

Acts of the Parliament of India

For the Year 2021

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1 of 2021	Major Port Authorities Act, 2021	17 February 2021	3 November 2021
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4 of 2021	National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021	12 March 2021	29 December 2020
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45 of 2021	Delhi Special Police Establishment (Amendment) Act, 2021	18 December 2021	14 November 2021
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47 of 2021	Surrogacy (Regulation) Act, 2021	25 December 2021	
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49 of 2021	Election Laws (Amendment) Act, 2021	29 December 2021	
	Constitution (One Hundred and Fifth Amendment) Act, 2021	18 August 2021	15 August 2021
	S.O. 4020 (E) dated 15 September 2021		

ORDINANCES

Ord. No.	Title	Date
1	Jammu and Kashmir Reorganisation (Amendment) Ordinance, 2021	07/01/2021
2	Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021	04/04/2021
3	Insolvency and Bankruptcy Code (Amendment) Ordinance, 2021	04/04/2021
3	Corrigenda	05/04/2021
4	Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021	13/04/2021
5	Indian Medicine Central Council (Amendment) Ordinance, 2021	22/04/2021
5	Corrigenda	27/04/2021
6	Homoeopathy Central Council (Amendment) Ordinance, 2021	16/05/2021
7	Essential Defence Services Ordinance, 2021	30/06/2021
8	Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021	30/09/2021
9	Central Vigilance Commission (Amendment) Ordinance, 2021	14/11/2021
10	Delhi Special Police Establishment (Amendment) Ordinance, 2021	14/11/2021



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 3] नई दिल्ली, बृहस्पतिवार, फरवरी 18, 2021/ माघ 29, 1942 (शक)
No. 3] NEW DELHI, THURSDAY, FEBRUARY 18, 2021/MAGHA 29, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 18th February, 2021/Magha 29, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 17th February, 2021, and is hereby published for general information:—

THE MAJOR PORT AUTHORITIES ACT, 2021

No. 1 OF 2021

[17th February, 2021.]

An Act to provide for regulation, operation and planning of Major Ports in India and to vest the administration, control and management of such ports upon the Boards of Major Port Authorities and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-Second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- (1) This Act may be called the Major Port Authorities Act, 2021.
- (2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint.
- (3) It shall apply to the Major Ports of Chennai, Cochin, Deendayal (Kandla), Jawaharlal Nehru (Nhava Sheva), Kolkata, Mormugao, Mumbai, New Mangalore, Paradip, V.O. Chidambaranar (Tuticorin) and Visakhapatnam.

Short title,
commencement
and
application.

Definitions.

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

(a) “Adjudicatory Board” means the Board constituted by the Central Government under sub-section (1) of section 54;

(b) “Board” means the Board of Major Port Authority constituted by the Central Government in accordance with sub-section (1) of section 3 for each Major Port under this Act;

(c) “capital reserves” for the purpose of this Act, shall mean the total of the reserves excluding the reserves set forth in sub-section (1) of section 43 and the value of the current assets of the Board in the preceding financial year;

(d) “Chairperson” means the Chairperson of the Board appointed under sub-section (1) of section 4;

(e) “Deputy Chairperson” means the Deputy Chairperson of the Board appointed under sub-section (1) of section 4;

(f) “dock” includes all basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, slipways, gridirons, moorings, transit-sheds, warehouses, tramways, railways and other works and things appertaining to any dock, and also the portion of the sea enclosed or protected by the arms or groynes of a harbour;

(g) “foreshore”, in relation to a Major Port, means the area between the high-water mark and the low-water mark relating to that Major Port;

(h) “goods” includes livestock and every kind of movable property;

(i) “grave emergency” means a condition as determined by the Central Government wherein the Board is unable to discharge its duties appropriately and includes acts of sedition, non-performance, unlawful and illegal actions, negligence and financial misappropriation;

(j) “high-water mark”, in relation to a Major Port, means a line drawn through the highest points reached by ordinary spring-tides at any season of the year at that Major Port;

(k) “immovable property” includes wharfage-rights and all other rights exercisable on, over, or in respect of, any land, wharf, dock or pier;

(l) “Independent Member” means a Member of the Board appointed under sub-section (2) of section 4;

(m) “Indian Ports Act” means the Indian Ports Act, 1908;

15 of 1908.

(n) “land” includes the bed of the sea or river below high-water mark, and also things attached to the earth or permanently fastened to anything attached to the earth;

(o) “low-water mark”, in relation to a Major Port, means a line drawn through the lowest points reached by ordinary spring-tides at any season of the year at that Major Port;

(p) “Major Port” or “Major Port Authority” means the Major Port as defined in clause (8) of section 3 of the Indian Ports Act;

(q) “Major Port approaches”, in relation to a Major Port, means those parts of the navigable rivers and channels leading to the Major Port, where the Indian Ports Act is in force;

(r) “master”, in relation to any vessel or any aircraft making use of any Major Port, means any person having for the time being the charge or control of such vessel or such aircraft, as the case may be, except a pilot, harbour master, assistant harbour master, dock master or berthing master of the Major Port;

(s) “Member” means the Member of the Board appointed under sub-sections (2) and (3) of section 4;

(t) “notification” means a notification published in the Official Gazette and the expression “notify” and “notified” shall be construed accordingly;

(u) “Presiding Officer” means the Presiding Officer of the Adjudicatory Board appointed by the Central Government under section 55;

(v) “owner”,—

(i) in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods; and

(ii) in relation to any vessel or any aircraft making use of any Major Port, includes any part-owner, charterer, consignee, or mortgagee in possession thereof;

(w) “pier” includes any stage, stairs, landing place, hard, jetty, floating barge, transhipper or pontoon and any bridges or other works connected therewith.

Explanation.—For the purposes of this clause, the term “transhipper” means a floating craft or vessel, whether dumb or self-propelled, on which gears are provided for discharging cargo from a barge or wharf and loading it into a ship;

(x) “port assets” means any asset within the port limits including land, movable or immovable property or any other property, whether tangible or intangible, owned by or vested with the Board through the Central Government or the State Government, as the case may be;

(y) “port limits” in relation to a Major Port, means the limits including any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels or for the improvement, maintenance or good governance of the Major Port and its approaches whether within or without high-water mark, and subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water mark and the area of such Major Port as may be determined by the Central Government by way of notification from time to time;

(z) “port related use” means any use directly or indirectly related to port operations and activities;

(za) “port securities” means the debentures, bonds or stock certificates issued by the Board in respect of any loan contracted by it under the provisions of this Act or issued by any other Authority for the payment of which the Board is liable under this Act;

(zb) “prescribed” means prescribed by rules made under this Act;

(zc) “Public Private Partnership project” means the projects taken up through a concession contract entered into by the Board under sub-section (1) of section 24;

(zd) “rate” includes any toll, due, rent, rate, fee, or charge leviable under this Act;

(ze) “regulations” means the regulations made by the Board under this Act;

(zf) “vessel” includes anything made for the conveyance, by water, of human beings or of goods; and

(zg) “wharf” includes any wall or stage and any part of the land or foreshore that may be used for loading or unloading goods, or for the embarkation or disembarkation of passengers and any wall enclosing or adjoining the same.

(2) Words and expressions used but not defined in this Act and defined in the Indian Ports Act shall have the same meanings respectively assigned to them in that Act.

CHAPTER II

BOARD OF MAJOR PORT AUTHORITY

Constitution and composition of Board of Major Port Authority.

3. (1) The Central Government shall, within a period of ninety days from the date of commencement of this Act, by notification, in respect of each Major Port, constitute a Board called the Board of Major Port Authority for that Major Port which shall consist of the following Members, namely:—

- (a) a Chairperson;
- (b) a Deputy Chairperson;
- (c) one Member each from the—
 - (i) concerned State Government in which the Major Port is situated;
 - (ii) Ministry of Railways;
 - (iii) Ministry of Defence; and
 - (iv) Customs, Department of Revenue;
- (d) not less than two and not exceeding four Independent Members;
- (e) one Member not below the rank of Director nominated by the Central Government, *ex officio*; and
- (f) two Members representing the interests of the employees of the Major Port Authority:

Provided that until the constitution of the Board of Major Port Authority, the Board of Trustees constituted under section 3 of the Major Port Trusts Act, 1963 shall continue to function and shall cease to exist immediately after the constitution of the Board under this Act. 38 of 1963.

(2) The Board of each Major Port Authority constituted under this Act shall be a permanent body having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold or dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

Qualifications of Chairperson, Deputy Chairperson and Members of Board.

4. (1) The Chairperson and Deputy Chairperson of the Board shall be appointed by the Central Government on the recommendation of a Selection Committee consisting of such persons and in such manner, as may be prescribed.

(2) The Members of the Board as mentioned in clauses (c), (d) and (e) of sub-section (1) of section 3 shall possess such qualifications and experiences and shall be appointed by the Central Government in such manner as may be prescribed.

(3) The Members referred to in clause (f) of sub-section (1) of section 3 shall be appointed by the Central Government from amongst serving employees of the Board of Major Port Authority in such manner as may be prescribed after obtaining the opinion of the trade unions, if any, composed of persons employed in the Major Port and registered under the Trade Unions Act, 1926. 16 of 1926.

(4) Every person nominated or appointed to the office of the Chairperson or Deputy Chairperson or Member of the Board, shall, within thirty days of his nomination or appointment, furnish to the Board his consent and a declaration that he is not disqualified or ineligible or has conflict of interest to hold such office.

5. (1) A person shall not be eligible for appointment or to continue as a Chairperson, Deputy Chairperson or Member of the Board, if—

(a) he has been adjudged as an insolvent;

(b) he has become physically or mentally incapable of acting as such Chairperson, Deputy Chairperson or Member;

(c) he has been convicted of an offence, involving moral turpitude;

(d) he holds an office of profit;

(e) he has made a false declaration under sub-section (4) of section 4;

(f) he has been removed or dismissed from the service of a Major Port Authority, Government or a body corporate owned or controlled by the Central Government or the State Government; or

(g) an order disqualifying him for appointment as a Chairperson, Deputy Chairperson or Member has been passed by a court or tribunal and such order is in force.

Disqualification of Chairperson, Deputy Chairperson and Member from office in certain circumstances.

(2) The Chairperson, Deputy Chairperson or any other Member shall not be removed from his office except by an order of the Central Government on the ground of his proved misbehaviour or incapacity or in contravention of the provisions of section 7 after the Central Government, has, on an inquiry, held in accordance with the procedure prescribed in this behalf by the Central Government, come to the conclusion that the Member ought on any such ground to be removed.

(3) The Central Government may suspend the Chairperson, Deputy Chairperson or any other Member in respect of whom an inquiry under sub-section (2) is being initiated or pending till the Central Government has passed an order on receipt of the report of the inquiry.

6. (1) The Chairperson and Deputy Chairperson shall hold office for a term not exceeding five years from the date on which they enter upon their office or until they attain the age of superannuation, whichever is earlier.

Term of office of Chairperson, Deputy Chairperson and Members.

(2) Subject to the provisions of this Act, a person appointed as a Member of the Board by virtue of an office under clause (c) of sub-section (1) of section 3 shall continue to be a Member of the Board so long as he continues to hold that office.

(3) An Independent Member shall hold office for a term of three years from the date of his appointment or up to the age of seventy years, whichever is earlier and shall be eligible for re-appointment:

Provided that no Independent Member shall hold office for more than two terms:

Provided further that an Independent Member shall not, during the said period of three years, be appointed to or be associated with any Major Port Authority in any other capacity, either directly or indirectly.

(4) The Member appointed under clause (f) of sub-section (1) of section 3 shall hold office for a term of three years from the date of his appointment or until he attains the age of superannuation, whichever is earlier and shall be eligible for re-appointment:

Provided that no such Member shall hold office for more than two terms.

7. Before appointing any person as a Chairperson, Deputy Chairperson or Member, the Central Government shall satisfy itself that the person does not have any such financial or other interests as is likely to affect prejudicially his functions as such Chairperson, Deputy Chairperson or Member:

Disclosure of interest.

Provided that where the Chairperson, Deputy Chairperson or any Member who is not so concerned or interested at the time of occupying such office, he shall, if he becomes concerned or interested afterwards, disclose his concern or interest forthwith when he becomes so concerned or interested or at the first meeting of the Board held after he becomes so concerned or interested and resign forthwith.

Resignation of Members.

8. The Chairperson, Deputy Chairperson and Members may, by notice in writing under their hand addressed to the Central Government, resign their office and on such resignation being accepted by that Government, shall be deemed to have vacated their office.

Removal from office of Chairperson, Deputy Chairperson and Members.

9. The Central Government shall remove the Chairperson, Deputy Chairperson or any Member, if he—

- (a) becomes subject to any of the disqualifications mentioned in section 5; or
- (b) has, in the opinion of the Central Government, ceased to represent the interest by virtue of which he was appointed or elected; or
- (c) refuses to act or becomes incapable of acting; or
- (d) is, without the previous permission of the Board absent from six consecutive ordinary meetings of the Board; or
- (e) is absent from the meetings of the Board for a period exceeding six consecutive months; or
- (f) acts in contravention of the provisions of this Act.

Filling of casual vacancies.

10. Any vacancy occurring in the office of the Chairperson, Deputy Chairperson or any other Member whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, shall be filled by the Central Government by making a fresh appointment within a period of three months from the date on which such vacancy occurs and the Member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed.

