, and a mature technology ecosystem.

As GCCs become an increasingly vital component of India's services exports and knowledge economy, competition among states to attract these high-value investments has intensified. Karnataka has established itself as the leading GCC hub, hosting an impressive 42% of the country's GCC units. Telangana follows with a 21% share, while Delhi-NCR and Maharashtra account for 14% and 12% respectively. Recognising the transformative potential of GCCs, states are actively developing targeted policies to create enabling ecosystems. Karnataka, the frontrunner, has pioneered a range of GCC-specific incentives, including reimbursements for internship stipends, exemptions on electricity duties, and subsidies for land acquisition.

Tamil Nadu, currently hosting 10% of India's GCCs, has recognised the sector's transformative potential. The state's 2024-2025 budget demonstrates commitment through initiatives like a structured payroll subsidy programme for high-paying jobs. However, Tamil Nadu's experience reveals that financial incentives alone cannot address the fundamental challenge facing GCC growth: regulatory complexity.

New entrants must navigate an intricate web of state-level compliance requirements spanning multiple departments. Even after establishment, GCCs face operational constraints from labour regulations, urban development and zoning restrictions, and local compliance requirements. Current labour laws, especially those governing night shifts and women's employment, create unnecessary complexity for GCCs aiming to optimise workforce deployment.

While challenging, this regulatory environment presents Tamil Nadu with an opportunity to differentiate itself. Addressing structural regulatory challenges could create a sustainable competitive advantage that attracts and retains GCC investments while fostering their evolution into higher-value activities.

Approach

Tamil Nadu's approach to transforming its GCC regulatory environment requires balancing industry needs with regulatory oversight through two interconnected streams:

- The first stream should focus on developing a consultative five-year GCC policy through structured engagement with industry leaders, regulatory authorities, and domain experts. This policy should systematically address regulatory pain points across municipal regulations, labour laws, and administrative procedures. The policy development process should incorporate international best practices from successful GCC hubs like Singapore and Ireland, while adapting them to Tamil Nadu's context. Regular performance evaluation against metrics like approval timelines, compliance costs, and GCC growth rates would enable course corrections, culminating in a comprehensive review after five years.
- The second stream involves conducting a detailed legal landscape mapping exercise to examine provisions in key legislation affecting GCC operations. This review should analyse the Tamil Nadu Town and Country Planning Act, 1971, municipal corporation acts, local body regulations, and state labour laws to identify both constraints and opportunities. For instance, existing provisions for IT parks could serve as templates for GCC-specific regulatory frameworks. This mapping should also examine successful regulatory models from states like Karnataka, Telangana and Uttar Pradesh to identify adaptable solutions.

Implementation

We recommend that the government of Tamil Nadu implement the suggestions in three steps:

Step 1 - Develop a comprehensive five-year GCC policy

Initiate the policy development process by setting up a dedicated task force comprising representatives from the Tamil Nadu government, industry leaders, regulatory authorities, and domain experts. Conduct extensive stakeholder consultations, analyse the regulatory landscape, and draft a comprehensive policy - The Tamil Nadu GCC (Growth and Facilitation) Policy - addressing critical areas such as municipal regulations, labour laws, and administrative procedures. Incorporate performance metrics and evaluation frameworks to enable regular monitoring and course corrections.

Step 2 - Eliminate critical regulatory roadblocks and streamline compliance

Carry out essential legislative amendments identified through legal and regulatory landscape mapping. Amend key state legislation to address critical operational barriers for GCCs in Tamil Nadu, with all changes informed by stakeholder consultations and impact assessments to ensure effectiveness.

Strengthen the Tamil Nadu Business Facilitation Act, 2018 ('TNBFA') by establishing a unified compliance system and single window clearances specifically tailored for GCCs, similar to the model for Micro, Small and Medium Enterprises. Mandate single-point clearances and digitise compliance and accountability mechanisms to streamline processes and reduce bureaucratic hurdles for GCCs operating in the state.

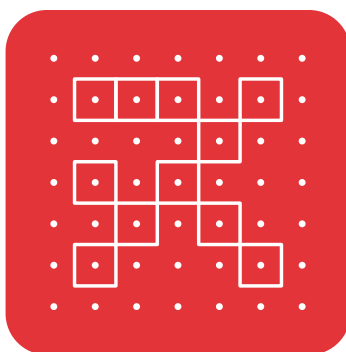
Step 3 - Establish institutional infrastructure

Create a dedicated GCC regulatory affairs cell within Guidance Tamil Nadu (the state's nodal investment promotion agency), empowered by the amended TNBFA. Staff it with domain experts and equip it with digital tools for tracking and managing approvals.

Success metrics should track both process improvements (approval timelines, compliance costs) and outcome measures (GCC investments, job creation, expansion of existing operations). Regular stakeholder feedback surveys would provide qualitative insights.

Through this structured approach to policy development and implementation, Tamil Nadu can create a distinctive value proposition in the competitive GCC landscape built on regulatory efficiency.

Rethinking Tamil Nadu's digitisation strategy



Authority: Information Technology and Digital Services Department

Legislative Competence: Seventh Schedule, List II, Entry 41

Key Legislative and Policy Instruments: Tamil Nadu Information Technology (Electronic Service Delivery) Rules, 2016; Tamil Nadu Digital Transformation Strategy

Problem

Tamil Nadu has emerged as a leader in India when it comes to providing e-services to its citizens and businesses. The state's Digital Transformation Strategy ('DiTN'), spearheaded by the Tamil Nadu eGovernance Agency ('TNeGA'), demonstrates a strong commitment to digitising government offices and services. These efforts have made it easier for people to access critical services, while also improving transparency and efficiency in government operations.

DiTN offers a coherent strategy for implementing a first wave of digitisation—the transition from paper to digital. While this transition is essential, it is insufficient. The World Bank GovTech Maturity Index, 2022 notes, “most of these platforms are still disconnected and data exchange is not sufficiently automated using web services or application programming interfaces”. As a result, the transition may not yield substantial gains in productivity. Tamil Nadu, like many Indian states, faces severe staff shortages, with only 13 public employees per 1000 people. Augmenting state capacity through technology should, therefore, be a core priority for Tamil Nadu.

Platformising and interlinking datasets can enable the government to rethink which services can be automated, moving beyond mere digitisation. Cost-saving is one of the goals here. The Tony Blair Institute for Global Change found that “the UK stands to gain £40 billion per year in public-sector productivity improvements by embracing AI”,

particularly emphasising the potential impact on their healthcare systems. But the principal goal is unlocking innovation and productivity in the public sector. For instance, predictive AI could significantly augment efficiency in various domains, from preventing non-communicable diseases in healthcare to optimising resource allocation across departments.

The International Labour Organization estimates that higher income countries have a much higher potential to automate and augment through digital transformation and AI. With economic indicators well above the Indian average, Tamil Nadu is uniquely positioned to pioneer this transformation in the age of AI. The state has already laid a solid foundation through DiTN, showcasing its potential. However, it is crucial to ensure that the digitisation transition to paperless is completed across all departments of the government so that it becomes possible to implement whole-of-government approaches to platformisation.

Tamil Nadu must now embark on two critical challenges: completing the digitisation journey to achieve paperless service delivery, and leapfrogging to advanced GovTech systems that leverage platformisation, automation, and AI.

Approach

The first step in thinking about the platformisation of government is to complete and consolidate the transition to paperless. For this, a comprehensive legislative framework for e-services is essential. This will consolidate existing

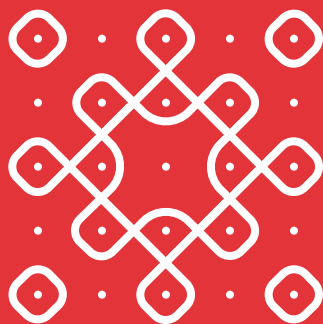
gains in digitisation and convert what is currently a matter of departmental discretion into a citizen's entitlement. In addition to being a gateway to platformisation, an e-services law also has several immediate advantages for citizens, such as mandating anytime-anywhere access, real-time updates, and improved transparency and accountability. More importantly, from a strategic perspective, it sets the stage for a structural reimagining of how the state should deliver public services.

Given Tamil Nadu's significant advantages, its digitisation strategy should also attempt to use interlinkages between datasets and predictive AI to rethink how service delivery operates. For example, studies are required to assess whether the application of AI systems to the prevention of non-communicable diseases might substantially increase the efficiency of the government health system in Tamil Nadu. This has the potential to augment the efficiency of service delivery and mitigate the effects of the staff shortages every state government faces.

Implementation

We recommend implementation in two parallel steps:

- **First, enact comprehensive e-services legislation** that mandates technology adoption for citizen-centric departments, provides clear timelines for service delivery, and includes safeguards for citizens' data usage. This legislation should be complemented by a review and update of the Tamil Nadu Information Technology (Electronic Service Delivery) Rules, 2016 to remove redundancies and ensure alignment with the new legislation;
- **Second, conduct a strategic review of the DiTN** to assess opportunities for platformisation, automation, and reimagined service delivery. This review should ensure that the strategy capitalises on these opportunities to enhance efficiency and effectiveness. To oversee the review process, we recommend establishing an expert committee led by the Department of Information Technology and Digital Services, supported by a specialised technical team to facilitate the review and implementation of recommendations.



Welfare

Eradicating caste discrimination in prisons



Authority: Home, Prohibition and Excise Department; Tamil Nadu Prison Department

Legislative Competence: Seventh Schedule, List II, Entry 4

Key Legislative and Policy Instruments: Tamil Nadu Prison Rules, 1983; Tamil Nadu Prison Manual, 1985

Problem

Caste discrimination is an unfortunate reality in Indian prisons, including those in Tamil Nadu. Investigations into prisons in Tamil Nadu reveal that prisoners are housed and assigned work exclusively based on their caste identity. For example, in the Palayamkottai Central Prison, four wards are reserved for Thevars, two for Dalits, and one for Nadars, Udayars, and other castes. Similarly, in the Madurai Central Prison, in addition to housing segregation, cleaning work is assigned exclusively to Dalit prisoners. This segregation is magnified by prison demographics in Tamil Nadu: Scheduled Castes, Scheduled Tribes and Other Backward Classes make up an overwhelming 98% of convicts and undertrial prisoners.

Despite constitutional safeguards against inequality and untouchability, caste discrimination persists in prisons, reinforced by legal instruments governing prison management that entrench and perpetuate societal caste hierarchies.

Tamil Nadu's prisons operate under the Tamil Nadu Prison Manual, 1985, which includes the Tamil Nadu Prison Rules, 1983 – a framework derived largely from the colonial-era Prisons Act, 1894. Several provisions of the prison rules explicitly perpetuate caste segregation or hierarchies, and/or have discriminatory undertones:

- Rule 225 (Classes of prisoners) allows for categorising prisoners into Class A prisoners and Class B prisoners. Prisoners are eligible for Class A if

they are accustomed to a superior mode of living by virtue of their social status, education, or habit of life;

- Rule 273 (Men who work together to sleep together) promotes occupation-based segregation of prisoners for the purpose of sleeping;
- Rule 438 (Allowance for social status) provides discretion to the Classification Committee to allot prison tasks based on the education, intelligence, aptitude, and previous habits of prisoners. This gives scope for lower-caste prisoners to typically be assigned tasks such as cleaning latrines, picking garbage, sweeping, etc., while upper-caste prisoners monopolise more desirable duties like cooking, or avoid work altogether;
- Rule 472 (Sweepers and water carriers for official quarters) allows for manual scavenging by sweeping gangs, often comprising lower-caste Class B prisoners;
- Rule 447 (Restrictions on extramural employment of convicts) specifically prohibits members of wandering or criminal tribes from being employed in any labour outside the prison walls without the sanction of the Inspector-General.

While not every provision is overtly discriminatory, the prison rules enable indirect discrimination through seemingly neutral terms like 'habit' and 'social status'. These euphemisms mask inherent biases that disproportionately impact lower-caste prisoners and perpetuate traditional hierarchies – a continuation of historical systemic discrimination against marginalised communities.

Approach

In October 2024, the Supreme Court in *Sukanya Shantha v. Union of India & Ors.* took note of the unconstitutional caste-based discrimination prevalent in prisons and directed all states to revise unconstitutional and discriminatory provisions in their prison manuals/rules within three months. Disagreeing with a previous Madras High Court judgement that upheld caste segregation to prevent community clashes, the Supreme Court affirmed the “responsibility of the prison administration to maintain discipline inside the prison without resorting to extreme measures that promote caste-based segregation.” Further, the Supreme Court mandated regular prison inspections as a crucial mechanism to identify discriminatory practices in prisons, recognising institutional oversight as essential to systemic reform.

In accordance with the Supreme Court’s directions, the Tamil Nadu government should update the prison manual to amend and/or repeal provisions that perpetuate caste discrimination in prisons. This also involves deleting the ‘caste’ column and references to caste in prisoners’ registers, removing caste-based identifiers from prison records and administrative documents, and introducing new standardised forms that exclude caste information.

In parallel, the amendments must incorporate affirmative provisions upholding the dignity of all prisoners and stipulating that prisoners should not be discriminated against based on caste, religion, race, sex, language, birth, etc. Further, they must provide for an alternative to the current work assignment system to ensure fair and non-discriminatory distribution of tasks among prisoners, and outline clear disciplinary consequences for caste-based discrimination.

Implementation

We recommend that as a first step towards addressing caste discrimination in Tamil Nadu prisons, the state government should **review the Tamil Nadu Prison Manual, 1985** (which includes the prison rules) to identify and amend discriminatory provisions. This could be achieved by establishing an expert committee that holistically reviews the prison manual within a specified timeframe. The committee should include diverse representation from marginalised communities, along with legal experts, prison reform specialists, and bureaucrats.

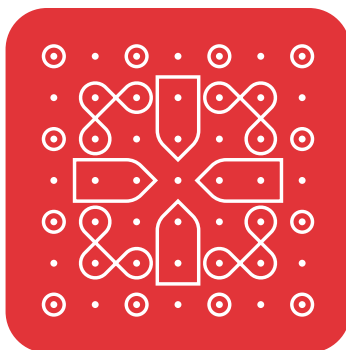
Further, the **prison manual must be amended** to mandate measures such as:

- Strengthening the complementary roles of the District Legal Services Authority and Board of Visitors in providing legal aid and prison oversight;

- Establishing an anti-caste discrimination cell with the authority to receive protected complaints and monitor violations;
- Clear protocols for investigation, redressal, and disciplinary action against caste-based discrimination.

The amendments to the prison manual would be bolstered by implementing anti-discrimination training and sensitisation initiatives for prison officers, and developing recruitment policies that ensure diverse representation in prison administration.

Modernising public health laws



Authority: Health and Family Welfare Department

Legislative Competence: Seventh Schedule, List II, Entry 6

Key Legislative and Policy Instruments: Tamil Nadu Public Health Act, 1939

Problem

Tamil Nadu's public health legal framework, anchored by the Tamil Nadu Public Health Act, 1939 ('TNPHA'), stands as one of India's earliest comprehensive public health laws. While groundbreaking for its time in establishing key institutions like the Public Health Board and recognising health's connection to sectors like water and sanitation, this pre-independence framework now struggles to meet contemporary health challenges in Tamil Nadu.

The pre-independence legislation faces three key limitations that hamper its effectiveness in the present-day context:

First, the TNPHA operates through an outdated system of penalties and policing, reflecting its colonial-era origins. Rather than encouraging health-promoting behaviours, the TNPHA relies on an extensive penalty system for actions that no longer directly concern public health: occupying houses with inadequate household water supply, improper waste disposal in private spaces, use of library books while ill, failure to control rat populations, etc. While these concerns may have resonated with colonial-era public health priorities, they are fundamentally misaligned with contemporary medical understanding and social norms. In any event, they cannot be considered the foremost public health priorities today.

Second, the law creates an imbalanced power structure, granting state authorities sweeping discretionary powers without corresponding

safeguards or obligations. A telling example is vaccination governance: while District Collectors can mandate vaccinations, the law imposes no parallel safeguards about vaccine safety, accessibility, or adverse effect management.

Third, the framework remains frozen in time, focusing predominantly on infectious disease control while Tamil Nadu's health challenges have evolved significantly. Non-communicable diseases ('NCDs') now account for 70% of deaths and 65% of disability-adjusted life years in the state. With over 40% of households affected by diabetes, the state's dated legal architecture appears increasingly disconnected from ground realities. While Tamil Nadu has successfully controlled many infectious diseases, the legal framework has not evolved to address the prevention and management of NCDs, despite their prominence in both the Tamil Nadu State Health Policy - Vision 2030 ('Vision 2030') and the Tamil Nadu Health System Reform Program ('TNHSRP').

Compounding these limitations is the persistence of discriminatory provisions in related legislation. For instance, Section 268 of the Tamil Nadu District Municipalities Act, 1920, and Section 390 of the Coimbatore City Municipal Corporation Act, 1981 (both recently repealed) mandated market authorities to expel individuals affected by leprosy and other infectious diseases from market premises. Laws like these employ derogatory terms like 'leper' and single out leprosy specifically, despite the disease being curable for over two

decades through multidrug therapy, after which visible physical signs need not indicate infectiousness or public health risk. Such legislative language perpetuates and worsens the social stigma associated with conditions like leprosy.

The disconnect between Tamil Nadu's legal framework and its public health needs has become increasingly stark. While the state has successfully controlled many infectious diseases and set ambitious goals through its Vision 2030 and the TNHSRP, its colonial-era legal foundation increasingly acts as a barrier rather than an enabler of modern public health objectives.

Approach

Modernising Tamil Nadu's public health framework requires a fundamental shift in its legal architecture, centred on three key reforms:

First, the TNPFA needs to be reoriented towards a modern, people-centric approach. This involves establishing clear rights and obligations for both citizens and state functionaries, creating mechanisms for informed consent, and fostering citizen participation in health policy development. The law should move beyond its current punitive framework to emphasise transparency in decision-making and strengthen accountability of government authorities.

Second, the legal framework must align with Tamil Nadu's contemporary health challenges, particularly the rising burden of NCDs. Drawing from evidence-

based approaches and existing state health policies, the TNPFA should be expanded to include mandatory screening programmes, prevention strategies, and initiatives promoting healthy lifestyles. This shift would help integrate NCD management into the state's core public health response.

Third, discriminatory provisions in state laws need urgent reform, particularly following the Supreme Court's directions in *Vidhi Centre for Legal Policy v. Union of India*. This requires not only repealing derogatory language and discriminatory provisions but also crafting proportionate, scientifically-grounded approaches to managing communicable diseases. Special attention must be paid to eliminating provisions that single out specific conditions like leprosy and replacing them with evidence-based, non-discriminatory measures.

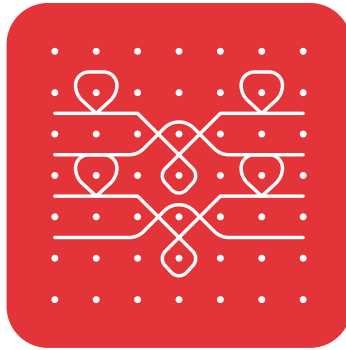
Implementation

We recommend that the state government modernise Tamil Nadu's public health legal framework through two key actions:

- **First, reform the TNPHA through targeted amendments.** This demands a multi-stakeholder approach, bringing together public health officials, urban planners, food safety experts, and education specialists to develop integrated strategies, particularly for NCD management;
- **Second, conduct a systematic review** of state health legislation **to eliminate discriminatory provisions.** Working with state leprosy officials and disability commissioners, the state government must identify and amend laws that perpetuate stigma and outdated practices.

The success of these legal interventions depends on clear timelines, dedicated resources, and robust monitoring mechanisms to translate legislative reform into improved health outcomes for Tamil Nadu's population.

Enacting a framework for Deed of Familial Associations to recognise queer families



Authority: Social Welfare and Women
Empowerment Department

Legislative competence: Seventh Schedule, List III,
Entries 5 and 20

Key Legislative and Policy Instruments: *Supriyo @
Supriya Chakraborty & Anr. v. Union of India*; *S. Sushma
and Ors. v. Commissioner of Police, Greater Chennai
Police and Ors.*; Draft Tamil Nadu Sexual and Gender
Minorities (LGBTQIA+) Policy, 2024

Problem

Tamil Nadu is home to over 50,000 self-identified LGBTQ+ individuals according to recent estimates. Yet, the state's queer couples face systematic discrimination in accessing basic rights and services. Despite Tamil Nadu's pioneering work in transgender welfare through India's first Transgender Welfare Board and various social security schemes, queer couples continue to struggle with housing discrimination, denial of financial services, and limited access to healthcare due to their inability to legally register their relationships.

These challenges reflect a broader national issue. Despite evolving social attitudes and legal recognition of LGBTQ+ rights in India (including decriminalisation of same-sex/gender relationships and prohibition of discrimination on the basis of gender identity and sexual orientation), the absence of marriage rights prevents queer couples from accessing numerous legal and financial benefits that heterosexual married couples enjoy - from inheritance rights and adoption custody to joint banking facilities and insurance nominations.