Honorarium payable to Independent Members.

11. The Independent Members shall be paid such honorarium as may be prescribed.

Powers and duties of Chairperson, Deputy Chairperson and Members.

12. The Chairperson and in his absence, the Deputy Chairperson or such other person authorised by the Central Government shall have powers of general superintendence and directions in the conduct of affairs of the Major Port Authority and he shall, in addition to presiding over the meetings of the Board, exercise supervision and control over the acts of all employees of the Major Port Authority in matters of executive administration and in matters concerning the accounts and records of such Board.

Meetings of Board.

13. (1) The Board shall meet at such places and times, and shall follow such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings), as may be specified by the regulations.

(2) If the Chairperson for any reason, is unable to attend a meeting of the Board, the Deputy Chairperson and in the absence of such Deputy Chairperson, any other Member chosen by the Members present amongst themselves at the meeting, shall preside at the meeting or any person authorised by the Central Government.

(3) All questions which come up before any meeting of the Board shall be—

- (a) decided by a majority of votes by the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote;

(b) dealt with as expeditiously as possible and the Board shall dispose of the same within a period of sixty days from the date of receipt of the application:

Provided that where any such application could not be disposed of within the said period of sixty days, the Board shall record its reasons in writing for not disposing of the application within that period.

14. (1) A Board may, from time to time, from amongst its Members and any other person, constitute committees for the purpose of discharging such functions as may be delegated to such committee or committees by the Board. Committees of Board.

(2) The committee or committees constituted under this section shall meet at such time and at such places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum) as may be specified by the regulations made under this Act.

15. The Board may, for the purpose of exercising and discharging its powers, functions and duties, by general or special order in writing, specify— Delegation of powers.

(a) the powers and duties conferred or imposed upon the Board by or under this Act, which may also be exercised or performed by the Chairperson; and

(b) the powers and duties conferred or imposed on the Chairperson by or under this Act, which may also be exercised or performed by the Deputy Chairperson or any officer or officers of the Board and the conditions and restrictions, if any, subject to which the powers and duties may be exercised and performed:

Provided that any powers and duties conferred or imposed upon the Deputy Chairperson or any officer of the Board under this clause shall be exercised and performed by him subject to the supervision and control of the Chairperson.

16. (1) The Chairperson, Deputy Chairperson and other Members, on ceasing to hold office shall not, for a period of one year, accept any employment (including as consultant or otherwise) in any organisation relating to Major Port whose matter has been dealt with by such Chairperson, Deputy Chairperson or Member, as the case may be, or has been before the Board when he held office as such Chairperson, Deputy Chairperson or Member. Restriction of re-employment.

(2) Nothing in sub-section (1) shall prevent the Chairperson, Deputy Chairperson or a Member, as the case may be, to accept any employment in any organisation relating to Major Port controlled or maintained by the Central Government or the State Government.

17. No act or proceedings of the Board shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of the Board; or

(b) any defect in the appointment of a person acting as a Member of such Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case. Vacancies, etc., not to invalidate proceedings of Board.

18. (1) The power of appointing any person to any post, whether temporary or permanent shall— Power to make appointments.

(a) in the case of a post—

(i) the incumbent of which is to be regarded as the Head of a Department; or

(ii) to which such incumbent is to be appointed; or

(iii) the maximum of the pay scale of which (exclusive or allowances) exceeds such amount as the Central Government may, by notification in the Official Gazette, fix,

be exercisable by the Central Government after consultation with the Chairperson;

(b) in the case of any other post, be exercisable by the Chairperson or by such authority, as may be specified by the regulations:

Provided that no person shall be appointed as a pilot at any port, who is not for the time being authorised by the Central Government under the provisions of the Indian Ports Act, 1908 to pilot vessels at that or any other port.

15 of 1908.

(2) The Central Government may, by order, specify any post the incumbent of which shall, for the purposes of this Act, be regarded as the Head of a Department.

Authentication of orders and other instruments of Board.

19. All orders, decisions and other instruments issued by the Board shall be authenticated by the signature of the Chairperson.

CHAPTER III

MANAGEMENT AND ADMINISTRATION

A. STAFF OF MAJOR PORT AUTHORITY

List of staff of Board.

20. The Board shall after every five years prepare and submit to the Central Government a list of the employees of the Board of Major Port Authority indicating therein the designations and grades of employees, and the salaries, fees and allowances which are proposed to be paid to them.

B. PROPERTY AND CONTRACTS

Board to be deemed as successor of Board of Trustees of Major Port.

21. On and from the date of constitution of the Board—

(a) the Board of the Major Port Authority shall be the successor of the Board of Trustees constituted under the Major Port Trusts Act, 1963;

38 of 1963.

(b) all the assets and liabilities of the Board of Trustees shall stand transferred to, and vested in, the Board.

Explanation.—For the purposes of clause (b), the assets of the Board of Trustees shall be deemed to include all rights and powers, all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of the Board of Trustees and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(c) without prejudice to the provisions of clause (a), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Board of Trustees immediately before that date, for or in connection with the purpose of the said Board of Trustees, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Board;

(d) all sums of monies due to the Board of Trustees immediately before that date shall be deemed to be due to the Board;

(e) all suits and other legal proceedings instituted or which could have been instituted by or against the Board of Trustees immediately before that date may be continued or may be instituted by or against the Board;

(f) every employee serving under the Board of Trustees of the Major Port immediately before such date shall become an employee of the Board, shall hold his office or service therein by the same tenure and upon the same terms and conditions of service as he would have held if the Board had not been established and shall continue to do so unless and until his employment in the Board is terminated or until

his tenure, remuneration or terms and conditions of service are duly altered by the Board:

Provided that the tenure, remuneration and terms and conditions of service of any such employee shall not be altered to his disadvantage without the previous sanction of the Central Government; and

38 of 1963.

(g) every person who was receiving any retirement benefit from the Board of Trustees under the Major Port Trusts Act, 1963 immediately before such date, shall continue to receive the same benefit from the Board:

Provided that the retirement benefit of such person shall not be altered by the Board to his disadvantage without the previous sanction of the Central Government.

22. (1) The Board of each Major Port shall be entitled to use its property, assets and funds in such manner and for such purposes as it may deem fit for the benefit of that Major Port.

Usage of port assets by Board.

(2) All port assets shall be used and developed as per the regulations made by the Board in that behalf and to the exclusion of any municipal, local or Government regulation:

Provided that the manner of any contract or arrangement by the Board for sale of land or immovable property, or period and manner for lease of land or immovable property for port related use and non-port related use, shall be in such manner as may be prescribed:

Provided further that the tenure for lease of land or immovable property for Public Private Partnership projects by the Board shall be subject to the policy notified by the Central Government in respect of such Public Private Partnership projects.

(3) The Board of each Major Port may erect, construct or build such civil structures for port development or improving commerce and trade in national interest for which no regulatory license or approval from the State authorities shall be required, unless so mandated by the Central Government.

52 of 1962.

(4) For those port assets that relate to landing places and limits of customs area and which require fresh approval from the Commissioner of Customs under the Customs Act, 1962, the Board of each Major Port Authority shall, by notification, declare the availability and readiness of such port assets after the said approval has been received from the Commissioner of Customs.

30 of 2013.

23. Where any immovable property is required for the purposes of the Board, the Central Government, or as the case may be, the State Government may, at the request of the Board, procure the acquisition thereof under the provisions of the Right to Fair Compensation and Transparency in Rehabilitation and Resettlement Act, 2013 or any other law for the time being in force, and on payment by the Board, the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Board.

Procedure when immovable property cannot be acquired by agreement.

24. (1) The Board of each Major Port shall be competent to enter into and perform any contract necessary for discharging of its functions under this Act.

Contracts by Board.

(2) Every contract shall, on behalf of the Board of each Major Port, be made by the Chairperson or by any such officer of the Board as the Chairperson may by general or special order, authorise in this behalf and shall be sealed with the common seal of the Board.

(3) The form and manner in which any contract shall be made under this Act, shall be such as may be specified by regulations.

C. PLANNING AND DEVELOPMENT

25. Subject to the rules made under this Act, the Board of each Major Port shall be entitled to create specific master plan in respect of any development or infrastructure established or proposed to be established within the port limits and the land appurtenant

Master Plan.

thereto and such master plan shall be independent of any local or State Government regulations of any authority whatsoever:

Provided that in case of any conflict between the master plan created by the Board and any local authority, the master plan created by the Board shall prevail.

Powers of Board in respect of planning and development.

26. (1) For the purposes of planning and development of the Major Port, the Board in relation to that Major Port shall have the power to make regulations, not inconsistent with the Customs Act, 1962 or any rules made thereunder, to—

52 of 1962.

(a) undertake, execute and perform such works and provide such services at or within the port limits and Major Port approaches on such terms and conditions as it may deem necessary or expedient;

(b) declare availability of the port assets at the Major Port or Major Port approaches for port related activities and services subject to such limits, conditions and restrictions as it may deem necessary or expedient;

(c) develop and provide infrastructure facilities including setting up of new ports, jetties, navigational channels, dry ports and such other infrastructure in furtherance of the interest of the Major Port;

(d) take charge of the goods from the concerned owner for the purpose of performing any port related services;

(e) order, in case of emergency or for any other reason, the master or owner or agent of any sea-going vessel, not to bring any vessel alongside of, or to remove such vessel from, any dock, berth, wharf, quay, stage, jetty or pier belonging to or under the control of the Board;

(f) permit construction and development by itself or through any person, to make, erect, fix or remove within the port limits or Major Port approaches any wharf, dock, quay, stage, jetty, pier, building or structure, erection or mooring or undertake any reclamation of foreshore within the said limits and buildings and amenities required for the residence and welfare of the employees of the Board, subject to such limits, conditions and restrictions as it may deem necessary or expedient;

(g) provide exemption or remission from payment of any rate or charge leviable on any goods or vessels or class of goods or vessels under this Act;

(h) provide any other services or amenities in respect of vessels, passengers, goods or employees;

(i) undertake, execute and perform such works, activities and studies to promote maritime education, training skill development of coastal communities, seafarers welfare and Major Port related development; and

(j) make or construct or erect within the port limits such structures, buildings, drains, roads, fences, tube-wells, in-take wells, storage facilities, warehouses, pipelines, telephone lines, communication towers, electricity supply or transmission equipment and such other works and conveniences as the Board of each Major Port thinks proper.

(2) The power of the Board to make regulations under sub-section (1) shall be independent of powers of any local authority to make regulations in respect of Major Port:

Provided that in case of conflict between the regulations made by the local authority and those made by Board, the regulations made by Board shall prevail.

D. IMPOSITION OF RATES

Scale of rates for assets and services available at Major Port.

27. (1) The Board of each Major Port Authority or the committee or committees constituted in this behalf by the Board in accordance with section 14, may,—

(a) frame scale of rates at which, and a statement of conditions under which, any services shall be performed or made available;

(b) frame scale of rates at which, and a statement of conditions under which, the access to and usage of the port assets may be allowed by the Board;

(c) frame consolidated scale of rates for any combination of services specified in clause (a) or for any combination of such service or services with any user or permission to use or access to any port assets as specified in clause (b);

(d) pass an order for refund of any amount overcharged by the Board in relation to the services provided to any person;

(e) pass an order for recovery of any rate or charge which is short-levied or erroneously refunded by the Board to any person under this Act; and

(f) frame different scales, fees, rates and conditions for different classes of goods and vessels under this section:

Provided that the fixation and implementation of such scales, fees, rates and conditions shall be in consonance with the norms as may be prescribed and shall—

(i) not be with retrospective effect;

(ii) not be in derogation with the rules made by or directives of the Central Government in this behalf;

(iii) not be inconsistent with the provisions of the Competition Act, 2002; and

(iv) not be inconsistent with the provisions of any other law for the time being in force:

Provided that in case of Public Private Partnership projects after the commencement of this Act, concessionaire shall fix the tariff based on market conditions and on such other conditions as may be notified:

Provided further that the revenue share and other conditions would be as per the provisions of the specific concession agreement between the Board and the Public Private Partnership concessionaire appointed under the Public Private Partnership project.

(2) Notwithstanding anything contained in clause (b) of sub-section (1), the Board may, by auction or by inviting tenders, lease any port asset belonging to or in its possession or occupation at a rate higher than that provided under clause (b) of sub-section (1).

28. (1) The Board for the amount of all rates leviable under this Act in respect of any goods and for the rent due to such Board for any buildings, plinths stacking areas, or other premises on or in which any goods may have been placed, it shall have a lien on such goods, and may seize and detain the same until such rates and rents are fully paid.

Board's lien for rates.

(2) The right of lien referred to in sub-section (1) shall have priority over all other liens and claims, except for general average and for ship owner's lien upon the said goods for freight and other charges where such lien exists and has been preserved in the manner provided in sub-section (1) of section 29, and for monies payable to the Central Government under any law for the time being in force relating to customs, other than by way of penalty or fine.

(3) The right of lien referred to in sub-section (1) shall also vest with any concessionaire appointed by the Board with whom a concession contract under a Public Private Partnership project for operating any berth or terminal within the port limits has been executed by the said Board.

29. (1) If the master or owner of any vessel or his agent, at or before the time of landing from such vessel or any goods at any port asset belonging to or in the occupation of the Board of the Major Port, gives to such Board a notice in writing that such goods are to remain subject to a lien for freight or other charges payable to the ship-owner, to an

Ship-owner's lien for freight and other charges.

amount to be mentioned in such notice, such goods shall continue to be liable to such lien to such amount.

(2) The goods shall be retained in the custody of the Board at the Board's designated storage or godown or warehouse stations at the risk and expense of the owners of the goods until such lien is discharged and godown or storage rent shall be payable by the party entitled to such goods for the time during which they may be so retained.

(3) Upon the production, before any officer appointed by the Board in that behalf, of a document purporting to be a receipt for, or release from, the amount of such lien, executed by the person by whom or on whose behalf such notice has been given, the Board may permit such goods to be removed without regard to such lien, provided that the Board shall have used reasonable care in respect to the authenticity of such document.

Sale of goods and application of sale proceeds in certain cases.

30. (1) The Board may, after expiry of such time and in such manner as stipulated in section 48 of the Customs Act, 1962, sell any goods that have passed or placed into the custody of the Board upon landing thereof— 52 of 1962.

(a) if any rates payable to the Board in respect of such goods have not been paid; or

(b) if any rent payable to the Board in respect of any place on or in which such goods have been stored has not been paid; or

(c) if any lien of any ship-owner or Container Freight Station or Inland Container Depot for freight or other charges of which notice has been given has not been discharged and if the person claiming such lien for freight or other charge has made to the Board an application for such sale; or

(d) if such goods are not removed by the owner or the person entitled thereto from the premises of the Board:

Provided that the Board may authorise any concessionaire appointed by it under the Public Private Partnership project for operating any berth or terminal within the port limits to sell such goods:

Provided further that any such authorisation by the Board shall be subject to the terms and conditions of the concession agreement entered into by the Board with such concessionaire.

(2) The proceeds of sale of goods under sub-section (1) shall be applied in the manner as provided in section 150 of the Customs Act, 1962. 52 of 1962.

(3) Notwithstanding anything contained in this section, controlled goods may be sold at such time and in such manner as the Central Government may direct.

Explanation.—For the purposes of this section, the expression “controlled goods” means the goods, the price or disposal of which is regulated under any law for the time being in force.

Recovery of rates and charges by distraint of vessel.

31. (1) If the master of any vessel in respect of which any rates or penalties are payable under this Act, or under any regulations or orders made in pursuance thereof, refuses or neglects to pay the same or any part thereof on demand, the Board on its own or on request of the concessionaire appointed by the Board under the Public Private Partnership project, may distraint or arrest such vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Board or such concessionaire, together with such further amount as may accrue for any period during which the vessel is under distraint or arrest, is paid.

(2) In case any part of the said rates or penalties, or of the cost of the distress or arrest, or of the keeping of the same, remains unpaid for the space of fifteen days next after any such distress or arrest has been so made, the Board on its own or on request of such

concessionaire may cause the vessel or other thing so distrained or arrested to be sold, and, with the proceeds of such sale, shall satisfy such rates or penalties and costs, including the costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

32. Any person aggrieved by any action of the Board while exercising its powers under sections 22 to 31 (except section 29), may approach the Adjudicatory Board constituted under section 54 by filing an application before it in such form, manner and on payment of such fee, as may be prescribed.

Application
to
Adjudicatory
Board.

CHAPTER IV

POWERS OF BOARDS OF MAJOR PORT AUTHORITIES IN RESPECT OF LOANS AND SECURITIES

A. FINANCIAL POWERS OF BOARDS OF MAJOR PORT AUTHORITIES

33. (1) The Board may for the purposes of its capital expenditure and working capital requirements raise loans in any currency or currencies from any—

Power to raise
loans and issue
securities.

(a) scheduled bank or financial institution located within India; or

(b) financial institution in any country outside India in compliance with the laws for the time being in force:

Provided that no loan or loans exceeding a sum equivalent to fifty per cent. of the capital reserves of the Board shall be raised by the Board without the previous sanction of the Central Government.

(2) The loans may be raised by Board in the open market within India and in any country outside India on port securities including but not limited to debentures, bonds and stock certificates issued by the Board or may be obtained from the Central Government or a State Government:

Provided that no loans shall be raised from and no securities shall be issued to any person resident outside India without complying with the Foreign Exchange Management Act, 1999, the circulars and guidelines issued by the Reserve Bank of India, the Foreign Direct Investment Policy issued by the Central Government and any other law for the time being in force.

42 of 1999.

(3) The holder of any port security in any form may obtain in exchange thereof, upon such terms as the Board may from time to time determine, a port security in such form as may be specified by the regulations made by the Board.

(4) The right to sue in respect of monies secured by port securities shall be exercisable by the holders thereof subject to the provisions of the Limitation Act, 1963.

36 of 1963.

(5) Nothing contained in this Act shall be deemed to affect the power of the Boards of Major Port Authorities to raise loans under the Local Authorities Loans Act, 1914.

9 of 1914.

(6) Notwithstanding anything contained in this Act, the Board may borrow monies by means of temporary overdraft or otherwise by pledging the securities held by the Board in its reserve funds or on the security of the fixed deposits of the Board in its banks:

Provided that such temporary overdrafts or other loans shall not be taken, without previous sanction of the Central Government, if at any time in any year the amount of such overdrafts or other loans exceeds a sum equivalent to fifty per cent. of the capital reserves of the Board:

Provided further that all monies so borrowed by temporary overdrafts or otherwise shall be expended for the purposes of this Act.

34. Notwithstanding anything contained in section 15 of the Negotiable Instruments Act, 1881, no endorsement of a port security, which is transferable by endorsement, shall be valid unless made by the signature of the holder inscribed on the back of the security itself.

26 of 1881.

Endorsements
to be made on
security itself.

Endorser of security not liable for amount thereof.

35. Notwithstanding anything contained in the Negotiable Instruments Act, 1881, a person shall not by reason only of his having endorsed any port security be liable to pay any monies due, either as principal or as interest thereunder. 26 of 1881.

Recognition as holder of port securities in certain cases and legal effect thereof.

36. (1) The person to whom a duplicate or new security has been issued under the regulations made by the Board shall be deemed for the purposes of sub-section (2) to have been recognised by the Board as the holder of the security; and a duplicate security or a new security so issued to any person shall be deemed to constitute a new contract between the Board and such person and all persons deriving title thereafter through him.

(2) No recognition by the Board of a person as the holder of a port security shall be called in question by any court so far as such recognition affects the relations of the Board with the person recognised by it as the holder of a port security or with any person claiming an interest in such security; and any such recognition by the Board of any person shall operate to confer on that person a title to the security or securities subject only to a personal liability to the rightful owner of the security for money had and received on his account.

Discharge in certain cases.

37. Notwithstanding anything contained in the Limitation Act, 1963— 36 of 1963.

(a) on payment of the amount due on a port security on or after the date on which payment becomes due; or

(b) when a duplicate security has been issued under the regulations made by the Board under sub-section (1) of section 36; or

(c) when a new security has been issued upon conversion, consolidation or sub-division under the regulations made by the Board,

the Board shall be discharged from all its liability in respect of the security so paid or in place of which a duplicate or new security has been issued—

(i) in the case of payment after the lapse of six years from the date on which payment was due;

(ii) in the case of a duplicate security after the lapse of six years from the date of the issue thereof or from the date of the last payment of interest on the original security, whichever date is later;

(iii) in case of a new security issued upon conversion, consolidation or sub-division after the lapse of six years from the date of the issue thereof.

Security for loans taken out by Boards of Major Port Authorities.

38. If a loan is raised by the Board of any Major Port and a security other than the port security is required to be furnished to secure such loan, the Board of that Major Port may secure such loan against—

(a) the port assets other than—

(i) any sum set apart by the Board—

(A) as the sinking fund for the purpose of paying off any loan; or

(B) for the payment of pension to its employees; or

(ii) the provident or pension fund established by the Board; and

(b) income of the Board from the port assets and services.

Power of Board to repay loans to Government before due date.

39. The Board may apply any sums, out of monies which may come into its hands under the provisions of this Act and which can be so applied without prejudicing the security of the other holders of port securities, in repaying to the Government any sum which may remain due to it in respect of the principal account of any loan although the time fixed for the repayment of the same may not have arrived.

40. (1) In respect of loans raised by the respective Board of the Major Port Authorities under this Act, which are not repayable before the expiration of one year from the date of such loans, such Boards shall set apart out of their income enough sinking fund or funds to service or liquidate such loans for a period of at least one year.

Establishment and application of sinking fund.

38 of 1963.

(2) Before the commencement of this Act, if any sinking fund had been established by the Board of Trustees constituted under the Major Port Trusts Act, 1963 in respect of a loan raised by it for which loan, the Board is liable under this Act and the sinking fund so established by that Board of Trusts shall be deemed to have been established by the Board under this Act.

(3) The sums so set apart by the Board under sub-section (1) and the sums forming part of any sinking fund referred to in sub-section (2) shall be applied in such manner as may be prescribed.

(4) The Board may apply the whole or any part of the sums accumulated in any sinking fund in or towards the discharge of the monies borrowed for the repayment of which the fund has been established:

Provided that the Board pays into the fund in each year, and accumulates until the whole of the monies borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied.

41. Notwithstanding anything contained in this Act, all loans raised or borrowed and all securities issued or pledged in relation to a Major Port prior to the commencement of this Act shall continue to be governed in accordance with the provisions of the Major Port Trusts Act, 1963.

Existing loans and securities to continue.

38 of 1963.

B. GENERAL ACCOUNTS OF MAJOR PORT AUTHORITIES

42. All monies received by or on behalf of the Board under the provisions of this Act shall be credited to such general account or accounts of the Board which the Board may from time to time generally open with any Nationalised Bank or any Scheduled Bank as per the guidelines of the Ministry of Finance, Government of India.

General accounts of Board.

43. (1) The monies credited to the general account or accounts under section 42, shall be applied by the Board in payment of the following charges, namely:—

Application of money in general accounts.

(a) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other monies due to—

(i) the Members of the Board except Members appointed under clauses (d), (e) and (f) of sub-section (1) of section 3;

(ii) the serving and retired employees of the Board; and

(iii) the surviving relatives, if any, of such employees;

(b) the cost and expenses, if any, incurred by the Board in the conduct and administration of any provident or welfare fund or loan or special fund established by the Board;

(c) the maintenance, development, security and protection of the Board and the docks, warehouses and other port assets;

(d) the cost of repairs and maintenance of the property belonging to or vested in the Board and all charges upon the same and all working expenses;

(e) the costs, expenses, sums, payments and contributions to be made or incurred by the Board for the purposes provided under sections 25 and 26; and

(f) any other charge or expenditure for which the Board may be legally liable.

(2) All monies standing to the credit of the Board which cannot immediately be applied in the manner or for the purposes specified in sub-section (1) may be used for such lawful purposes as the Board may from time to time decide.

(3) Notwithstanding anything contained in section 42 and sub-sections (1) and (2), monies received by or on behalf of the Board from non-port related use except those falling under section 70 shall be credited to a designated account and shall be applied by the Board for capital investment or for such purposes as may be prescribed.

C. ACCOUNTS AND AUDIT

Accounts and
audit.

44. (1) The Board shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India or such other person as may be appointed by him in this behalf and any amount payable to him by the Board in respect of such audit shall be debitable to the general account of the Board.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board under this Act shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.

(4) The accounts of the Board, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Board and the Central Government shall cause the same to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER V

SUPERVISION OF CENTRAL GOVERNMENT

Administration
report.

45. As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Central Government, the Board shall submit to the Central Government a detailed report of the administration of the Board during the preceding year ending on the thirty-first day of March, in such form as the Central Government may direct.

Power of
Central
Government
to order
survey or
examination
of works of
Board.

46. The Central Government may, at any time, order a local survey or examination of any works of the Board, or the intended site thereof and the cost of such survey and examination shall be borne and paid by the Board from and out of the monies credited to its general account.

Power of
Central
Government
to restore or
complete
works at cost
of Board.

47. (1) If, at any time, the Central Government is of the opinion that the inaction by any Board in repairing, completing, restoring, carrying out or providing any work or appliance mentioned in sub-section (2) has led to a grave emergency, the Central Government may cause such work to be restored or completed or carried out, or such repairs to be carried out or such appliance to be provided and the cost of any such restoration, completion, construction, repair or provision shall be paid by the concerned Board from and out of the monies credited to its general account.

(2) The following actions or omissions may be considered to have led to grave emergency under sub-section (1), if any Board—

(a) allows any work or appliance constructed or provided by, or vested in, the Board to fall into disrepair; or

(b) does not, within a reasonable time, complete any work commenced by the Board or included in any estimate sanctioned by the Central Government; or

(c) does not, after due notice in writing, proceed to carry out effectually any work or repair or provide any appliance which is necessary in the opinion of the Central Government for the purposes of this Act.

48. (1) If, at any time, the Central Government is of the opinion—

(a) any Board is unable to perform the duties imposed on it by or under the provisions of this Act or of any other law for the time being in force; or

(b) that any Board has persistently made defaults in performance of the duties imposed upon it by or under the provisions of this Act or of any other law for the time being in force and as a result of such default, the financial position or the administration of that Board has greatly deteriorated,

Power of Central Government to take over management of Board.

the Central Government may, by notification, take over the management of that Board for such period, not exceeding twelve months at a time, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (b), the Central Government shall give a reasonable time of not less than three months to the Board to show-cause why its management should not be taken over and shall consider the explanations and objections, if any, of that Board.