The Supreme Court in *Supriyo @ Supriya Chakraborty & Anr. v. Union of India* acknowledged this discrimination but declined to judicially recognise same-sex/gender marriages, emphasising that such recognition falls squarely within the legislature's domain. The court reasoned that only democratically elected representatives have the mandate to make such far-reaching social policy decisions that would require

extensive amendments across multiple laws. Recognising the urgent need for systematic examination of these issues, the Supreme Court directed the formation of a high-level Committee to study and recommend necessary changes.

While this Committee deliberates on systemic solutions—a process that will involve lengthy stakeholder consultations and policy deliberations—the Tamil Nadu government must examine immediate executive and legislative interventions within its constitutional powers to protect its LGBTQ+ citizens. Building on its existing framework for transgender welfare, the state can pioneer initiatives to address discrimination in housing, healthcare, and essential services, even as the broader question of marriage equality awaits national resolution.

Approach

Marriage-related rights and benefits currently denied to queer couples fall into two broad categories. First are the benefits that are fundamentally structured around traditional husband-wife relationships, such as inheritance laws and domestic violence protections. These require extensive legal reforms to become inclusive. Second are the benefits where marriage simply serves as proof of kinship, such as for pension nominations, insurance benefits, joint bank accounts, and travel documentation. While proof of marriage is currently used to access these benefits, they do not inherently depend on traditional marriage structures.

Addressing the first category requires fundamental legal architectural changes to laws built on heteronormative premises. This process demands extensive stakeholder consultations and inter-departmental coordination at both state and union levels, making it necessarily time-consuming. The second category, however, simply needs a workaround to legally recognise proof of kinship between queer persons.

Following the Madras High Court's recommendation in *S. Sushma and Ors. v. Commissioner of Police, Greater Chennai Police and Ors.*, and the draft Tamil Nadu Sexual and Gender Minorities (LGBTQIA+) Policy, 2024, Tamil Nadu can take immediate action to address this second category of exclusions through an innovative legal instrument.

The state government can introduce a Deed of Familial Association ('DFA'), a formal legal document that would

recognise and protect stable unions outside the bounds of marriage, such as queer family units. This approach would:

- Provide legal recognition to queer relationships through a formal instrument that documents the intention and commitment of unmarried consenting adults to operate as a stable family unit;
- Create a legally verifiable proof of kinship that can be used to access benefits and services where marriage currently serves primarily as evidence of family relationship;
- Support the creation and protection of chosen family structures, including potential adoption arrangements;
- Offer institutional protection against discrimination and harassment by providing official documentation of the relationship's legitimacy.

By introducing DFAs, Tamil Nadu can work within existing limitations while providing meaningful protections to queer couples.

Implementation

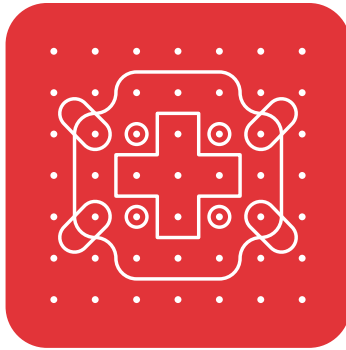
In order to recognise and protect queer family units, we recommend the following steps:

- **The first step is creating the legal framework for DFAs** through legislation that outlines registration processes and eligibility, rights and obligations of parties, legal recognition in institutional settings, implementation authority, enforcement mechanisms, and dissolution processes. This should be accompanied by designing a simple registration system accessible both online and offline. The framework should be designed in consultation with members of the LGBTQ+ community;

- **The second step involves systems integration**, where the state government must identify all laws and schemes requiring amendments to recognise DFAs, draft these amendments, and issue executive orders to all departments mandating DFA recognition. This would include modifying existing administrative forms and procedures to include DFA as a recognised category.

This solution offers immediate relief to queer families through essential protections while appreciating the broader complexities of marriage equality.

Adopting a public health approach to drug addiction



Authority: Health and Family Welfare Department;
Home, Prohibition and Excise Department

Legislative Competence: Seventh Schedule, List II,
Entries 2 and 6; Seventh Schedule, List III, Entry 2

Key Legislative and Policy Instruments: Narcotic
Drugs and Psychotropic Substances Act, 1985;
Tamil Nadu Narcotic Drugs Rules, 1985

Problem

Tamil Nadu ranks fourth among Indian states in cases registered under the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS'), with 75% of these cases involving personal consumption by both recreational users and addicts. The state faces a growing substance abuse crisis, particularly among its youth, as evidenced by the increasing presence of drugs in educational institutions and entertainment venues.

The NDPS was enacted to provide stringent provisions for controlling and regulating operations related to narcotic drugs and psychotropic substances. However, its implementation has largely deviated from targeting major drug trafficking operations that pose genuine threats to public safety. Instead, enforcement efforts have focused on punishing drug consumers and addicts — individuals who are often perpetrators of victimless crimes. Studies show that this approach has disproportionately affected socially and economically disadvantaged groups. Moreover, the excessive focus on prosecuting drug consumption cases has placed an unnecessary burden on both courts and investigating agencies.

The current criminal justice approach to drug use is not only outdated but actively undermines public health objectives related to drug consumption and addiction. Rather than providing support and treatment, the system criminalises and marginalises individuals struggling with addiction. This criminalisation creates a devastating cycle: the stigma of being labelled a criminal, combined with

potential incarceration, severely restricts addicts' access to essential healthcare services and de-addiction facilities — the very resources needed for their recovery.

Further, the law's excessive reliance on quantity-based thresholds creates a significant gap in protection for addicts. While probation and immunity are available for consumption offenses or possession of small quantities, exceeding these thresholds—even marginally—disqualifies individuals from these protections. This rigid framework particularly disadvantages addicts, who may possess larger quantities than recreational users due to their dependency. By using quantity as the sole criterion for non-consumption offenses, rather than considering intent or patterns of use, the law effectively criminalises addiction, a health disorder, instead of facilitating recovery.

Thus far, Tamil Nadu's drug demand reduction efforts are largely limited to civil society interventions and awareness campaigns. Rehabilitation resources remain insufficient, with inadequate regulation compromising the quality and safety of de-addiction services. Instances of unqualified and potentially fraudulent operators running rehabilitation centres have resulted in violations of legal standards and human rights. There is a growing need to address drug addiction holistically beyond merely imposing criminal punishments.

Approach

Tamil Nadu's response to drug addiction must evolve from punishment to treatment. State-level legal reforms could prioritise de-addiction, treatment, and rehabilitation over punishment. The success of Sikkim's decriminalisation model demonstrates the viability of this approach — it reduced drug-related under-trials while redirecting law enforcement resources towards major traffickers and improving addicts' access to healthcare facilities.

The cornerstone of this approach should be recognising three distinct groups with respect to drug usage: recreational users, drug traffickers, and individuals requiring medical intervention for addiction. Tamil Nadu could implement this approach by establishing a pre-charge diversion program to prioritise health interventions over criminal prosecution for the third category. Under this framework, the police should refer individuals found

with drugs for personal use to health authorities instead of making arrests, even when the quantity slightly exceeds legal thresholds. These health authorities would assess each case to determine whether the individual requires addiction treatment and counselling or whether a warning or community service would be more appropriate for recreational users. Such an approach would help mitigate the severe consequences of the current system, which can impose up to one year of rigorous imprisonment for personal consumption.

Ensuring quality treatment at rehabilitation and de-addiction centres must also be central to this reform. Following the Madras High Court's directives, the proposed legislation should establish rigorous standards for these facilities, including strict licensing requirements, quality benchmarks for treatment programmes, and comprehensive oversight mechanisms.

Implementation

Tamil Nadu requires a **targeted legal approach to address drug addiction through a public health lens**. While complementing the NDPS, the proposed legal approach should prioritise treatment and rehabilitation while enabling law enforcement to focus on drug trafficking.

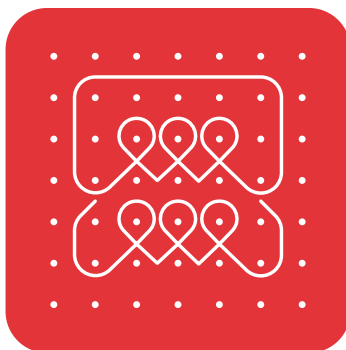
We recommend that the legislative intervention should:

- **Introduce clinically informed definitions** distinguishing between addicts (individuals with substance dependency requiring medical intervention) and recreational users (individuals who use substances without showing patterns of dependency);

- **Create an administrative framework** to oversee addiction assessment, treatment protocols, and rehabilitation services;
- **Establish a systematic diversion programme** to protect drug users from immediate criminalisation, while maintaining focus on prosecuting traffickers;
- **Develop clear operational guidelines** covering police referrals, clinical protocols, and alternative penalties like community service;
- **Implement state-level infrastructure** for rehabilitation and healthcare services, with mandatory quality standards for treatment facilities, regular monitoring protocols, and performance evaluation mechanisms.

This approach should be developed collaboratively by criminal justice officials, health officials, healthcare professionals, legal experts, and civil society organisations. It can be implemented either through amendments to the existing Tamil Nadu Narcotic Drugs Rules, 1985, or by framing a new set of rules under the NDPS. Alternatively, the government can enact a new public health legislation that holistically regulates all aspects of de-addiction and rehabilitation in order to prioritise treatment over incarceration.

Recalibrating POCSO implementation: Balancing protection with consent



Authority: Social Welfare and Women Empowerment Department; Madras High Court

Legislative Competence: Seventh Schedule, List II, Entry 2; Seventh Schedule, List III, Entry 2

Key Legislative and Policy Instruments: Protection of Children from Sexual Offences Act, 2012; Bharatiya Nagarik Suraksha Sanhita, 2023

Problem

The Protection of Children from Sexual Offences Act, 2012 ('POCSO') was enacted to protect children from sexual abuse. However, a decade of implementation has revealed a critical gap: the law's broad criminalisation of all sexual acts involving minors fails to distinguish between predatory abuse and consensual close-in-age relationships, particularly where the victim is above 16 years. This means that young adults in such relationships face the same severe legal consequences—including arrest, trial, and potential imprisonment—as those who commit predatory acts.

This gap has significant consequences in Tamil Nadu, which recorded 18,518 POCSO cases between 2021-2024. Empirical evidence from Special Courts across multiple states—including Delhi, Assam, Maharashtra, Karnataka, and Andhra Pradesh—shows that approximately one-quarter of POCSO cases involve romantic relationships. Parents file 70.8% of these complaints compared to only 18.3% filed by alleged victims, suggesting that the law often serves as a tool for families to intervene in disapproved relationships. These cases frequently result in hostile witnesses and acquittals, contributing to both a growing case backlog and a national conviction rate of just 32.2%, well below the overall court conviction rate of 54.2%. UNICEF has also noted that POCSO has strayed from its original purpose of preventing child abuse, instead becoming an instrument for policing adolescent sexuality.