(2) Upon the publication of a notification under sub-section (1) for taking over the management of the Board,—

(a) all the Members of the Board shall, as from the date of taking over, stand removed from their respective office or position in the Board;

(b) all the powers and duties which may, by or under the provisions of this Act or of any other law for the time being in force, to be exercised or performed by or on behalf of the Board, shall be exercised and performed by such person or persons as the Central Government may direct in this behalf until the Board is reconstituted under clause (b) of sub-section (3);

(c) all property vested in the Board shall, until the Board is reconstituted under clause (b) of sub-section (3), vest in the Central Government.

(3) On the expiration of the period of taking over specified in the notification issued under sub-section (1) or at any time prior to such expiration, the Central Government may, by notification,—

(a) extend the period of taking over the management of the Board for such further term, not exceeding twelve months, as it may consider necessary; or

(b) re-constitute the Board by making fresh appointment to all posts of the Board on such terms and conditions as the Central Government may consider necessary, and in such case, any person who stand removed from their offices under clause (a) of sub-section (2) shall be deemed disqualified for appointment.

49. For any action or actions taken under sections 47 and 48 and any notification issued under section 48, the Central Government shall prepare and cause a full report of any such action or actions and notification and the circumstances leading to such action to be laid before each House of Parliament.

Laying of report.

50. Notwithstanding anything contained in this Act, the Central Government may, in the interest of security of the nation or on account of a grave emergency, by general or special order, from time to time, permit certain specified vessels or classes of vessels to discharge or ship goods or certain specified goods or classes of goods, at such place in a Major Port or within the Major Port approaches, in such manner, during such period and subject to such payments to the concerned Board in relation to such Major Port or such Major Port approaches and on such conditions as the Central Government may think fit.

Power of Central Government to exempt from obligation to use port assets.

Board not to sell, alienate or divest its assets, properties, rights, powers and authorisations without sanction of Central Government.

51. The Board shall not sell, alienate or divest its assets, properties, rights, powers and authorisations vested in it under this Act without the prior sanction of the Central Government.

Remedies of Government in respect of loans made to Board.

52. (1) The Central Government or a State Government, from the date of commencement of this Act, shall have, in respect of loans made by it to the Board or of loans made to any other authority for the repayment of which the Board is legally liable on such commencement, the same remedies and priority as applicable under the Major Port Trusts Act, 1963 as if this Act had not been passed.

38 of 1963.

(2) For prospective loans by the Central or State Governments or of loans made by any other authority, the remedies would be the same as available to the holders of port securities issued by the Board unless priority or greater rights are granted by the Board in respect of such loans within the respective loan agreements.

Power of Central Government to issue directions.

53. (1) Without prejudice to the foregoing provisions of this Chapter, the Board shall in discharge of its functions under this Act, be bound by such directions on question of policy as the Central Government may give in writing from time to time:

Provided that the Board shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government on whether a question is one of the policy or not shall be final and binding on the Board.

CHAPTER VI

CONSTITUTION OF ADJUDICATORY BOARD

Constitution of Adjudicatory Board.

54. (1) The Central Government shall, by notification, constitute, with effect from such date as may be specified therein, a Board to be known as the Adjudicatory Board to exercise the jurisdiction, powers and authority conferred on such Adjudicatory Board by or under this Act:

Provided that until the constitution of the Adjudicatory Board, the Tariff Authority for Major Ports constituted under section 47A of the Major Port Trusts Act, 1963 shall discharge the functions of the Adjudicatory Board under this Act and shall cease to exist immediately after the constitution of the Adjudicatory Board under this Act:

38 of 1963.

Provided further that on and from the date of constitution of the Adjudicatory Board—

(a) all the assets and liabilities of the Tariff Authority for Major Ports shall stand transferred to, and vested in, the Adjudicatory Board.

Explanation.—For the purposes of this clause, the assets of the Tariff Authority for Major Ports shall be deemed to include all rights and powers, all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of the Tariff Authority for Major Ports, and all books of account and other documents relating to the same, and liabilities, shall be deemed to include all debts, liabilities and obligations of whatever kind;

(b) without prejudice to the provisions of clause (a), all debts, obligations and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Tariff Authority for Major Ports before that date, for or in

connection with the purpose of the said Tariff Authority for Major Ports, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the Adjudicatory Board;

(c) all sums of money due to the Tariff Authority for Major Ports immediately before that date shall be deemed to be due to the Adjudicatory Board;

(d) all suits and other legal proceedings instituted or which might have been instituted by or against the Tariff Authority for Major Ports immediately before that date may be continued or may be instituted by or against the Adjudicatory Board;

(e) every employee serving under the Tariff Authority for Major Ports immediately before such date shall become an employee of the Adjudicatory Board and shall hold his office or service therein by the same tenure without any change or derogation of the terms and conditions of service held with the Tariff Authority for Major Ports:

Provided that the tenure, remuneration and terms and conditions of service of any such employee shall not be altered to their disadvantage without the previous sanction of the Central Government;

(f) every person who was receiving any retirement benefits from the Tariff Authority for Major Ports immediately before such date, shall continue to receive the same benefit from the Adjudicatory Board:

Provided that the retirement benefits of such person shall not be altered by the Adjudicatory Board to his disadvantage without the previous sanction of the Central Government.

(2) The head office of the Adjudicatory Board shall be at such a place as may be notified by the Central Government:

Provided that the Adjudicatory Board may hold its sittings at such other places as the Presiding Officer may decide from time to time, having taken into consideration the convenience to decide the disputes referred to it.

55. The Adjudicatory Board shall consist of a Presiding Officer and two other members, as may be appointed by the Central Government.

Composition of Adjudicatory Board.

56. (1) A person shall not be qualified for appointment as the Presiding Officer of the Adjudicatory Board unless he is—retired Judge of the Supreme Court of India or a retired Chief Justice of a High Court.

Qualifications, terms and conditions of service of Presiding Officer and members of Adjudicatory Board.

(2) A person shall not be qualified for appointment as a member of the Adjudicatory Board unless he is—

(a) a retired Chief Secretary of a State Government or equivalent; or

(b) a retired Secretary of the Government of India or equivalent,

and has an experience of not less than twenty years in the field of finance, commerce, administration, maritime, shipping or port related matters.

(3) The Presiding Officer and members of the Adjudicatory Board shall be appointed by the Central Government on the recommendation of a Selection Committee consisting of the Chief Justice of India or his nominee, the Secretary of the Department dealing with Shipping and such other persons, and in such manner as may be prescribed.

(4) The Presiding Officer and members of the Adjudicatory Board shall hold office for a term not exceeding five years from the date on which they enter upon their office or until they attain the age of seventy years, whichever is earlier.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Presiding Officer and members of the Adjudicatory Board shall be such as may be prescribed:

Provided that neither the salary and allowance nor other terms and conditions of service of the Presiding Officer or members of the Adjudicatory Board shall be varied to their disadvantage after their appointment.

Removal and suspension of Presiding Officer and members of Adjudicatory Board.

57. (1) The Central Government may, in consultation with the Chief Justice of India or his nominee, remove from office of the Presiding Officer, who—

(a) has been adjudged as an insolvent;

(b) has become physically or mentally incapable of acting as such Presiding Officer or member;

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such Presiding Officer or member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) Without prejudice to the provisions of sub-section (1), the Presiding Officer shall not be removed from his office except by an order made by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by the Chief Justice of India or his nominee on a reference made to him by the Central Government in which such Presiding Officer has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, with the concurrence of the Chief Justice of India suspend from office, the Presiding Officer in respect of whom reference has been made to the Chief Justice of India under sub-section (2) until the Central Government has passed orders on receipt of the report of the Chief Justice of India on such reference.

(4) The Central Government shall, after consultation with the Supreme Court, make rules to regulate the procedure for the inquiry on the ground of proved misbehaviour or incapacity referred to in sub-section (2).

(5) Without prejudice to the provisions of sub-section (1), a member of the Adjudicatory Board shall not be removed from his office except by an order made by the Central Government on the ground of his proved misbehaviour or incapacity, after an inquiry, held in accordance with the procedure prescribed in this behalf by the Central Government, come to the conclusion that the member ought to be removed on any such ground referred to in sub-section (1).

(6) The Central Government may suspend any member of the Adjudicatory Board in respect of whom an inquiry under sub-section (5) is being initiated or pending until the Central Government has passed an order on receipt of the report of the inquiry.

Powers and functions of Adjudicatory Board.

58. (1) The Adjudicatory Board referred to in section 54 shall perform the following functions, other than tariff setting, namely:—

(a) the functions envisaged to be carried out by the erstwhile Tariff Authority for Major Ports arising from the Tariff Guidelines of 2005, 2008, 2013, 2018 and 2019 and tariffs orders issued by the said Authority;

(b) to receive and adjudicate reference on any dispute or differences or claims relating to rights and obligations of Major Ports and Public Private Partnership concessionaires or captive users for dedicated berth within the framework of their concession agreements and to pass orders after considering and hearing all the parties involved in the dispute;

(c) to appraise, review the stressed Public Private Partnership projects as referred by the Central Government or the Board, and to suggest measures to revive such projects;

(d) to look into the complaints received from port users against the services and terms of service rendered by the Major Ports or the private operators operating in the Major Ports and to pass necessary orders after hearing the parties concerned; and

(e) to look into any other matter relating to the operations of the Major Port, as may be referred to it by the Central Government or the Board, and to pass orders or give suggestions, as the case may be.

(2) The procedure to be adopted by the Adjudicatory Board, while discharging its functions referred to in sub-section (1), as well as other matters related to funding, accounts and audit of such Board shall be such as may be prescribed.

5 of 1908.

(3) Notwithstanding anything contained in any other law for the time being in force, while exercising the powers under sub-section (1), the Adjudicatory Board shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

(a) the discovery and production of books of account and other documents, at such place and at such time as may be specified by the Adjudicatory Board;

(b) summoning and enforcing the attendance of persons and examining them on oath;

(c) issuing commissions for the examination of witnesses or documents; and

(d) any other matter which may be prescribed.

45 of 1860.
2 of 1974.

(4) Any proceeding before the Adjudicatory Board, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code, and the Adjudicatory Board shall be deemed to a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

59. No other court shall have jurisdiction to entertain any suit for proceeding in respect of any matter falling within the scope of the Adjudicatory Board under this Act:

Bar of jurisdiction of any court.

Provided that the provisions of this section shall not apply to matters stated in section 58 that are referred to arbitration by the concerned parties within the framework of their respective contracts or concession agreements.

60. (1) Any party aggrieved by any decision or order of the Adjudicatory Board under this Act, from which an appeal is allowed under sub-section (2), but from which no appeal has been preferred, may apply for a review of such decision before the Adjudicatory Board, in such form and manner and within such time, as may be prescribed, and the said Board may make such order thereon, as it thinks fit.

Review and appeal.

(2) Any party aggrieved by any decision or order of the Adjudicatory Board, may file an appeal to the Supreme Court of India, within sixty days from the date of communication of such decision or order to him:

Provided that no appeal shall lie from a decision or order passed by the Adjudicatory Board with the consent of parties:

Provided further that the Supreme Court may, entertain any appeal after the expiry of sixty days, if it is satisfied that the appellants was prevented by sufficient cause from preferring the appeal.

61. (1) The Adjudicatory Board may, with the previous approval of the Central Government, appoint officers and such other employees as it considers necessary for the efficient discharge of its functions under this Act.

Officers and employees of Adjudicatory Board.

(2) The salaries and allowances payable to and other terms and conditions of service of the officers and employees of the Adjudicatory Board, shall be such as may be prescribed.

CHAPTER VII

PENALTIES

General provision for punishment of offences.

62. Any person who contravenes any of the provisions of this Act or any rule, regulation or order made thereunder, shall be punishable with fine which may extend to one lakh rupees.

Offences by companies.

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

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

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

Explanation.—For the purposes of this section, the expressions—

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

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

CHAPTER VIII

MISCELLANEOUS

Cognizance of offences.

64. No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try any offence punishable under this Act or any rule or regulation made thereunder.

Protection of action taken in good faith.

65. No suit or other legal proceeding shall lie against the Board or any Member or employee thereof or the Adjudicatory Board or the Presiding Officer or any member or employee thereof in respect of anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder, or for any deficiency of service or any consequential losses on account of deficiency in services.

Employees of Board or Adjudicatory Board to be public servants.

66. Every person employed by the Board or the Adjudicatory Board under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Application of other laws not barred.

67. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

68. (1) Notwithstanding anything contained in any other law for the time being in force, the Board in exercise of the powers conferred on it by regulations made under this Act or by invoking the contractual remedies available to the Board may cancel the allotment of any premises made to any employee of the Board or any other person or evict an employee of the Board or any person in occupation of any port asset or premises or area in the port limits, by notice in writing, addressed to such allottee or employee or other person who may be in occupation or possession thereof in violation of the regulations specified or formulated by the Board:

Power to evict certain persons from premises of Board.

Provided that such notice shall indicate the reasons for cancellation of allotment or eviction or removal along with the period within which the removal or eviction is sought and recovery of the sums of dues in arrears and also for the extended unauthorised use of such premises.