The situation is particularly concerning because POCSO reverses the standard presumption of innocence, requiring the accused to prove their innocence rather than being presumed innocent until proven guilty. This extraordinary burden of proof, combined with broad criminalisation, has led multiple High Courts, including the Madras High Court, to highlight the urgent need for reform. The courts have specifically emphasised the necessity of distinguishing between child abuse and consensual relationships involving adolescents above 16 years. While the Law Commission of India's 2023 review specifically recommended introducing judicial discretion for cases involving teenagers above 16 years, immediate state-level interventions are needed to address these implementation challenges while preserving POCSO's core protective intent.

Approach

POCSO is a union law enacted pursuant to India ratifying the United Nations Convention on the Rights of the Child, 1990. While state governments have limited powers to directly amend POCSO, they can improve its implementation using two key levers: police (Seventh Schedule, List II, Entry 2) and criminal procedure (Seventh Schedule, List III, Entry 2).

The Bharatiya Nyaya Suraksha Sanhita, 2023 ('BNSS') applies to POCSO cases. The Tamil Nadu government should issue standard operating procedures for police investigations involving consensual teenage relationships. These procedures should instruct the police to consider

the victim's affirmation of a consensual relationship, interview witnesses who can attest to the consensual nature of the relationship, document information about the relationship in case diaries, and include the investigating officer's opinion on the consensual nature of the relationship in the charge sheet. By implementing these procedures, the state government can ensure that the accused in genuine cases of consensual teenage relationships has a fair opportunity to present their case before the courts and discharge the extraordinary burden of proof placed upon them by POCSO.

Additionally, the Madras High Court should issue POCSO guidelines for Special Courts under Article 227 of the Constitution, which gives High Courts superintendence over POCSO Special Courts within their territorial jurisdiction. The guidelines should aim to ensure that appropriate weight is given to the consensual nature of the relationship while granting bail with low

bond amounts and lenient conditions for the accused in such instances. These guidelines would assist Special Courts in evaluating the gravity of each case and allow for the accused's liberty, ensuring that the legal process itself does not become a form of punishment.

Further, the Madras High Court, which hears POCSO appeals, should issue guidelines clarifying the applicability of its inherent powers under Section 528 of the BNSS (previously Section 482 of the Code of Criminal Procedure, 1973), which is often invoked to prevent miscarriage of justice and acquit in relation to POCSO appeals. The High Court has previously referred to this section to acquit the accused in POCSO cases involving consensual teenage relationships. These guidelines will establish clear and consistent standards on interpreting Section 528 in POCSO appeal cases, providing predictability in judicial decisions.

Implementation

To improve POCSO's implementation and accommodate consensual close-in-age relationships, we recommend the following:

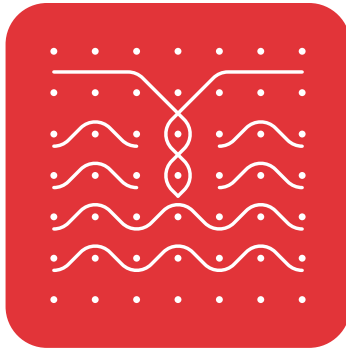
- **The Tamil Nadu government should issue standard operating procedures under the BNSS** on how the police ought to investigate close-in-age teenage relationship POCSO cases so as to allow the accused to fairly discharge their burden of proof; and
- **The Madras High Court should frame two sets of guidelines:** i) clarifying how the High Court's inherent powers are applied in POCSO cases; and ii) on how Special Courts ought to exercise their limited discretion on bail, bond, and judicial custody such that miscarriage of justice is prevented in cases involving consensual close-in-age relationships.

While the above steps can be taken independently at the state level, the Tamil Nadu government must also make recommendations to the union government to amend POCSO to allow judicial discretion in cases involving consensual close-in-age relationships.



Sustainability

Strengthening groundwater management



Authority: Water Resources Department

Legislative competence: Seventh Schedule, List II, Entry 17

Key Legislative and Policy Instruments: Tamil Nadu Groundwater (Development and Management) Act, 2003 (repealed); Chennai Metropolitan Area Groundwater (Regulation) Act, 1987

Problem

Tamil Nadu's groundwater resources face significant challenges that affect the state's water security and economic development. With a groundwater extraction rate of 73.91%, considerably higher than the national average of 59.26%, Tamil Nadu's dependence on groundwater is notable, particularly as it supports the state's irrigation needs and serves as a critical reserve during periods of water scarcity.

The state's groundwater management challenges manifest in both quantitative and qualitative dimensions. More than 30% of the state's groundwater assessment units experience extraction rates that exceed natural recharge capacity. Data from 2002-2012 indicates that groundwater depletion surpassed annual recharge by 8%, resulting in declining water tables. During drought periods, certain regions have recorded groundwater level reductions of 8-10 metres, affecting agricultural productivity and rural communities.

Climate patterns add complexity to these challenges, as Tamil Nadu experiences changes in rainfall distribution. A reduction in rainy days has influenced natural aquifer replenishment, while climate projections suggest increased rainfall variability. In urban areas, particularly Chennai, rapid growth has created new demands on water infrastructure, leading to increased groundwater dependence. The city currently utilises over 80% of its available water supply annually.

Water quality presents another dimension of concern, with Tamil Nadu recording elevated levels of groundwater contamination. Testing reveals that 40% of samples exceed recommended nitrate limits, raising public health considerations. In industrial zones, particularly in districts like Vellore with its concentration of tanneries, groundwater quality is impacted by industrial effluents and agricultural runoff, necessitating attention to both public health and environmental sustainability.

The current state regulatory framework requires strengthening. In 2013, the Tamil Nadu Groundwater (Development and Management) Act, 2003 ('TNGA') was repealed. Since then, the state's groundwater governance has relied on the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987, which applies only to Chennai and select surrounding districts. This is supplemented by various Government Orders. The situation readily points to a lack of comprehensive state-wide coverage of existing regulatory frameworks on groundwater.

The combination of resource pressure, water quality considerations, climate variability, and regulatory needs presents an opportunity for strategic action. A comprehensive legal framework could enhance groundwater management practices and support long-term water security. Tamil Nadu would benefit from new groundwater legislation that addresses current challenges while building resilience for the future.

Approach

Tamil Nadu needs a two-pronged approach to address groundwater and water management challenges. The immediate priority is enacting a robust groundwater law that allows for sustainable usage of groundwater, particularly in drought-prone areas of Tamil Nadu. This new law seeking to replace the repealed TNGA must consciously address factors where the TNGA fell short, acknowledge contemporary issues, and account for the present demand, need and supply of groundwater in the state.

However, groundwater regulation alone cannot ensure long-term water security. In the medium to long term, Tamil Nadu should develop a comprehensive

Integrated Water Resources Management ('IWRM') policy framework that recognises the interconnected nature of all water resources and serves as a guiding vision for existing and future water-related laws. This framework would coordinate surface water, groundwater, and rainfall management while balancing competing demands across sectors.

This staged approach would allow Tamil Nadu to address its immediate groundwater crisis while building the institutional capacity and stakeholder engagement necessary for successful IWRM implementation. The groundwater law can align with the broader IWRM policy framework, ensuring coherence in the state's water management approach.

Implementation

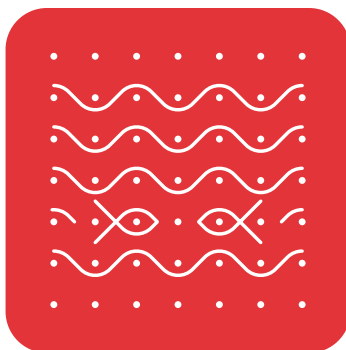
We recommend a three-phase strategy to effectively regulate groundwater in Tamil Nadu and reform the state's water resource management:

- **Phase 1 (1-2 years)** should focus on **enacting and implementing a robust groundwater law**. This phase includes establishing firka-level assessment units for localised monitoring across village clusters, introducing licensing mechanisms, enforcing controls in over-exploited areas, and launching public awareness campaigns to prevent dangerous depletion. The state can draw from the Model Groundwater (Sustainable Management) Act, 2016, which already incorporates IWRM principles, laying a foundation for broader water management reforms;
- **Phase 2 (2-5 years)** should build on these integrated principles by developing a **comprehensive IWRM policy framework** while strengthening institutional capacity through integrated data systems, pilot basin programmes, improved departmental coordination, and robust stakeholder engagement mechanisms;

- **Phase 3 (5-10 years)** should **harmonise all water-related laws** (including the new groundwater law) with the IWRM policy framework while strengthening implementation through enhanced river basin management, integrated planning, and climate-resilient strategies with participatory management at all levels.

This systematic approach would address Tamil Nadu's urgent groundwater crisis while building a foundation for sustainable water resource management through aligned regulatory instruments and policy frameworks.

Enacting a framework to regulate aquaculture



Authority: Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department

Legislative Competence: Seventh Schedule, List II, Entry 21

Key Legislative and Policy Instruments: Tamil Nadu Aquaculture (Regulation) Act, 1995 (repealed)

Problem

Tamil Nadu, with the third-longest coastline in India, has emerged as a significant player in India's aquaculture sector. The state ranks fifth in coastal aquaculture production, with 6,236 hectares under cultivation, and fourth in fisheries sector value addition, contributing ₹17,09,988 lakhs to the gross state value. In 2022-23, the state exported 1.23 lakh metric tonnes of marine products, earning foreign exchange worth ₹6,957.67 crores, primarily through shrimp farming. With 10,099 hectares of coastline suitable for aquaculture and the second-highest number of fishing villages in India, the sector holds substantial potential for growth and rural economic development.

However, the absence of comprehensive state-specific regulation has led to several critical challenges. Numerous illegal aquaculture farms have proliferated, causing substantial environmental degradation. A 2018 study reveals significant conversion of agricultural lands, salt pans, mangroves, mudflats, scrublands, and waterbodies to aquaculture between 1988-2013. Poor regulatory oversight has resulted in unsustainable resource utilisation, including excessive groundwater extraction and inadequate waste management. The sector faces environmental concerns including adverse ecological impacts, with illegal farms discharging untreated effluents and destroying natural coastal habitats.

Further, public health is at risk due to the indiscriminate use of antimicrobials in aquaculture operations, and the sector's vulnerability to disease outbreaks was highlighted in October 2022 when India's first tilapia parvovirus (TiPV) was reported in the Ranipet district. While the Madras High Court and National Green Tribunal have intervened to close illegal farms, these actions address symptoms rather than systemic issues.