(2) If any allottee or employee or other person is aggrieved by the order made under sub-section (1), then the said allottee or employee or other person may appeal against the order with the compensation officer so appointed by the Board within thirty days from the receipt of the order under sub-section (1).

(3) If any allottee or employee or other person refuses or fails to comply with an order made under sub-section (1), then any Magistrate of the First Class may, on application made by or on behalf of the Board, order any police officer, with proper assistance, to enter into the premises and evict any person from, and take possession of, the premises and to deliver the same to the Board or a person appointed by the Board in that behalf and the police officer may, for the purpose, use such force as may be necessary.

(4) Any such notice as is referred to in sub-section (1) may be served—

(a) by delivering or tendering it to the allottee or employee or any other person who may be in occupation or possession of the whole or any part of the premises; or

(b) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises; or

(c) by registered post; or

(d) by publishing in the local newspaper having circulation in the area.

Explanation.—For the purposes of this section, the expression “premises” means any land, building or part of a building which is part of port assets and includes—

(i) areas such as canteens, gardens, grounds and out-houses, if any, appertaining to such building or part of a building;

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof; and

(iii) any furniture, books or other things belonging to the Board and found in such building or part of a building.

69. Without prejudice to any other action that may be taken under this Act, the Board may recover by suit any rates, damages, expenses, costs, or in case of sale the balance thereof, when the proceeds of sale are insufficient, or any penalties payable to, or recoverable by, the Board under this Act or under any regulations made in pursuance thereof.

Alternate remedy by suit.

70. (1) The Board may use its funds for providing social benefits including development of infrastructure in areas of education, health, housing, accommodation, skill development, training and recreational activities for its own employees, customers, business partners, Government and Non-Government Organisation, local communities, environment and society at large.

Corporate Social Responsibility and development of infrastructure by Board.

(2) The manner of utilisation of funds for the Corporate Social Responsibility shall be such, as may be prescribed.

Explanation.—For the purposes of this section, the expression “Corporate Social Responsibility” means the activities, to be undertaken by the concerned Major Port, as referred to in sub-section (1) and section 135 of the Companies Act, 2013.

18 of 2013.

Power of
Central
Government
to make rules.

71. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

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

(a) the composition of the Selection Committee and the manner of appointment of the Chairperson and Deputy Chairperson of the Board under sub-section (1) of section 4;

(b) the manner of appointment of Members of the Board under sub-sections (2) and (3) of section 4;

(c) the procedure for conducting any inquiry made under sub-section (2) of section 5;

(d) the honorarium payable to the Independent Members under section 11;

(e) the parameters for creation of Master Plan under section 25;

(f) the norms for fixation and implementation of scales, fees, rates and conditions under sub-section (1) of section 27;

(g) the form, manner and fees for filing application before the Adjudicatory Board under section 32;

(h) the manner of applying the sums under sub-section (3) of section 40;

(i) the purposes for which the monies received by the Board shall be applied under sub-section (3) of section 43;

(j) the form in which the Board shall prepare an annual report under sub-section (1) of section 44;

(k) the manner of appointment of the Presiding Officer and members of the Adjudicatory Board under sub-section (3) of section 56;

(l) the salaries and allowances payable to and other terms and conditions of services of the Presiding Officer and members of the Adjudicatory Board under sub-section (5) of section 56;

(m) the procedure for conducting an inquiry under sub-section (5) of section 57;

(n) the procedure to be adopted by the Adjudicatory Board under sub-section (2) of section 58;

(o) other functions of the Adjudicatory Board under clause (d) of sub-section (3) of section 58;

(p) the form and manner for applying of a review before the Adjudicatory Board under sub-section (1) of section 60;

(q) the salaries and allowances payable to and the other terms and conditions of service of officers and employees of the Adjudicatory Board under sub-section (2) of section 61;

(r) the manner of utilisation of funds for Corporate Social Responsibility under sub-section (2) of section 70; and

(s) any other matter which is required to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

Power of
Board to
make
regulations.

72. (1) The Board may, with the previous approval of the Central Government and after previous publication, by notification, shall make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

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

(a) rules of procedure for transaction of business under sub-section (1) of section 13;

(b) rules of procedure for transaction of business under sub-section (2) of section 14;

(c) the appointment of employees under clause (b) of sub-section (1) of section 18;

(d) the use and development of the port assets under sub-section (2) of section 22;

(e) the form and manner in which contracts shall be made by the Board under sub-section (3) of section 24;

(f) the purposes of planning and development of Major Port under sub-section (1) of section 26;

(g) the form of port security under sub-section (3) of section 33;

(h) the issuance of duplicate or new security under sub-section (1) of section 36; and

(i) any other matter which is required to be, or may be, specified by the regulations or in respect of which provision is to be made by the regulations.

73. Every rule made by the Central Government, every regulation made by the Board and every notification issued by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation or notification or both Houses agree that the rule, regulation or notification should not be made, the rule, regulation or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation or notification.

Laying of rules and regulations.

74. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made in respect of a Major Port after the expiry of a period of three years from the date on which this Act is made applicable to that Major Port.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

38 of 1963.

75. (1) The Major Port Trusts Act, 1963 is hereby repealed.

Repeal and savings.

38 of 1963.

(2) Notwithstanding the repeal of the Major Port Trusts Act, 1963 under sub-section (1),—

38 of 1963.

(a) anything done primarily by the Board of Trustees and Tariff Authority for Major Ports under the Major Port Trusts Act, 1963 in respect of any rule, notification, inspection, order or notice made or issued or any appointment or declaration made or any operation undertaken or any direction given or any proceeding taken or any penalty, punishment, forfeiture or fine imposed under the Major Port Trusts Act, 1963, shall, insofar as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;

(b) any order, rule, notification, regulation, appointment, conveyance, mortgage, deed, trust, special purpose vehicle, joint venture, document or agreement made, fee directed, resolution passed, direction given, proceeding taken, instrument executed or issued, or thing done under or in pursuance of the repealed Major Port Trusts Act, 1963, shall, if in force at the commencement of this Act and not inconsistent with the provisions of this Act, continue to be in force, and shall have effect as if made, directed, passed, given, taken, executed, issued or done under or in pursuance of this Act; 38 of 1963.

(c) any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure or existing usage, custom, privilege, restriction or exemption shall not be affected, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in, or from, the repealed Major Port Trusts Act, 1963; 38 of 1963.

(d) any person appointed to any office under or by virtue of the repealed Major Port Trusts Act, 1963 shall be deemed to have been appointed to that office under or by virtue of this Act; 38 of 1963.

(e) any jurisdiction, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not in existence or in force shall not be revised or restored;

(f) any documents and any funds constituted and established under the repealed enactments shall be deemed to be documents and funds constituted or established under the corresponding provisions of this Act;

(g) any prosecution instituted under the repealed enactments and pending immediately before the commencement of this Act before any Court shall, subject to the provisions of this Act, continue to be heard and disposed of by the said Court;

(h) any inspection, investigation or inquiry ordered to be done under the repealed Major Port Trusts Act, 1963 shall continue to be proceeded with as if such inspection, investigation or inquiry has been ordered under the corresponding provisions of this Act; and 38 of 1963.

(i) the application of this Act to the port of Mumbai, the Bombay Port Trust Act, 1879 and the port of Kolkata, the Calcutta Port Act, 1890, in so far as the said Acts apply to municipal assessment of the properties of the port of Mumbai and port of Kolkata and matters connected therewith, shall continue to so apply. 6 of 1879.
3 of 1890.

(3) The mention of particular matters in sub-section (2) shall not be held to prejudice the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal of the Major Port Trusts Act, 1963. 10 of 1897.
38 of 1963.

Transitional provision.

76. Notwithstanding anything contained in this Act, the Board of Trustees functioning as such immediately before the commencement of this Act shall continue to so function until the Board for each Major Port is constituted under this Act, but on the constitution of such Board, under this Act, the Members of the Board of Trustees holding office before such constitution shall cease to hold office.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 4143]
No. 4143]

नई दिल्ली, शुक्रवार, अक्टूबर 29, 2021/कार्तिक 7, 1943
NEW DELHI, FRIDAY, OCTOBER 29, 2021/KARTIKA 7, 1943

पत्तन, पोत परिवहन और जल मार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 29 अक्टूबर, 2021

का.आ. 4504(अ).—केन्द्रीय सरकार, महापत्तन प्राधिकरण अधिनियम, 2021 (2021 का 1) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंधों को, 3 नवंबर, 2021 को प्रवृत्त होना नियत करती है।

[फा. सं. पीडी-24015/21/2021-पीडी-1]

विक्रम सिंह, संयुक्त सचिव

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

NOTIFICATION

New Delhi, the 29th October, 2021

S.O. 4504(E).— In exercise of the powers conferred by sub-section (2) of section 1 of the Major Port Authorities Act, 2021 (1 of 2021), the Central Government hereby appoints the 3rd day of November, 2021, as the date on which the provisions of the said Act shall come into force.

[F. No. PD-24015/21/2021-PD-I]

VIKRAM SINGH, Jt. Secy.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 4] नई दिल्ली, शुक्रवार, फरवरी 26, 2021/फाल्गुन 7, 1942 (शक)
No. 4] NEW DELHI, FRIDAY, FEBRUARY 26, 2021/PHALGUNA 7, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 26th February, 2021/Phalguna 7, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 25th February, 2021, and is hereby published for general information:—

THE JAMMU AND KASHMIR REORGANISATION (AMENDMENT) ACT, 2021

No. 2 OF 2021

[25th February, 2021.]

An Act to amend the Jammu and Kashmir Reorganisation Act, 2019.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Jammu and Kashmir Reorganisation (Amendment) Act, 2021. Short title and commencement.

(2) It shall be deemed to have come into force on the 7th day of January, 2021.

34 of 2019.

2. In section 13 of the Jammu and Kashmir Reorganisation Act, 2019 (hereinafter referred to as the principal Act), after the words, figures and letter “in article 239A”, the words “or any other article containing reference to elected members of the Legislative Assembly of the State” shall be inserted. Amendment of section 13.

Amendment
of section 88.

3. In section 88 of the principal Act, for sub-sections (2) to (6), the following sub-sections shall be substituted, namely:—

“(2) The members of the Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing cadre of Jammu and Kashmir, shall be borne and become part of the Arunachal Pradesh, Goa, Mizoram and Union territories cadre, and all future allocations of All India Services Officers for the Union territory of Jammu and Kashmir and Union territory of Ladakh shall be made to Arunachal Pradesh, Goa, Mizoram and Union territories cadre for which necessary modifications may be made in corresponding cadre allocation rules by the Central Government.

(3) The officers so borne or allocated on Arunachal Pradesh, Goa, Mizoram and Union territories cadre shall function in accordance with the rules framed by the Central Government.”.

Repeal and
savings.

4. (1) The Jammu and Kashmir Reorganisation (Amendment) Ordinance, 2021 is hereby repealed.

Ord. 1 of
2021.

(2) Notwithstanding such repeal, anything done or any action taken under the Jammu and Kashmir Reorganisation Act, 2019 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act as amended by this Act.

34 of 2019.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-11032021-225832
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 5] नई दिल्ली, बृहस्पतिवार, मार्च 11, 2021/फाल्गुन 20, 1942 (शक)
No. 5] NEW DELHI, THURSDAY, MARCH 11, 2021/PHALGUNA 20, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 11th March, 2021/Phalguna 20, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 11th March, 2021, and is hereby published for general information:—

THE ARBITRATION AND CONCILIATION (AMENDMENT) ACT, 2021 No. 3 OF 2021

[11th March, 2021.]

An Act further to amend the Arbitration and Conciliation Act, 1996.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Arbitration and Conciliation (Amendment) Act, 2021.

Short title and commencement.

(2) Save as otherwise provided in this Act, it shall be deemed to have come into force on the 4th day of November, 2020.

26 of 1996.

2. In the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the principal Act), in section 36, in sub-section (3), after the proviso, the following shall be inserted and shall be deemed to have been inserted with effect from the 23rd day of October, 2015, namely:

Amendment of section 36.

“Provided further that where the Court is satisfied that a *prima facie* case is made out that,—

- (a) the arbitration agreement or contract which is the basis of the award; or
- (b) the making of the award,

was induced or effected by fraud or corruption, it shall stay the award unconditionally pending disposal of the challenge under section 34 to the award.

Explanation.—For the removal of doubts, it is hereby clarified that the above proviso shall apply to all court cases arising out of or in relation to arbitral proceedings, irrespective of whether the arbitral or court proceedings were commenced prior to or after the commencement of the Arbitration and Conciliation (Amendment) Act, 2015.”

3 of 2016.

Substitution of new section for section 43J.

3. For section 43J of the principal Act, the following section shall be substituted, namely:—

Norms for accreditation of arbitrators.

“43J. The qualifications, experience and norms for accreditation of arbitrators shall be such as may be specified by the regulations.”

Omission of Eighth Schedule.

4. The Eighth Schedule to the principal Act shall be omitted.

Repeal and savings.

5. (1) The Arbitration and Conciliation (Amendment) Ordinance, 2020 is hereby repealed.

Ord. 14 of 2020.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-12032021-225854
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 6] नई दिल्ली, शुक्रवार, मार्च 12, 2021/ फाल्गुन 21, 1942 (शक)
No. 6] NEW DELHI, FRIDAY, MARCH 12, 2021/PHALGUNA 21, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 12th March, 2021/Phalguna 21, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 12th March, 2021, and is hereby published for general information:—

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) SECOND (AMENDMENT) ACT, 2021

No. 4 OF 2021

[12th March, 2021.]

An Act further to amend the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021.

Short title and commencement.

(2) It shall be deemed to have been come into force on the 29th day of December, 2020.

2. In the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters “for a further period up to the 31st day of December, 2020”, the words, figures and letters “for a further period up to the 31st day of December, 2023” shall be substituted.

Amendment of long title.

Amendment
of Preamble.

3. In the principal Act, in the Preamble,—

(a) for fourth paragraph to eighth paragraph, the following paragraphs shall be substituted, namely:—

“AND WHEREAS the exercise to formulate the Master Plan for Delhi with the perspective for the year 2041 is under progress;

AND WHEREAS the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 was enacted to recognise and confer rights of ownership or transfer or mortgage to the residents of unauthorised colonies as one time special measure;

45 of 2019.

AND WHEREAS in supersession of the Regulations for Regularisation of Unauthorised Colonies in Delhi notified on 24th March, 2008, the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 notified in the Gazette of India on 29th October, 2019;

AND WHEREAS the process of conferring the ownership rights to the residents of unauthorised colonies and the finalisation of the Development Control Norms for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 is under progress and will take time;

AND WHEREAS based on the policy finalised by the Central Government regarding village *abadi* area and their extensions, the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village *Abadis*, have been made by the Delhi Development Authority under sub-section (I) of section 57 of the Delhi Development Act, 1957 notified in the Gazette of India *vide* S.O. 97(E), dated the 17th January, 2011;

61 of 1957.

AND WHEREAS more time is required for completion of action envisaged for unauthorised colonies, village *abadi* area and their extensions and special areas;”;

(b) for eleventh paragraph, the following paragraph shall be substituted, namely:—

“AND WHEREAS the revised policy regarding farm houses is being prepared by the Delhi Development Authority and its finalisation is likely to take more time;”;

(c) in twelfth paragraph, for the words and figures “the Master Plan for Delhi, 2021”, the words “the Master Plan” shall be substituted;

(d) after thirteenth paragraph, the following paragraph shall be inserted, namely:—

“AND WHEREAS the policy with respect to the norms for godown clusters existing in non-conforming areas has been notified by the Central Government on 21st June, 2018;”;

(e) in twenty-first paragraph,—

(i) for the words and figures “the Master Plan for Delhi, 2021”, the words “the Master Plan” shall be substituted;

(ii) for the words, figures and letters “the 31st day of December, 2020”, the words, figures and letters “the 31st day of December, 2023” shall be substituted.

Amendment
of section 1.

4. In the principal Act, in section 1, in sub-section (4), in the opening portion, for the words, figures and letters “It shall cease to have effect on the 31st day of December, 2020”, the words, figures and letters “It shall cease to have effect on the 31st day of December, 2023” shall be substituted.

5. In the principal Act, in section 2, in sub-section (1), for clause (e), the following clause shall be substituted, namely:— Amendment of section 2.

61 of 1957.

‘(e) “Master Plan” means the Master Plan for Delhi as notified under the Delhi Development Act, 1957;’.

6. In the principal Act, in section 3,— Amendment of section 3.

(a) in sub-section (1),—

(i) in clause (a), for the words and figures “the Master Plan for Delhi, 2021”, the words “the Master Plan” shall be substituted;

(ii) for clause (c), the following clause shall be substituted, namely:—

45 of 2019.

“(c) orderly arrangements in accordance with the provisions of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019, the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 and the regulations for village *abadi* area (including urban villages) and their extensions as per the following cut-off dates:—

(i) for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019;

(ii) for village *abadi* area (including urban villages) and their extensions as existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to 1st day of June, 2014;”;

(b) in sub-section (2), for clause (ii), the following clause shall be substituted, namely:—

“(ii) in respect of unauthorised colonies identified under the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019, in respect of village *abadi* area (including urban villages) and their extensions, which existed on the 31st day of March, 2002, and in aforesaid categories, where construction took place up to 1st day of June, 2014, as mentioned in sub-section (1);”;

(c) in sub-section (3), for the words, figures and letters “till the 31st day of December, 2020”, the words, figures and letters “till the 31st day of December, 2023” shall be substituted;

(d) in sub-section (4), for the words, figures and letters “at any time before the 31st day of December, 2020”, the words, figures and letters “at any time before the 31st day of December, 2023” shall be substituted.

Ord. 15 of 2020.

7. (1) The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Ordinance, 2020 is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the provisions of this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 7] नई दिल्ली, बृहस्पतिवार, मार्च 25, 2021/चैत्र 4, 1943 (शक)
No. 7] NEW DELHI, THURSDAY, MARCH 25, 2021/CHAITRA 4, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th March, 2021/Chaitra 4, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2021, and is hereby published for general information:—

THE APPROPRIATION ACT, 2021

No. 5 OF 2021

[25th March, 2021.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2020-21.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Appropriation Act, 2021.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of six lakh twenty-eight thousand three hundred seventy-nine crore and ninety-nine lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2020-21, in respect of the services specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short title.

Issue of
Rs. 628379,99,00,000
out of the
Consolidated
Fund of India for
the financial
year
2020-21.

Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Department of Agriculture, Cooperation and Farmers' Welfare Revenue	3,00,000	..	3,00,000
2	Department of Agricultural Research and Education Revenue	2,00,000	..	2,00,000
3	Atomic Energy Revenue	1,00,000	..	1,00,000
	Capital	2,00,000	..	2,00,000
4	Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) Revenue	2,00,000	..	2,00,000
5	Department of Chemicals and Petrochemicals Revenue	3,64,00,000	..	3,64,00,000
6	Department of Fertilisers Revenue	64598,30,00,000	..	64598,30,00,000
	Capital	813,23,00,000	..	813,23,00,000
7	Department of Pharmaceuticals Revenue	136,82,00,000	..	136,82,00,000
8	Ministry of Civil Aviation Revenue	286,56,00,000	..	286,56,00,000
	Capital	28,00,00,000	..	28,00,00,000
9	Ministry of Coal Revenue	1,00,000	..	1,00,000
10	Department of Commerce Revenue	1,00,000	..	1,00,000
11	Department for Promotion of Industry and Internal Trade Revenue	1649,12,00,000	..	1649,12,00,000
13	Department of Telecommunications Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
14	Department of Consumer Affairs Revenue	3759,12,00,000	..	3759,12,00,000
15	Department of Food and Public Distribution Revenue	304557,83,00,000	..	304557,83,00,000
17	Ministry of Culture Revenue	1,00,000	..	1,00,000
18	Ministry of Defence (Civil) Revenue	1,00,000	18,00,000	19,00,000
	Capital	799,00,00,000	..	799,00,00,000
19	Defence Services (Revenue) Revenue	5,00,000	..	5,00,000
20	Capital Outlay on Defence Services Capital	20466,50,00,000	159,50,00,000	20626,00,00,000
21	Defence Pensions Revenue	..	1,41,00,000	1,41,00,000
23	Ministry of Earth Sciences Revenue	1,00,000	..	1,00,000
24	Ministry of Electronics and Information Technology Revenue	3,00,000	..	3,00,000
25	Ministry of Environment, Forests and Climate Change Revenue	1,00,000	..	1,00,000
26	Ministry of External Affairs Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
27	Department of Economic Affairs Revenue	2979,48,00,000	..	2979,48,00,000
	Capital	3,00,000	..	3,00,000
28	Department of Expenditure Revenue	1,00,000	..	1,00,000
29	Department of Financial Services Revenue	5473,60,00,000	..	5473,60,00,000
	Capital	2,00,000	..	2,00,000
31	Department of Revenue Revenue	280,90,00,000	..	280,90,00,000
32	Direct Taxes Capital	1,00,000	..	1,00,000
33	Indirect Taxes Capital	2,00,000	..	2,00,000
34	Indian Audit and Accounts Department Revenue	1,00,000	..	1,00,000
37	Pensions Revenue	981,58,00,000	..	981,58,00,000
38	Transfers to States Capital	122208,00,00,000	7025,00,00,000	129233,00,00,000
39	Department of Fisheries Revenue	92,00,00,000	..	92,00,00,000
	Capital	1,00,000	..	1,00,000
40	Department of Animal Husbandry and Dairying Revenue	3,00,000	..	3,00,000
41	Ministry of Food Processing Industries Revenue	4,00,000	..	4,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
42	Department of Health and Family Welfare Revenue	21227,72,00,000	..	21227,72,00,000
	Capital	1497,27,00,000	..	1497,27,00,000
43	Department of Health Research Revenue	1,00,000	..	1,00,000
44	Department of Heavy Industry Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
46	Ministry of Home Affairs Capital	30,85,00,000	..	30,85,00,000
47	Cabinet Revenue	100,84,00,000	..	100,84,00,000
48	Police Revenue	1,00,000	23,79,00,000	23,80,00,000
	Capital	1,00,000	..	1,00,000
49	Andaman and Nicobar Islands Revenue	5,00,000	..	5,00,000
	Capital	6,00,000	..	6,00,000
50	Chandigarh Revenue	7,00,000	..	7,00,000
	Capital	9,00,000	..	9,00,000
51	Dadra and Nagar Haveli and Daman and Diu Capital	1,00,000	..	1,00,000
52	Ladakh Revenue	9,00,000	..	9,00,000
	Capital	1,00,000	..	1,00,000
53	Lakshadweep Revenue	1,00,000	..	1,00,000
	Capital	2,00,000	..	2,00,000
54	Transfers to Delhi Revenue	149,99,00,000	..	149,99,00,000
57	Ministry of Housing and Urban Affairs Revenue	10000,03,00,000	..	10000,03,00,000
	Capital	1,00,000	..	1,00,000
58	Department of School Education and Literacy Revenue	4,00,000	..	4,00,000
59	Department of Higher Education Revenue	4661,09,00,000	..	4661,09,00,000
	Capital	1,00,000	..	1,00,000
61	Department of Water Resources, River Development and Ganga Rejuvenation .. Revenue	3,00,000	..	3,00,000
62	Department of Drinking Water and Sanitation Revenue	3249,64,00,000	..	3249,64,00,000
63	Ministry of Labour and Employment Revenue	3,00,000	..	3,00,000
64	Law and Justice Revenue	10,00,00,000	..	10,00,00,000
	Capital	86,00,00,000	..	86,00,00,000
65	Election Commission Capital	5,00,00,000	..	5,00,00,000
	CHARGED.— <i>Supreme Court of India</i> Revenue	..	19,39,00,000	19,39,00,000
67	Ministry of Micro, Small and Medium Enterprises Revenue	2,00,000	..	2,00,000
	Capital	500,00,00,000	..	500,00,00,000
68	Ministry of Mines Revenue	1,00,000	..	1,00,000
69	Ministry of Minority Affairs Revenue	1,00,000	..	1,00,000
70	Ministry of New and Renewable Energy Revenue	1,00,000	..	1,00,000
	Capital	118,00,00,000	..	118,00,00,000
71	Ministry of Panchayati Raj Revenue	1,00,000	..	1,00,000
73	Ministry of Personnel, Public Grievances and Pensions Revenue	69,31,00,000	..	69,31,00,000
	Capital	1,47,00,000	..	1,47,00,000
75	Ministry of Petroleum and Natural Gas Revenue	1,00,000	..	1,00,000
76	Ministry of Planning Revenue	120,00,00,000	..	120,00,00,000
77	Ministry of Power Revenue	403,51,00,000	..	403,51,00,000
79	Lok Sabha Revenue	1,00,000	..	1,00,000
83	Ministry of Railways Capital	1,00,000	336,00,00,000	336,01,00,000
84	Ministry of Road Transport and Highways Revenue	2,00,000	..	2,00,000
	Capital	16220,00,00,000	..	16220,00,00,000
85	Department of Rural Development Revenue	33057,84,00,000	..	33057,84,00,000
86	Department of Land Resources Revenue	2,00,000	..	2,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
87	Department of Science and Technology Revenue	1,00,000	..	1,00,000
90	Ministry of Shipping Revenue	1,00,000	..	1,00,000
	Capital	185,00,00,000	..	185,00,00,000
91	Ministry of Skill Development and Entrepreneurship Revenue	1,00,000	..	1,00,000
92	Department of Social Justice and Empowerment Revenue	2,00,000	..	2,00,000
94	Department of Space Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
95	Ministry of Statistics and Programme Implementation Revenue	1,00,000	..	1,00,000
97	Ministry of Textiles Revenue	1,00,000	..	1,00,000
	Capital	6,16,00,000	..	6,16,00,000
98	Ministry of Tourism Revenue	1,00,000	..	1,00,000
99	Ministry of Tribal Affairs Revenue	1,00,000	..	1,00,000
100	Ministry of Women and Child Development Revenue	1,00,000	..	1,00,000
101	Ministry of Youth Affairs and Sports Revenue	2,00,000	..	2,00,000
	Capital	1,00,000	..	1,00,000
	TOTAL:	620814,72,00,000	7565,27,00,000	628379,99,00,000

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 8] नई दिल्ली, बृहस्पतिवार, मार्च 25, 2021/चैत्र 4, 1943 (शक)
No. 8] NEW DELHI, THURSDAY, MARCH 25, 2021/CHAITRA 4, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th March, 2021/Chaitra 4, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2021, and is hereby published for general information:—

THE INSURANCE (AMENDMENT) ACT, 2021

No. 6 OF 2021

[25th March, 2021.]