The regulatory gap has widened following the repeal of the Tamil Nadu Aquaculture (Regulation) Act, 1995 through the Tamil Nadu Repealing Act, 2023. While this repeal was part of a broader legislative cleanup effort to remove obsolete laws, it has left the state relying solely on the union's Coastal Aquaculture Authority Act, 2005 ('CAA') for regulation. Though the recently passed Coastal Aquaculture Authority (Amendment) Act, 2023 provides updated guidelines, the CAA's scope remains limited to coastal aquaculture, leaving freshwater aquaculture unregulated. Moreover, the CAA's standardised national approach lacks the flexibility to address state-specific concerns, such as Tamil Nadu's distinct mangrove ecosystems, local disease patterns in aquaculture farms, and varying environmental pressures across different coastal regions.

Approach

To address these challenges, Tamil Nadu requires a new legal framework that takes a holistic approach to aquaculture regulation, balancing economic growth with environmental sustainability and public health. The state can draw

inspiration from models implemented in other states, such as the Andhra Pradesh State Aquaculture Development Authority Act, 2020, and the Kerala Inland Fisheries and Aquaculture Act, 2010, while tailoring its framework to the specific needs of Tamil Nadu's aquaculture sector.

The framework should establish a comprehensive regulatory scope, starting with an inclusive definition that covers both inland and coastal aquaculture. Differentiated standards should be set to account for various scales of operation and types of aquaculture practices. For example, separate guidelines could be established for small-scale subsistence farming and large-scale industrial operations, as well as for intensive and extensive aquaculture practices, based on their varying stocking densities and human intervention requirements.

Environmental and health safeguards are essential for the sector's long-term sustainability and public well-being. The

framework should mandate sustainable practices for feed usage and waste management, along with measures for biodiversity conservation and invasive species management. Robust disease reporting systems, quarantine protocols for new stock, and strict controls on antimicrobial use are necessary to protect both aquatic and human health.

To ensure operational effectiveness, the framework should incentivise technology integration and establish comprehensive monitoring systems. Advanced technologies such as remote sensing, IoT devices, and data analytics can improve aquaculture management by enabling real-time monitoring of water quality, feed efficiency, and fish health. Comprehensive monitoring systems are crucial for quality assurance and compliance, ensuring that aquaculture operations adhere to the established regulations and best practices.

Implementation

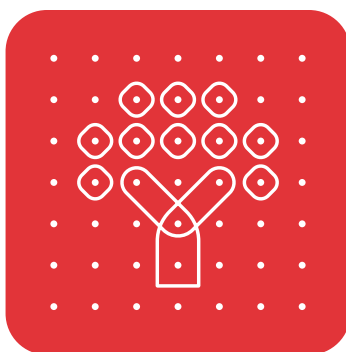
To plug the existing gaps in aquaculture regulation, we recommend that the Tamil Nadu government **enact a modern, comprehensive state law on aquaculture**. This is critical to ensure that a framework customised to Tamil Nadu is set up which enhances flexibility and effectiveness. The state government should:

- **Align the new law** with the Coastal Aquaculture Authority's powers and recent amendments while maintaining necessary state-specific regulatory flexibility;
- **Develop the framework** through inclusive stakeholder engagement, bringing together the Tamil Nadu State Apex Fisheries Co-operative Federation Limited, aquaculture farmers, researchers, legal experts, environmental groups, and health officials;

- **Establish clear implementation mechanisms** with robust monitoring and enforcement protocols, supported by adequate resources and capacity building programmes to ensure effective adoption and promote best practices.

By taking these steps and ensuring a participatory, adaptive approach, Tamil Nadu can create an enabling environment for sustainable aquaculture growth while safeguarding the environment and public health.

Modernising forest laws to recognise the rights of forest-dwelling communities



Authority: Environment, Climate Change and Forests Department; Adi Dravidar and Tribal Welfare Department

Legislative competence: Seventh Schedule, List III, Entry 17A

Key Legislative and Policy Instruments: Tamil Nadu Forest Act, 1882; Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Problem

Tamil Nadu's forests, covering 26,450.22 square kilometres and 20% of the state's area, face a critical governance challenge: while evidence increasingly demonstrates that forest-dwelling communities ('FDCs') are essential partners in forest conservation, the state's primary forest legislation remains rooted in exclusion of these communities.

The fundamental problem lies in the misalignment between modern conservation needs and the outdated Tamil Nadu Forest Act, 1882 ('TNFA'). Despite FDCs being responsible for protecting 80% of the biodiversity in their forest ecosystems, the TNFA continues to systematically exclude them rather than recognising them as crucial allies. The law prioritises state control through extensive powers granted to forest officials—including warrantless arrests, property seizure, and unilateral claims resolution—while criminalising traditional FDC activities like grazing and forest produce collection.

This exclusionary approach has proved counterproductive to forest conservation. Tamil Nadu has witnessed declining forest cover over the past three years, with over 80% of recorded forest area now classified as mildly to heavily degraded. Meanwhile, evidence demonstrates that participatory forest management leads to improved forest cover, enhanced biodiversity, and reduced illegal activities. The success of initiatives like the Tamil Nadu Afforestation Project, which embraced joint forest management, provides concrete proof

that collaboration with FDCs not only improves environmental outcomes but also reduces poverty through sustainable livelihood activities.

The disconnect between law and evidence is further widened by policy contradictions. While modern frameworks—including the National Forest Policy of 1988, Tamil Nadu State Forest Policy of 2018, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA')—acknowledge the vital role of FDCs and advocate for participatory forest management, the TNFA remains frozen in its colonial mindset. The FRA specifically recognises the historical injustice faced by FDCs and aims to secure their traditional forest rights through empowered Gram Sabhas.

Yet, Tamil Nadu's implementation of these progressive approaches remains severely lacking. Of 37,461 claims filed under the FRA, only 11,067 land titles have been distributed, making Tamil Nadu one of the worst-performing states in FRA implementation. This poor performance, initially hampered by a decade-long court-imposed restriction on title distribution (lifted in 2016), reflects the deeper challenge: the persistent influence of an outdated legal framework that fails to recognise FDCs as partners in conservation.

Approach

The modernisation of Tamil Nadu's forest governance requires harmonising its legal framework with contemporary conservation approaches that recognise

FDCs as essential partners. The first step is reforming the TNFA to transition from its colonial-era restrictions to a participatory framework. This reform should replace punitive provisions with mechanisms that integrate traditional forest knowledge, while protecting pre-existing community rights to forest land and resources.

Several states provide proven models for such reform: Karnataka's amendment to its Forest Act establishing Village Forest Committees, and Odisha's Village Forests Rules demonstrate how state legislation can effectively formalise joint forest management. These examples show how legal frameworks can enable local committees to participate in planning and management while ensuring equitable sharing of forest produce between communities and the state.

The current misalignment between the TNFA and the FRA directly hampers effective implementation of forest rights in Tamil Nadu. To address this, the reformed TNFA must harmonise its definitions and procedures with the FRA while maintaining its role as a context-specific state legislation. This requires not only creating state-specific mechanisms for implementing individual and community forest rights, but also developing provisions that reflect Tamil Nadu's unique forest ecosystem and community needs. Most crucially, it must establish clear protocols for resolving potential conflicts between traditional rights and conservation objectives, a gap that currently undermines both community interests and environmental protection efforts.

Implementation

Implementation of forest governance reform in Tamil Nadu requires coordinated legal and administrative action.

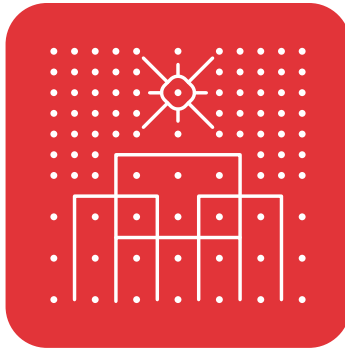
We recommend that the state government first **conduct a comprehensive review of the TNFA** to align it with contemporary forest rights frameworks. This includes harmonising its provisions with the FRA, establishing participatory management protocols, and creating clear mechanisms for FDC involvement in decision-making. Particular attention must be paid to repealing colonial-era punitive provisions while strengthening sections that enable community forest resource management and benefit-sharing arrangements.

Simultaneously, **administrative mechanisms must be strengthened through targeted interventions**: detailed implementation guidelines for government functionaries, capacity-building programmes for Gram Panchayats, FDC awareness initiatives, and

a centralised system for monitoring title distributions and resolving bottlenecks. These measures should specifically address the procedural gaps that have historically hindered forest rights recognition in the state.

This coordinated approach would ensure that legal reforms translate into meaningful change on the ground, serving both conservation goals and community rights. In the long-term, a comprehensive overhaul of outdated provisions may ultimately pave the way for a new forest legislation replacing the TNFA in the state.

Building climate resilience by empowering Urban Local Bodies



Authority: Municipal Administration and Water Supply Department

Legislative Competence: Seventh Schedule, List II, Entry 5

Key Legislative and Policy Instruments: Tamil Nadu Urban Local Bodies Act, 1998

Problem

Tamil Nadu is increasingly witnessing the adverse effects of climate change, from intense rainfall events to soaring temperatures. The state's geographical conditions—such as scarce water resources and a proximity to the ocean—heighten its vulnerability to climatic events like droughts and cyclones.

The state's urban areas in particular face mounting climate-induced challenges such as urban flooding, loss of green cover, and heat waves, worsened by the urban heat island effect. With a significant increase (over 40%) in the number of heat-caused discomfort days, the state government has now declared heat waves as a state-specific disaster. The rapid industrialisation and urbanisation of the state have resultant environmental consequences that need to be planned for.

Building climate resilience has both environmental and economic benefits. It is essential for protecting vulnerable ecosystems and populations, and mitigating economic losses arising from climate disasters. There is also a potential for job creation through resilience-building activities. Moreover, climate resilient cities can attract businesses and investors by virtue of reduced maintenance costs, improved service reliability, and extended asset lifetimes. Thus, enhancing climate resilience could boost investment, a policy priority for Tamil Nadu.

Tamil Nadu is already one of the top-ranking states in implementing climate action policies. The state has been at

the forefront of enacting climate change action through measures such as the Tamil Nadu Green Climate Company, the Tamil Nadu Climate Change Mission, the Tamil Nadu State Action Plan for Climate Change, and the Tamil Nadu Climate Resilient Urban Development Program.

While these measures reflect the state government's broader vision and intent to build climate resilience in Tamil Nadu, climate planning is a highly context-specific exercise. The trigger points for climate disasters and the consequent impacts of climate change vary based on local geographies and manifest differently across regions, with a more severe impact on urban areas.

Urban Local Bodies ('ULBs') have a key role to play in building climate resilience and adaptation as they are abreast of ground realities of the local environment, and are also the most accessible to people in the event of climate disasters. The role of ULBs in building climate resilience has been acknowledged by the union's ClimateSmart Cities assessment framework. The Tamil Nadu government has also recognised the value of a bottom-up approach to climate planning by initiating the District Climate Change Mission for climate planning at the lower rungs of government.

While climate change policies emphasise the involvement of local government bodies in climate planning and adaptation processes, Tamil Nadu's legal framework does not support this. ULBs in Tamil Nadu are governed by the recently revived Tamil Nadu Urban Local Bodies Act, 1998 ('TNULBA'). While the law

assigns certain powers and functions to ULBs, such as the protection of water bodies and construction of parks, it does not attribute ULBs with any concrete authority or mandate to participate in or take decisions with regard to climate planning and adaptation processes, and contains gaps that hinder the involvement of ULBs in effectively contributing to climate resilience and adaptation.

Approach

Under Article 243W of the Constitution, state governments can endow powers, authority and responsibilities to ULBs. The state government ought to enable ULBs to act as empowered and accountable authorities to address climate change at the local level.

The TNULBA must be amended to expand the powers and functions of ULBs, geared towards reorienting them as primary local authorities in building climate resilience and adaptation. For instance, since ULBs are acquainted with local climate risks, they can be assigned the mandate of preparing microclimate action plans and

overseeing the implementation of such plans. Further, ULBs can be entrusted with the responsibility of recording and managing data related to local climatic events, and preparing urban heat island maps.

It is essential to ensure the active participation and inputs of ULBs in areas like urban planning, regulation of land use and building construction, and urban forestry – domains that are interconnected with climate change and action. While the TNULBA permits ULBs to carry out delegated work in these areas, the law's provisions define their role as being mere functionaries for implementation. The law could be amended to give ULBs substantive decision-making powers in these domains. For instance, ULBs could be permitted to mandate the use of renewable energy in new buildings.

While these measures aim to enhance the authority of ULBs to build climate resilience at the local level, they must also account for the limited institutional and financial capacity of ULBs.

Implementation

We recommend that the state government implement the suggestions in two prongs:

- **Amend the TNULBA:** Amend the TNULBA to empower ULBs for climate planning and adaptation. Provide budgetary allocations for developing action plans, investing in resilient infrastructure, establishing finance mechanisms, building capacity, fostering collaboration, and promoting public awareness. This will enable ULBs to take decisive action and build resilience against climate change challenges.

- **Build capacity:** Equip ULBs with dedicated climate-action cells, similar to the Tamil Nadu State Climate Change Cell, to operationalise and monitor their climate resilience activities and create awareness among the local populace. These cells should be staffed with officials who possess technical skills in areas such as greenhouse gas accounting, climate risk assessment, adaptation planning, data analysis, project management, stakeholder engagement, and monitoring and evaluation frameworks.
-

Annexures

Annexure 1: Inputs from stakeholder engagement workshops

Inputs received on select legal reform ideas from stakeholder engagement workshops conducted on 14th and 15th November 2024 in Chennai.

1. Enacting a framework with comprehensive legal safeguards for platform-based gig workers

- The current manual workers' law in Tamil Nadu does not fully address the rights and concerns of gig workers. While certain welfare benefits have been extended to gig workers, the delineation of their rights remains vague and ambiguous.
- There is insufficient data on gig workers, and no distinct data on those engaged in gig work full-time as opposed to those doing gig work part-time to supplement their income. Overall, the number of gig workers registered with the welfare board is very low. This could be due to poor awareness and the young demographic of gig workers not understanding the value of the board and the importance of availing social security.
- The welfare board suffers from a lack of funds, which could be addressed by mandating a cess to be paid by aggregators to fund the board, in turn ensuring social security, insurance, etc. for gig workers.
- Any legislative framework for gig workers should keep in mind not to negatively impact the economy by creating barriers for business.

2. Removing legal barriers limiting female labour force participation

- The female labour force participation rate in Tamil Nadu has seen a decline in the past few years, but is still higher than most other states.
- Easing regulatory restrictions, addressing safety concerns, and eradicating wage disparity are key to enabling women's labour force participation and to increase economic opportunities for women.

- The law must evolve to recognise outdated barriers that restrict women based on gender without accounting for modern technology that renders women equally capable of handling manufacturing tasks.
- Companies must be provided legal incentives to increase the number of women employees.
- To encourage women in the workforce, it is necessary to expand support systems such as childcare, geriatric care, and transportation.
- Local Complaints Committees should be strengthened through proper funding and training of members.

3. Ensuring robust legal safeguards for factory workers in extended shifts

- Industries must be sectorally mapped to identify those most suited to adopt flexible working hours.
- Extended shifts should be accompanied by the enforcement of necessary measures to protect workers against exploitation and ensure their safety, with special safeguards for women workers.
- Workers need to be educated about their rights through awareness campaigns to reduce the risk of exploitation by employers.

4. Eradicating caste discrimination in prisons

- Due to the recent Supreme Court judgement in *Sukanya Shantha v. Union of India*, state governments have a mandate to update their state prison manuals/rules within the timeframe set by the court, and could be held in contempt for not doing so.
- Apart from the prison manual and rules, it is necessary to remove all mention of caste from the state's Criminal Rules of Practice, 2019.
- While some measures may be needed to protect vulnerable caste groups, the scope for bias in favour of certain communities must be eradicated from the letter of the law.
- Periodic civil society audits of prisons may improve the monitoring and accountability of the prison system.
- Merely amending the prison manual and rules will not wholly eradicate caste discrimination in prisons. Complementary measures are required that target police reform, conditions for bail, legal aid, grievance redressal, prison staffing, sensitisation, etc.

5. Enacting a framework for Deed of Familial Associations to recognise queer families

- There has been some progress made on the judicial front on LGBTQIA+ rights. However, the ground realities are different. People belonging to sexual minorities experience challenges with employment, social ostracisation, inability to find rental accommodation, harassment, etc.
- When queer couples wish to form a stable union in society, they are often hindered by their own families, neighbours, and by perception problems.
- A Deed of Familial Association could potentially offer queer families legal recognition to avail certain benefits and protection from violence, harassment, and ill-treatment.
- There needs to be clarity on what the Deed of Familial Association can and cannot do, and its limited scope must be clearly defined.

Annexure 2: Experts and stakeholders consulted

List of experts and stakeholders from whom inputs were received via closed door roundtable discussions and personal meetings.

Abhinav Verma

Program Manager, Centre for Effective Governance of Indian States

Ankit Chatri

Director, Governance and Service Delivery, Athena Infonomics

Arvind Datar

Senior Advocate, Madras High Court and Supreme Court

Deedee

Chief Operating Officer, Trans Rights Now Collective

Dr. A. Kalaiyaran

Assistant Professor, Madras Institute of Development Studies

Dr. C. Chandramouli

Former Registrar General and Census Commissioner of India

Dr. Girija Vaidyanathan

Former Chief Secretary, Government of Tamil Nadu

Dr. J. Amalorpavanathan

Member, Tamil Nadu State Planning Commission

Dr. Kalpana K.

Associate Professor, IIT Madras

Dr. M. Suresh Babu

Director, Madras Institute of Development Studies

Dr. Rejitha Nair

Assistant Professor, Shiv Nadar School of Law, Shiv Nadar University Chennai

Dr. Tiju Thomas

Professor, IIT Madras

Grace Banu

Founder, Trans Rights Now Collective

J. Innocent Divya

Commissioner of Technical Education, Government of Tamil Nadu

Justice K. Chandru

Former Judge, Madras High Court

Justice P.N. Prakash

Former Judge, Madras High Court

Kavya Datla

Program Associate, Centre for Effective Governance of Indian States

K.R. Raja

Advocate, Madras High Court

K. Srinivasa Murthy

Advocate, Madras High Court

Kuhan Madhan

Associate Vice President, Guidance Tamil Nadu

K. Veera Raghava Rao

Secretary, Labour Welfare and Skill Development Department, Government of Tamil Nadu

Manuraj Shunmugasundaram

Advocate, Madras High Court

Meera Sundararajan

Team Lead, Gender and Policy Lab, Greater Chennai Corporation

Poongkhulali Balasubramanian

Advocate, Madras High Court

Pradyumna Bhattacharjee

Team Lead, Tamil Nadu Women Employment and Safety Programme, World Bank

Pratik Tayal

Deputy Secretary (Budget), Finance Department, Government of Tamil Nadu

Ramapriya Gopalakrishnan

Advocate, Madras High Court

Ravi Kumar Paul

Senior Advocate, Madras High Court

Saatvika Radhakrishna

Senior Sub-Editor, Frontline Magazine, The Hindu Group

Savitha Kesav Jagadeesan

Senior Partner, Kochhar & Co.

S. Gopalakrishnan

Chairman, Staff Selection Commission

Sharath Chandran

Advocate, Madras High Court

Shobana Radhakrishnan

Senior Reporter, Citizen Matters

S. Nagarajan

Secretary (Expenditure), Finance Department, Government of Tamil Nadu

Sriram Panchu

Senior Advocate, Madras High Court and Supreme Court

Supriya Sahu

Additional Chief Secretary, Environment, Climate Change and Forests Department, Government of Tamil Nadu

V. Arun Roy

Secretary, Industries, Investment Promotion and Commerce Department, Government of Tamil Nadu

Vishnu Venugopalan

Former Managing Director & CEO, Guidance Tamil Nadu

Annexure 3: Stakeholder index

Adi Dravidar and Tribal Welfare Department

Modernising forest laws to recognise the rights of forest-dwelling communities	53
--	----

Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department

Enacting a framework to regulate aquaculture	49
--	----

Environment, Climate Change and Forests Department

Modernising forest laws to recognise the rights of forest-dwelling communities	53
--	----

Health and Family Welfare Department

Modernising public health laws	28
--------------------------------	----

Adopting a public health approach to drug addiction	36
---	----

Home, Prohibition and Excise Department

Eradicating caste discrimination in prisons	24
---	----

Adopting a public health approach to drug addiction	36
---	----

Housing and Urban Development Department

Enacting purpose-fit rules to encourage industrial land pooling	9
---	---

Information Technology and Digital Services Department

Rethinking Tamil Nadu's digitisation strategy	20
---	----

Industries, Investment Promotion and Commerce Department

Enacting purpose-fit rules to encourage industrial land pooling	9
---	---

Making Tamil Nadu a hub for Global Capability Centres	16
---	----

Labour Welfare and Skill Development Department

Removing legal barriers limiting female labour force participation	2
--	---

Enacting a framework with comprehensive legal safeguards for platform-based gig workers	5
---	---