An Act further to amend the Insurance Act, 1938.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Insurance (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

4 of 1938.

2. In the Insurance Act, 1938 (hereinafter referred to as the principal Act), in section 2, in clause (7A), for sub-clause (b), the following sub-clause shall be substituted, namely:—

Amendment of section 2.

"(b) in which the aggregate holdings of equity shares by foreign investors including portfolio investors, do not exceed seventy-four per cent. of the paid-up equity capital of such Indian insurance company, and the foreign investment in which shall be subject to such conditions and manner, as may be prescribed;"

Amendment
of section 27.

3. In section 27 of the principal Act, in sub-section (7), the *Explanation* shall be omitted.

Amendment of
section 114.

4. In section 114 of the principal Act, in sub-section (2), for clause (aaa), the following clause shall be substituted, namely:—

"(aaa) the conditions and manner of foreign investment under sub-clause (b) of clause (7A) of section 2;"

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-31032021-226296
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1321]

नई दिल्ली, बुधवार, मार्च 31, 2021/चैत्र 10, 1943

No. 1321]

NEW DELHI, WEDNESDAY, MARCH 31, 2021/CHAITRA 10, 1943

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

अधिसूचना

नई दिल्ली, 31 मार्च, 2021

का.आ. 1426(अ).—केंद्रीय सरकार, बीमा (संशोधन) अधिनियम, 2021 (2021 का 6) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 1 अप्रैल, 2021 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम प्रवृत्त होगा।

[फा. सं. 13011/19/2013-बीमा II]

सौरभ मिश्रा, संयुक्त सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

NOTIFICATION

New Delhi, the 31st March, 2021

S.O. 1426(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Insurance (Amendment) Act, 2021 (6 of 2021), the Central Government hereby appoints the 1st day of April, 2021 as the date on which the said Act shall come into force.

[F. No. 13011/19/2013-Ins.II]

SAURABH MISHRA, Jt. Secy.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 9] नई दिल्ली, बृहस्पतिवार, मार्च 25, 2021/चैत्र 4, 1943 (शक)
No. 9] NEW DELHI, THURSDAY, MARCH 25, 2021/CHAITRA 4, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th March, 2021/Chaitra 4, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2021, and is hereby published for general information :—

THE APPROPRIATION (No. 2) ACT, 2021

No. 7 OF 2021

[25th March, 2021.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2021-22.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 2) Act, 2021. Short title.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred seventeen lakh sixteen thousand seven hundred eleven crore and thirty-five lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2021-22 in respect of the services specified in column 2 of the Schedule. Issue of Rs. 11716711,35,00,000 out of the Consolidated Fund of India for the financial year 2021-22.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

Construction
of references
to Ministries or
Departments in
the Schedule.

4. Reference to the Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 18th January, 2021 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as constituted from time to time.

THE SCHEDULE

(See sections 2, 3 and 4)

1 No. of Vote	2 Services and purposes	3			
		Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
1.	Department of Agriculture, Cooperation and Farmers' Welfare	Revenue	122961,57,00,000	..	122961,57,00,000
	Capital	56,00,00,000	..	56,00,00,000	
2.	Department of Agricultural Research and Education	Revenue	8513,62,00,000	..	8513,62,00,000
	Capital	..	..	..
3.	Atomic Energy	Revenue	16391,20,00,000	1,00,00,000	16392,20,00,000
	Capital	11403,20,00,000	..	11403,20,00,000	
4.	Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)	Revenue	2970,30,00,000	..	2970,30,00,000
	Capital	..	..	..
5.	Department of Chemicals and Petrochemicals	Revenue	229,64,00,000	..	229,64,00,000
	Capital	3,50,00,000	..	3,50,00,000	
6.	Department of Fertilisers	Revenue	83596,77,00,000	..	83596,77,00,000
	Capital	444,62,00,000	..	444,62,00,000	
7.	Department of Pharmaceuticals	Revenue	461,29,00,000	..	461,29,00,000
	Capital	9,12,00,000	..	9,12,00,000	
8.	Ministry of Civil Aviation	Revenue	3184,15,00,000	..	3184,15,00,000
	Capital	40,52,00,000	..	40,52,00,000	
9.	Ministry of Coal	Revenue	534,88,00,000	..	534,88,00,000
	Capital	..	..	..
10.	Department of Commerce	Revenue	4699,01,00,000	..	4699,01,00,000
	Capital	287,00,00,000	..	287,00,00,000	
11.	Department for Promotion of Industry and Internal Trade	Revenue	6570,66,00,000	..	6570,66,00,000
	Capital	1211,58,00,000	..	1211,58,00,000	
12.	Department of Posts	Revenue	34262,38,00,000	80,00,000	34263,18,00,000
	Capital	910,09,00,000	..	910,09,00,000	
13.	Department of Telecommunications	Revenue	41803,44,00,000	..	41803,44,00,000
	Capital	31133,56,00,000	..	31133,56,00,000	
14.	Department of Consumer Affairs	Revenue	3191,55,00,000	..	3191,55,00,000
	Capital	46,05,00,000	..	46,05,00,000	
15.	Department of Food and Public Distribution	Revenue	251248,34,00,000	..	251248,34,00,000
	Capital	52725,96,00,000	..	52725,96,00,000	
16.	Ministry of Corporate Affairs	Revenue	686,13,00,000	..	686,13,00,000
	Capital	51,00,00,000	..	51,00,00,000	
17.	Ministry of Culture	Revenue	2609,23,00,000	..	2609,23,00,000
	Capital	78,76,00,000	..	78,76,00,000	
18.	Ministry of Defence (Civil)	Revenue	30088,23,00,000	70,00,000	30088,93,00,000
	Capital	7698,41,00,000	50,00,00,000	7748,41,00,000	
19.	Defence Services (Revenue)	Revenue	231945,49,00,000	101,44,00,000	232046,93,00,000
	Capital	..	..	..
20.	Capital Outlay on Defence Services	Revenue
	Capital	134978,85,00,000	81,87,00,000	135060,72,00,000	
21.	Defence Pensions	Revenue	115841,73,00,000	8,27,00,000	115850,00,00,000
	Capital	..	..	..
22.	Ministry of Development of North Eastern Region	Revenue	2031,51,00,000	..	2031,51,00,000
	Capital	652,49,00,000	..	652,49,00,000	
23.	Ministry of Earth Sciences	Revenue	1738,69,00,000	..	1738,69,00,000
	Capital	163,00,00,000	..	163,00,00,000	
24.	Department of School Education and Literacy	Revenue	103673,66,00,000	..	103673,66,00,000
	Capital	..	..	..

1 No. of Vote	2 Services and purposes	3			
		Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
25.	Department of Higher Education	Revenue	65325,15,00,000	..	65325,15,00,000
		Capital	25,50,00,000	..	25,50,00,000
26.	Ministry of Electronics and Information Technology	Revenue	9274,66,00,000	..	9274,66,00,000
		Capital	446,00,00,000	..	446,00,00,000
27.	Ministry of Environment, Forests and Climate Change	Revenue	3014,10,00,000	..	3014,10,00,000
		Capital	122,48,00,000	..	122,48,00,000
28.	Ministry of External Affairs	Revenue	16663,95,00,000	3,00,000	16663,98,00,000
		Capital	1490,75,00,000	..	1490,75,00,000
29.	Department of Economic Affairs	Revenue	4649,12,00,000	..	4649,12,00,000
		Capital	94900,41,00,000	..	94900,41,00,000
30.	Department of Expenditure	Revenue	454,74,00,000	..	454,74,00,000
		Capital	..	..	..
31.	Department of Financial Services	Revenue	3710,78,00,000	..	3710,78,00,000
		Capital	47800,03,00,000	..	47800,03,00,000
32.	Department of Investment and Public Asset Management (DIPAM)	Revenue	110,52,00,000	..	110,52,00,000
		Capital	..	..	..
33.	Department of Revenue	Revenue	201499,60,00,000	2,00,000	201499,62,00,000
		Capital	13,02,00,000	..	13,02,00,000
34.	Direct Taxes	Revenue	8180,34,00,000	..	8180,34,00,000
		Capital	352,00,00,000	..	352,00,00,000
35.	Indirect Taxes	Revenue	20906,77,00,000	50,00,000	20907,27,00,000
		Capital	452,00,00,000	..	452,00,00,000
36.	Indian Audit and Accounts Department	Revenue	5209,97,00,000	200,00,00,000	5409,97,00,000
		Capital	24,95,00,000	..	24,95,00,000
	CHARGED.—Interest Payments	Revenue	..	847195,79,00,000	847195,79,00,000
		Capital	..	..	..
	CHARGED.—Repayment of Debt	Revenue	..	..	..
		Capital	..	6944151,48,00,000	6944151,48,00,000
39.	Pensions	Revenue	56473,12,00,000	400,00,00,000	56873,12,00,000
		Capital	..	..	..
40.	Transfers to States	Revenue	71490,77,00,000	220843,00,00,000	292333,77,00,000
		Capital	10000,01,00,000	46850,00,00,000	56850,01,00,000
41.	Department of Fisheries	Revenue	1192,16,00,000	..	1192,16,00,000
		Capital	28,68,00,000	..	28,68,00,000
42.	Department of Animal Husbandry and Dairying	Revenue	3555,59,00,000	..	3555,59,00,000
		Capital	44,39,00,000	..	44,39,00,000
43.	Ministry of Food Processing Industries	Revenue	1308,66,00,000	..	1308,66,00,000
		Capital	..	..	..
44.	Department of Health and Family Welfare	Revenue	114771,54,00,000	..	114771,54,00,000
		Capital	4355,61,00,000	..	4355,61,00,000
45.	Department of Health Research	Revenue	2663,00,00,000	..	2663,00,00,000
		Capital	..	..	..
46.	Department of Heavy Industry	Revenue	927,85,00,000	..	927,85,00,000
		Capital	67,42,00,000	..	67,42,00,000
47.	Department of Public Enterprises	Revenue	21,81,00,000	..	21,81,00,000
		Capital	..	..	..
48.	Ministry of Home Affairs	Revenue	7333,38,00,000	3,00,000	7333,41,00,000
		Capital	286,99,00,000	..	286,99,00,000
49.	Cabinet	Revenue	1961,04,00,000	..	1961,04,00,000
		Capital	137,00,00,000	..	137,00,00,000
50.	Police	Revenue	95424,05,00,000	8,02,00,000	95432,07,00,000
		Capital	9721,72,00,000	8,32,00,000	9730,04,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
51.	Andaman and Nicobar Islands Revenue Capital	4721,23,00,000 666,17,00,000	1,00,000 ..	4721,24,00,000 666,17,00,000
52.	Chandigarh Revenue Capital	4530,11,00,000 508,45,00,000	37,56,00,000 110,00,00,000	4567,67,00,000 618,45,00,000
53.	Dadra and Nagar Haveli and Daman and Diu Revenue Capital	2798,76,00,000 764,83,00,000	.. ..	2798,76,00,000 764,83,00,000
54.	Ladakh Revenue Capital	2331,64,00,000 3626,36,00,000	.. ..	2331,64,00,000 3626,36,00,000
55.	Lakshadweep Revenue Capital	1238,21,00,000 229,10,00,000	.. ..	1238,21,00,000 229,10,00,000
56.	Transfers to Delhi Revenue Capital	957,50,00,000 1,00,000	.. ..	957,50,00,000 1,00,000
57.	Transfers to Jammu and Kashmir Revenue Capital	30757,00,00,000 ..	.. ..	30757,00,00,000 ..
58.	Transfers to Puducherry Revenue Capital	1729,78,00,000 1,00,000	.. ..	1729,78,00,000 1,00,000
59.	Ministry of Housing and Urban Affairs Revenue Capital	36885,14,00,000 25723,95,00,000	106,85,00,000 35,07,00,000	36991,99,00,000 25759,02,00,000
60.	Ministry of Information and Broadcasting Revenue Capital	4058,61,00,000 12,62,00,000	.. ..	4058,61,00,000 12,62,00,000
61.	Department of Water Resources, River Development and Ganga Rejuvenation Revenue Capital	8756,92,00,000 344,77,00,000	.. ..	8756,92,00,000 344,77,00,000
62.	Department of Drinking Water and Sanitation Revenue Capital	128024,45,00,000 ..	.. ..	128024,45,00,000 ..
63.	Ministry of Labour and Employment Revenue Capital	13269,37,00,000 37,13,00,000	.. ..	13269,37,00,000 37,13,00,000
64.	Law and Justice Revenue Capital	1745,82,00,000 1100,00,00,000	.. ..	1745,82,00,000 1100,00,00,000
65.	Election Commission Revenue Capital	242,16,00,000 7,00,00,000	.. ..	242,16,00,000 7,00,00,000
	CHARGED.— <i>Supreme Court of India</i> Revenue Capital	.. ..	334,96,00,000 ..	334,96,00,000 ..
67.	Ministry of Micro, Small and Medium Enterprises Revenue Capital	15329,65,00,000 370,00,00,000	.. ..	15329,65,00,000 370,00,00,000
68.	Ministry of Mines Revenue Capital	1498,49,00,000 68,33,00,000	.. ..	1498,49,00,000 68,33,00,000
69.	Ministry of Minority Affairs Revenue Capital	4657,75,00,000 153,02,00,000	.. ..	4657,75,00,000 153,02,00,000
70.	Ministry of New and Renewable Energy Revenue Capital	5743,00,00,000 10,00,00,000	.. ..	5743,00,00,000 10,00,00,000
71.	Ministry of Panchayati Raj Revenue Capital	913,43,00,000 ..	.. ..	913,43,00,000 ..
72.	Ministry of Parliamentary Affairs Revenue Capital	65,07,00,000 ..	.. ..	65,07,00,000 ..
73.	Ministry of Personnel, Public Grievances and Pensions Revenue Capital	1829,93,00,000 186,71,00,000	30,28,00,000 11,65,00,000	1860,21,00,000 198,36,00,000
	CHARGED.— <i>Central Vigilance Commission</i> Revenue Capital	.. ..	38,67,00,000 ..	38,67,00,000 ..
75.	Ministry of Petroleum and Natural Gas Revenue Capital	15866,78,00,000 427,00,00,000	.. ..	15866,78,00,000 427,00,00,000
76.	Ministry of Planning Revenue Capital	1061,99,00,000 78,00,000	.. ..	1061,99,00,000 78,00,000
77.	Ministry of Ports, Shipping and Waterways Revenue Capital	1859,35,00,000 353,00,00,000	.. ..	1859,35,00,000 353,00,00,000
78.	Ministry of Power Revenue Capital	17727,03,00,000 3180,77,00,000	.. ..	17727,03,00,000 3180,77,00,000
	CHARGED.— <i>Staff, Household and Allowances of the President</i> Revenue Capital	.. ..	74,47,00,000 ..	74,47,00,000 ..
80.	Lok Sabha Revenue Capital	854,00,00,000	1,00,00,000	855,00,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
81.	Rajya Sabha Revenue Capital	445,29,00,000 ..	1,21,00,000 ..	446,50,00,000 ..
82.	Secretariat of the Vice-President Revenue Capital	7,43,00,000 ..	.. ..	7,43,00,000 ..
	CHARGED.—Union Public Service Commission Revenue Capital	.. ..	304,17,00,000 ..	304,17,00,000 ..
84.	Ministry of Railways Revenue Capital	275986,65,00,000 304836,88,00,000	466,00,00,000 92,08,00,000	276452,65,00,000 304928,96,00,000
85.	Ministry of Road Transport and Highways Revenue Capital	19668,06,00,000 207840,29,00,000	.. 10,00,00,000	19668,06,00,000 207850,29,00,000
86.	Department of Rural Development Revenue Capital	234019,08,00,000 ..	.. ..	234019,08,00,000 ..
87.	Department of Land Resources Revenue Capital	2170,42,00,000 ..	.. ..	2170,42,00,000 ..
88.	Department of Science and Technology Revenue Capital	5949,57,00,000 122,00,00,000	2,00,000 ..	5949,59,00,000 122,00,00,000
89.	Department of Biotechnology Revenue Capital	3502,37,00,000 ..	.. ..	3502,37,00,000 ..
90.	Department of Scientific and Industrial Research Revenue Capital	5202,12,00,000 22,15,00,000	.. ..	5202,12,00,000 22,15,00,000
91.	Ministry of Skill Development and Entrepreneurship Revenue Capital	2711,53,00,000 73,70,00,000	.. ..	2711,53,00,000 73,70,00,000
92.	Department of Social Justice and Empowerment Revenue Capital	10197,62,00,000 370,00,00,000	.. ..	10197,62,00,000 370,00,00,000
93.	Department of Empowerment of Persons with Disabilities Revenue Capital	1171,76,00,000 1,00,000	.. ..	1171,76,00,000 1,00,000
94.	Department of Space Revenue Capital	5719,86,00,000 8228,23,00,000	60,00,000 40,00,000	5720,46,00,000 8228,63,00,000
95.	Ministry of Statistics and Programme Implementation Revenue Capital	1396,09,00,000 13,04,00,000	.. ..	1396,09,00,000 13,04,00,000
96.	Ministry of Steel Revenue Capital	39,25,00,000 ..	.. ..	39,25,00,000 ..
97.	Ministry of Textiles Revenue Capital	3591,61,00,000 40,03,00,000	.. ..	3591,61,00,000 40,03,00,000
98.	Ministry of Tourism Revenue Capital	2032,04,00,000 ..	.. ..	2032,04,00,000 ..
99.	Ministry of Tribal Affairs Revenue Capital	2816,52,00,000 2,00,000	4708,33,00,000 ..	7524,85,00,000 2,00,000
100.	Ministry of Women and Child Development Revenue Capital	24930,00,00,000 5,00,00,000	.. ..	24930,00,00,000 5,00,00,000
101.	Ministry of Youth Affairs and Sports Revenue Capital	2549,41,00,000 46,73,00,000	.. ..	2549,41,00,000 46,73,00,000
	TOTAL :	3650446,75,00,000	8066264,60,00,000	11716711,35,00,000