Ensuring robust legal safeguards for factory workers in extended shifts	13
Madras High Court	
Recalibrating POCSO implementation: Balancing protection with consent	40
Municipal Administration and Water Supply Department	
Building climate resilience by empowering Urban Local Bodies	57
Social Welfare and Women Empowerment Department	
Enacting a framework for Deed of Familial Associations to recognise queer families	32
Recalibrating POCSO implementation: Balancing protection with consent	50
Tamil Nadu Prison Department	
Eradicating caste discrimination in prisons	24
Water Resources Department	
Strengthening groundwater management	45

Annexure 4: References

1. Removing legal barriers limiting female labour force participation

- Bhuvana Anand, Sarvni Pun Kaur, 'State of Discrimination Report: Sub national comparison of women's right to choose work in India' Prosperiti (2022) <https://prosperiti.org.in/wp-content/uploads/2024/11/Report_-_State_of_Regulation-2022_-_Economic_Discrimination_against_Female_Jobseekers_-_November-2024.pdf> accessed 14 February 2025
- *Vasantha R. vs Union Of India*, (2001) IILLJ 843 MAD
- Sangeetha Kandavel and Sanjay Vijayakumar, 'In Tamil Nadu, more companies are putting women on the shop floor', *The Hindu* (14 November 2023) <<https://www.thehindu.com/news/national/tamil-nadu/where-women-elevate-shop-floors/article67525770.ece>> accessed 21 December 2023
- The World Bank, 'Environmental and Social Systems Assessment, for the Tamil Nadu Employment and Safety Program (Draft: June, 2024)' <<https://www.msmeonline.tn.gov.in/pdf/essa.pdf>> accessed 21 December 2024
- Christine Lagarde, Jonathan D. Ostry, 'Economic Gains from Gender Inclusion: Even Greater than You Thought', *IMF Blog* (28 November 2018) <<https://www.imf.org/en/Blogs/Articles/2018/11/28/blog-economic-gains-from-gender-inclusion-even-greater-than-you-thought>> accessed 21 December 2024

2. Enacting a framework with comprehensive legal safeguards for platform-based gig workers

- Tamil Nadu Government Gazette No. 417, December 26, 2023
- Tamil Nadu Government Gazette No. 393, November 30, 2023
- The Hindu Bureau, 'Only three e-commerce platforms have minimum wage policy: study', *The Hindu* (30 October 2023) <<https://www.thehindu.com/news/national/only-three-e-commerce-platforms-have-minimum-wage-policy-study/article67477219.ece>> accessed 17 September 2024
- Sanjay Vijayakumar, 'T.N. to see a robust demand for gig workers this festive season, say experts' *The Hindu* (Chennai, 20 October 2024) <<https://www.thehindu.com/news/national/tamil-nadu/tn-to-see-a-robust-demand-for-gig-workers-this-festive-season-say-experts/article68776096.ece#:~:text=TeamLease%20estimates%20the%20gig%20workforce,%2C%20and%20Tiruchi%2C%20it%20said>> accessed 22 January 2025
- Shobana Radhakrishnan, 'Gig workers and heat: What do existing policies say?' *Citizen Matters* (24 June 2024) <<https://citizenmatters.in/gig-workers-heat-climate-action-plan-policies-insurance-chennai-tamil-nadu-welfare-board/>> accessed 17 September 2024

3. Enacting purpose-fit rules to encourage industrial land pooling

- Tamil Nadu Town and Country Planning (Third Amendment) Act, 2018; Tamil Nadu Town and Country Planning (Third Amendment) Amendment Act, 2023
- Department of Economic Affairs, Ministry of Finance, *Land Assembly for Industrial Development - Land Pooling Scheme for Pithampur, Sector 7, Madhya Pradesh* <<https://www.pppinindia.gov.in/bestpractices/best-practice-detail/land-assembly-for-industrial-development---land-pooling-scheme-for-pithampur,-sector-7>> accessed 21 December 2023
- Ruby Moun, 'Framing a Land Pooling Policy: Key Prerequisites', Indian Institute of Health Settlements, Policy Brief No. 8 (2019) <https://iihs.co.in/knowledge-gateway/wp-content/uploads/2019/09/PB8_Framing-a-Land-Pooling-Policy_Key-Prerequisites.pdf> accessed 20 September 2024
- Suyash Rai and Anirudh Burman, 'Different Approaches to Using Land for Urban Development | Perspectives on the State of India's Democracy', *Carnegie India* (26 July 2023) <<https://carnegieendowment.org/india/ideas-and-institutions/different-approaches-to-using-land-for-urban-development-or-perspectives-on-the-state-of-indias-democracy>> accessed 21 December 2023
- Krishnachand K, 'Law to ensure development via land pooling in works' *The New Indian Express* (5 November 2023) <<https://www.newindianexpress.com/states/kerala/2023/Nov/05/law-to-ensure-devpt-via-land-pooling-in-works-2630152.html>> accessed 21 December 2023

4. Ensuring robust legal safeguards for factory workers in extended shifts

- Steven Michael Rupprecht 'Advantages and Disadvantages of 12-Hour Shifts A Balanced Perspective' (Circadian Report 2019)
- Nilesh Christopher, 'Apple and Foxconn lobbied India to relax its labor laws. Unions are fighting back' *Rest of World* (Bengaluru, 1 June 2023) <<https://restofworld.org/2023/india-labor-laws-apple-manufacturing/>> accessed 22 January 2025
- The News Minute, 'TN Assembly passes Bill extending daily work hours from 8 to 12 for factory workers' *The News Minute* (Tamil Nadu, 21 April 2023) <<https://www.thenewsminute.com/tamil-nadu/tn-assembly-passes-bill-extending-daily-work-hours-8-12-factory-workers-176195>> accessed 22 January 2025
- The Hindu Bureau, 'T.N. government puts on hold amendment to Factories Act' *The Hindu* (Chennai, 25 April 2023) <<https://www.thehindu.com/news/national/tamil-nadu/stalin-puts-on-hold-tns-amendments-to-factories-act/article66774137.ece>> accessed 17 September 2024
- Aanchal Magazine, 'Flexi working hours: Why Tamil Nadu's new labour law is contested' *The Indian Express* (25 April 2023) <<https://indianexpress.com/article/explained/explained-law/flexi-working-hours-tamil-nadu-new-labour-law-explained-8573150/>> accessed 17 September 2024

5. Making Tamil Nadu a hub for Global Capability Centres

- Government of Tamil Nadu, *Citizen's Guide To Budget 2024-2025*, <https://www.tnbudget.tn.gov.in/tnweb_files/CB%202024_2025_English.pdf> accessed 06 February 2025
- Rimjhim Singh, 'Indian GCC industry to hit \$100 billion by 2030, generate over 2.5 mn jobs' *Business Standard* (18 November 2024) <https://www.business-standard.com/industry/news/indian-gcc-industry-to-hit-100-billion-by-2030-generate-over-2-5-mn-jobs-124111800755_1.html> accessed 06 February 2025
- Vivek Balakrishna Pai, Virag Shah, Surjya Swain, Dr. Megha Purang, Dimple Thomas, Yuvraj Kalra, Joydeep Ghosh, Rishabh Kumar, Dr. Vikram Venkateswaran, 'The growth and evolution of Global Capability Centres (GCCs) in India' (Deloitte) <<https://www2.deloitte.com/content/dam/Deloitte/in/Documents/life-sciences-health-care/in-lshc-the-growth-and-evolution-of-global-capability-centres-gccs-in-india-noexp.pdf>> accessed 06 February 2025
- C Shivakumar, 'Chennai emerging as preferred hub for Global Corporates; city hosts 11 per cent of India's GCC talent, says report' *The New Indian Express* (Chennai, 27 November 2024) <<https://www.newindianexpress.com/cities/chennai/2024/Nov/27/chennai-emerging-as-preferred-hub-for-global-corporates-city-hosts-11-per-cent-of-indias-gcc-talent-says-report>> accessed 06 February 2025
- Sonal Choudhary, Anushree Pratap, 'India's GCC boom: Road ahead not free of hurdles' *Deccan Herald* (30 December 2024) <<https://www.deccanherald.com/business/indias-gcc-boom-road-ahead-not-free-of-hurdles-3335588>> accessed 06 February 2025

6. Rethinking Tamil Nadu's digitisation strategy

- United Nations, 'E-Government Survey 2024' (Department of Economic and Social Affairs, United Nations)
- World Bank, *WBG GovTech Maturity Index 2022 Update: Trends in Public Sector Digital Transformation* (World Bank 2022)
- Karthik Muralidharan, *Accelerating India's Development: A State-Led Roadmap for Effective Governance* (Penguin Viking 2024)
- Kattel and Takala, 'The Case of the UK's Government Digital Service: The Professionalisation of a Paradigmatic Public Digital Agency' (2023) 4(4) *Digital Government: Research and Practice* <<https://dl.acm.org/doi/pdf/10.1145/3630024>> accessed 13 February 2025
- G Ananthakrishnan, 'Why Tamil Nadu needs to make 'At Your Service' the Law' *The Times of India* (Chennai, 14 November 2022) <<https://timesofindia.indiatimes.com/city/chennai/why-tamil-nadu-needs-to-make-at-your-service-the-law/articleshow/95502192.cms>> accessed 11 February 2025

7. Eradicating caste discrimination in prisons

- C.Arul vs The Secretary To Government, W.P.(MD) No. 6587 of 2012 (Madras High Court, Order dated 28 October 2014)
- *Sukanya Shantha v. Union of India*, 2024 INSC 753
- Prison Statistics India 2022, National Crime Records Bureau
- Model Prison Manual 2016, Ministry of Home Affairs
- Sukanya Shantha, 'From Segregation to Labour, Manu's Caste Law Governs the Indian Prison System' *The Wire* (3 October 2024) <<https://thewire.in/rights/india-prisons-caste-labour-segregation>> accessed 22 October 2024

8. Modernising public health laws

- *Vidhi Centre for Legal Policy v. Union of India*, WP(C) No. 1151/17 (Supreme Court)
- Health and Family Welfare Department, Government of Tamil Nadu, *TN- State Health Policy Vision 2030* <<https://muthusoftlabs.com/tnhsp/tnhsrp/images/files/TN%20Health%20Policy%20-%20Vision%202030.pdf>> accessed 9 January 2025
- Health and Family Welfare Department, Government of Tamil Nadu, *TN- State Health Policy Vision 2030* <<https://muthusoftlabs.com/tnhsp/tnhsrp/images/files/TN%20Health%20Policy%20-%20Vision%202030.pdf>> accessed 9 January 2025
- Press Information Bureau, 'Tamil Nadu Health System Reform Program' (4 June 2019) <<https://pib.gov.in/Pressreleaseshare.aspx?PRID=1573446>> accessed 9 January 2025
- Suraj Maiti, Shamrin Akhtar, Ashish Kumar Upadhyay & Sanjay K. Mohanty, 'Socioeconomic inequality in awareness, treatment and control of diabetes among adults in India: Evidence from National Family Health Survey of India (NFHS), 2019–2021' (2023) 13 Scientific Reports <<https://www.nature.com/articles/s41598-023-29978-y>> accessed 9 January 2025

9. Enacting a framework for Deed of Familial Associations to recognise queer families

- *Supriyo @ Supriya Chakraborty v. Union of India*, 2023 INSC 920
- Writ Petition No. 7284 of 2021, (Madras HC) Order dated 29 January 2024
- UNDP, Mist LGBTQ Foundation and ZS, 'Uniting Diversity: Shaping the Future of Legal Equality for LGBTQ+ in India', (Policy Brief, October 2024) <https://www.undp.org/sites/g/files/zskgke326/files/2024-11/uniting_diversity-policy_brief-final_version.pdf> accessed 21 December 2024

- Barkha Kumari, 'Grey area: Queer couples' joint bank accounts encounter hurdles Deccan Herald (Bengaluru, 06 September 2024) <<https://www.deccanherald.com/india/karnataka/bengaluru/grey-area-queer-couples-joint-bank-accounts-encounter-hurdles-3179074>> accessed 21 December 2024
- Neil Borate and Shipra Singh, 'How LGBTQs are alienated in India's rental market' *Mint* (20 April 2023) <<https://www.livemint.com/money/personal-finance/indian-rental-market-excludes-lgbtq-couples-shows-mint-analysis-of-99acres-listings-legal-recognition-of-same-sex-marriages-may-improve-situation-11682013970518.html>> accessed 21 December 2023

10. Adopting a public health approach to drug addiction

- *Syed Ali Fathima v. Government of Tamil Nadu*, WP No. 5058 of 2015 (Madras HC) Order dated 17 March 2023)
- Imran Wahab, 'Section 64A of the NDPS Act: Analysing the Immunity from Prosecution for Drug Addicts and Individuals Charged with Minor Offences' (2024) 6(6) IJFMR 1
- Vidhi Centre for Legal Policy, 'Reshaping the public narrative on drug laws in India' <<https://vidhilegalpolicy.in/reshaping-the-public-narrative-on-drug-laws-in-india/#:~:text=Specifically%2C%20the%20Narcotic%20Drugs%20and,while%20traffickers%20continue%20to%20operate>> accessed 21 December 2024
- Express News Service, 'Anti-drug clubs to be set up in educational institutions' *The New Indian Express* (Chennai, 7 November 2024) <<https://www.newindianexpress.com/states/tamil-nadu/2024/Nov/07/anti-drug-clubs-to-be-set-up-in-educational-institutions>> accessed 21 December 2024
- Neha Singhal & Naveen Mehmood Ahmad, 'Sikkim's Alternative Model to Tackle Drug Abuse: An Analysis of the Sikkim Anti-Drugs Act, 2006' *VIDHI Centre for Legal Policy* <<https://vidhilegalpolicy.in/research/sikkims-alternative-model-to-tackle-drug-abuse-an-analysis-of-the-sikkim-anti-drugs-act-2006/>> accessed 21 December 2024

11. Recalibrating POCSO implementation: Balancing protection with consent

- *Vijayalakshmi v State Rep* CrI. O. P. No. 232 of 2021
- Law Commission of India, *Age of Consent under the Protection of Children from Sexual Offences Act, 2012* (283rd Report, Ministry of Law and Justice, Government of India 2023)

- Express News Service, '18K Pocso cases booked in Tami Nadu in four years: Minister Geetha Jeevan' *The New Indian Express* (Thoothukudi, 03 November 2024) <<https://www.newindianexpress.com/states/tamil-nadu/2024/Nov/03/18k-pocso-cases-booked-in-tami-nadu-in-four-years-minister-geetha-jeevan>> accessed 13 February 2025
- Shruthi Ramakrishnan, Swagata Raha, 'Romantic Cases under the POCSO Act' Enfold Proactive Health Trust (2022) <https://www.girlsnotbrides.org/documents/1951/Romantic-cases-under-the-POCSO-Act_wUNsbKC.pdf> accessed 13 February 2025
- Swagata Raha, Shruthi Ramakrishnan, 'Implication of the POCSO Act in India on Adolescent Sexuality: A Policy Brief', Enfold Proactive Health Trust, UNFPA & UNICEF (2022) <https://www.girlsnotbrides.org/documents/1960/POSCO-Act-Policy-Brief_wUIR95W.pdf> accessed 13 February 2025

12. Strengthening groundwater management

- Tamil Nadu Groundwater (Development and Management) Repeal Ordinance No. 4 of 2013
- Central Ground Water Board, Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, Government of India, *National Compilation on Dynamic Ground Water Resources Of India*, 2023, <<https://cgwb.gov.in/cgwbpm/public/uploads/documents/17014272111704550895file.pdf>> accessed 06 February 2025
- Central Ground Water Board, Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, Government of India, *Annual Ground Water Quality Report*, 2024, <<https://cdnbbsr.s3waas.gov.in/s3a70dc40477bc2adceef4d2c90f47eb82/uploads/2024/12/202412311183956696.pdf>> accessed 06 February 2025
- S. Vasanthan, A. Murugesan, 'Study Of Groundwater Quality In Tannery Located Villages Of Vaniyambadi, Vellore District, India' (2018) 5(10) JASC <https://www.researchgate.net/publication/334731965_STUDY_OF_GROUNDWATER_QUALITY_IN_TANNERY_LOCATED_VILLAGES_OF_VANIYAMBADI_VELLORE_DISTRICT_INDIA> accessed 06 February 2025
- Pennan Chinnasamy, Govindasamy Agoramoorthy, 'Groundwater Storage and Depletion Trends in Tamil Nadu State, India' (2015) 29 Water Resources Management <<https://publications.iwmi.org/pdf/H046818.pdf>> accessed 06 February 2025

13. Enacting a framework to regulate aquaculture

- Animal Husbandry, Dairying, Fisheries And Fishermen Welfare Department, Government Of Tamil Nadu, *Fisheries And Fishermen Welfare Policy Note 2024-2025*, <https://www.fisheries.tn.gov.in/includes/assets/cms_uploads/pdf/glance/Fisheries_and_FW-Policy_Note_-_Eng_9466.pdf> accessed 06 February 2025
- Department of Fisheries, Ministry of Fisheries, Animal Husbandry & Dairying, Government of India, *Handbook on Fisheries Statistics 2023*, <<https://dof.gov.in/sites/default/files/2024-06/Handbook.pdf>> accessed 06 February 2025
- Rhiddhi Patel, Apoorva, 'Poor regulation of aquaculture endangers human health' *Down To Earth* (04 March 2024) <<https://www.downtoearth.org.in/governance/poor-regulation-of-aquaculture-endangers-human-health-94787>> accessed 06 February 2025
- B.Kolappan, 'India's first tilapia parvovirus reported in Tamil Nadu' *The Hindu* (16 October 2024) <<https://www.thehindu.com/news/national/tamil-nadu/first-tilapia-parvovirus-reported-in-tamil-nadu/article67423521.ece>> accessed 06 February 2025
- Ram Sundaram, 'Tamil Nadu: Close all shrimp farms in prohibited zone on ECR, says NGT' *Times of India* (Chennai, 04 October 2022) <<https://timesofindia.indiatimes.com/city/chennai/tamil-nadu-close-all-shrimp-farms-in-prohibited-zone-on-ecr-says-ngt/articleshow/94629872.cms>> accessed 06 February 2025

14. Modernising forest laws to recognise the rights of forest-dwelling communities

- Karnataka Forest Act, 1963
- Orissa Village Forests Rules, 1985
- P.K.Biswas, 'Forest, People and Livelihoods: The Need for Participatory Management' (XII World Forestry Congress, 2003, Quebec City, Canada)
- Aruna Basu Sarcar, 'Forest Rights an illusion for tribals in Tamil Nadu' *Times Of India* (9 August 2022) <<https://timesofindia.indiatimes.com/city/chennai/forest-rights-an-illusion-for-tribals-in-tamil-nadu/articleshow/93444380.cms>> accessed 9 January 2025
- Press Information Bureau, 'Supreme Court vacates the interim order of Madras High Court on the issue of patta to Forest Dwellers' (2 February 2016) <<https://pib.gov.in/newsite/PrintRelease.aspx?relid=135998>> accessed 9 January 2025

15. Building climate resilience by empowering Urban Local Bodies

- Ministry of Housing and Urban Affairs, Government of India, *Climate Smart Cities Assessment Framework 3.0* <https://niu.a.in/c-cube/sites/all/themes/zap/assets/pdf/CSCAF_3_0_Technical_document.pdf> accessed 13 February 2025
- Tamil Nadu State Planning Commission, Government of Tamil Nadu, *Urban Heat Island- Hotspot Analysis and Mitigation Strategies for Tamil Nadu*, <https://spc.tn.gov.in/wp-content/uploads/Urban_heat_Island.pdf> accessed 13 February 2025
- Department of Environment, Climate Change and Forest, *Tamil Nadu Climate Change Mission Document* <<https://environment.tn.gov.in/assets/report/CCM%20Document.pdf>> accessed 13 February 2025
- SV Krishna Chaitanya, 'Tamil Nadu ranks third on SDGs leads in climate action: NITI Aayog' *The New Indian Express* (Chennai, 20 July 2024) <<https://www.newindianexpress.com/xplore/2024/Jul/20/tamil-nadu-ranks-third-on-sdgs-leads-in-climate-action-niti-aayog>> accessed 13 February 2025
- Himanshi Kapoor, Prerna Vijaykumar Mehta, 'Going local for Climate Action' (*WRI India*, 10 June 2020) <<https://wri-india.org/blog/going-local-climate-action>> accessed 13 February 2025

Fifteen Legal Reform Ideas for Tamil Nadu
Briefing Book 2025



manjushree@vidhilegalpolicy.in



vcldp@vidhilegalpolicy.in



vidhilegalpolicy.in



linkedin.com/vidhi-centre-for-legal-policy



facebook.com/vidhilegalpolicy



twitter.com/@vidhi_india



instagram.com/@vidhi_india