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, बृहस्पतिवार, मार्च 25, 2021/चैत्र 4, 1943 (शक)
No. 10] NEW DELHI, THURSDAY, MARCH 25, 2021/CHAITRA 4, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th March, 2021/Chaitra 4, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2021, and is hereby published for general information:—

THE MEDICAL TERMINATION OF PREGNANCY (AMENDMENT) ACT, 2021

No. 8 OF 2021

[25th March, 2021.]

An Act further to amend the Medical Termination of Pregnancy Act, 1971.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Medical Termination of Pregnancy (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

34 of 1971.

2. In the Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as the principal Act), in section 2,—

Amendment of section 2.

(i) after clause (a), the following clause shall be inserted, namely:—

'(aa) "Medical Board" means the Medical Board constituted under sub-section (2C) of section 3 of the Act;'

(ii) after clause (d), the following clause shall be inserted, namely:—

'(e) "termination of pregnancy" means a procedure to terminate a pregnancy by using medical or surgical methods.'

Amendment
of section 3.

3. In section 3 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) Subject to the provisions of sub-section (4), a pregnancy may be terminated by a registered medical practitioner,—

(a) where the length of the pregnancy does not exceed twenty weeks, if such medical practitioner is, or

(b) where the length of the pregnancy exceeds twenty weeks but does not exceed twenty-four weeks in case of such category of woman as may be prescribed by rules made under this Act, if not less than two registered medical practitioners are,

of the opinion, formed in good faith, that—

(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from any serious physical or mental abnormality.

Explanation 1.—For the purposes of clause (a), where any pregnancy occurs as a result of failure of any device or method used by any woman or her partner for the purpose of limiting the number of children or preventing pregnancy, the anguish caused by such pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman.

Explanation 2.—For the purposes of clauses (a) and (b), where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by the pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

(2A) The norms for the registered medical practitioner whose opinion is required for termination of pregnancy at different gestational age shall be such as may be prescribed by rules made under this Act.

(2B) The provisions of sub-section (2) relating to the length of the pregnancy shall not apply to the termination of pregnancy by the medical practitioner where such termination is necessitated by the diagnosis of any of the substantial foetal abnormalities diagnosed by a Medical Board.

(2C) Every State Government or Union territory, as the case may be, shall, by notification in the Official Gazette, constitute a Board to be called a Medical Board for the purposes of this Act to exercise such powers and functions as may be prescribed by rules made under this Act.

(2D) The Medical Board shall consist of the following, namely:—

(a) a Gynaecologist;

(b) a Paediatrician;

(c) a Radiologist or Sonologist; and

(d) such other number of members as may be notified in the Official Gazette by the State Government or Union territory, as the case may be."

4. After section 5 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 5A.

"5A. (1) No registered medical practitioner shall reveal the name and other particulars of a woman whose pregnancy has been terminated under this Act except to a person authorised by any law for the time being in force.

Protection of privacy of a woman.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one year, or with fine, or with both."

5. In section 6 of the principal Act, in sub-section (2), after clause (a), the following clauses shall be inserted, namely:—

Amendment of section 6.

"(aa) the category of woman under clause (b) of sub-section (2) of section 3;

(ab) the norms for the registered medical practitioner whose opinion is required for termination of pregnancy at different gestational age under sub-section (2A) of section 3;

(ac) the powers and functions of the Medical Board under sub-section (2C) of section 3."

DR. G NARAYANARAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 3582]
No. 3582]

नई दिल्ली, मंगलवार, सितम्बर 21, 2021/भाद्र 30, 1943
NEW DELHI, TUESDAY, SEPTEMBER 21, 2021/BHADRA 30, 1943

स्वास्थ्य और परिवार कल्याण मंत्रालय

अधिसूचना

नई दिल्ली, 15 सितम्बर, 2021

का.आ. 3906(अ).—केंद्र सरकार, गर्भ का चिकित्सीय समापन (संशोधन) अधिनियम, 2021 (2021 का 8) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 24 सितम्बर, 2021 को उस दिनांक के रूप में नियत करती है जिससे उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. एम-12015/29/2021-एमसीएच]

पाटिबंडला अशोक बाबू, संयुक्त सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

NOTIFICATION

New Delhi, the 15th September, 2021

S.O. 3906(E).—In exercise of the power conferred by sub-section (2) of Section 1 of the Medical Termination of Pregnancy (Amendment) Act, 2021(8 of 2021), the Central Government hereby appoints the 24th day of September, 2021, as the date on which the provisions of the said Act shall come into force.

[F. No. M-12015/29/2021-MCH]

PATIBANDLA ASHOK BABU, Jt. Secy.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 11] नई दिल्ली, बृहस्पतिवार, मार्च 25, 2021/ चैत्र 4, 1943 (शक)

No. 11] NEW DELHI, THURSDAY, MARCH 25, 2021/CHAITRA 4, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th March, 2021/Chaitra 4, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2021, and is hereby published for general information:—

THE JAMMU AND KASHMIR APPROPRIATION (No. 2) ACT, 2021

No. 9 OF 2021

[25th March, 2021.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the services of the financial year 2021-22.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India, in exercise of the powers vested under the Jammu and Kashmir Reorganisation Act, 2019 as follows:—

1. This Act may be called the Jammu and Kashmir Appropriation (No. 2) Act, 2021. Short title.

Issue of Rs.130832,23,87,000 out of Consolidated Fund of Union territory of Jammu and Kashmir for the financial year 2021-22.

2. From and out of the Consolidated Fund of the Union territory of Jammu and Kashmir, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one lakh thirty thousand eight hundred thirty-two crores, twenty-three lakh and eighty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2021-22 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1	2	3		
		Voted by Parliament	Sums not exceeding	
No. of Vote/ Appro- priation	Services and purposes		Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	General Administration Department Revenue	551,25,74,000	25,22,86,000	576,48,60,000
	Capital	222,46,61,000	-	222,46,61,000
2	Home Department Revenue	8865,05,98,000	-	8865,05,98,000
	Capital	1383,69,51,000	-	1383,69,51,000
3	Planning Department Revenue	130,53,86,000	-	130,53,86,000
	Capital	1017,00,00,000	-	1017,00,00,000
4	Information Department Revenue	134,36,06,000	-	134,36,06,000
	Capital	1,15,00,000	-	1,15,00,000
6	Power Development Department Revenue	6694,65,83,000	-	6694,65,83,000
	Capital	2727,76,38,000	-	2727,76,38,000
7	Education Department Revenue	11016,32,49,000	-	11016,32,49,000
	Capital	830,94,41,000	-	830,94,41,000
8	Finance Department Revenue	9868,25,34,000	7689,56,40,000	17557,81,74,000
	Capital	1901,47,91,000	26265,22,00,000	28166,69,91,000
9	Parliamentary Affairs Department Revenue	50,22,29,000	87,10,000	51,09,39,000
	Capital	4,00,00,000	-	4,00,00,000
10	Law Department Revenue	689,44,76,000	78,50,00,000	767,94,76,000
	Capital	116,00,00,000	-	116,00,00,000
11	Industry and Commerce Department .. Revenue	443,35,68,000	-	443,35,68,000
	Capital	648,35,50,000	-	648,35,50,000
12	Agriculture Department Revenue	1342,65,66,000	-	1342,65,66,000
	Capital	1607,85,66,000	-	1607,85,66,000
13	Animal/Sheep Husbandry Department ... Revenue	675,79,34,000	-	675,79,34,000
	Capital	235,91,62,000	-	235,91,62,000
14	Revenue Department Revenue	787,92,35,000	-	787,92,35,000
	Capital	114,70,00,000	-	114,70,00,000
15	Food Civil Supplies and Consumer Affairs Department Revenue	278,02,42,000	-	278,02,42,000
	Capital	304,96,95,000	-	304,96,95,000
16	Public Works Department Revenue	1266,05,73,000	-	1266,05,73,000
	Capital	4088,87,04,000	-	4088,87,04,000
17	Health and Medical Education Department Revenue	5605,57,73,000	-	5605,57,73,000
	Capital	1455,83,09,000	-	1455,83,09,000
18	Social Welfare Department Revenue	2506,01,52,000	-	2506,01,52,000
	Capital	173,76,88,000	-	173,76,88,000
19	Housing and Urban Development Department Revenue	896,73,13,000	-	896,73,13,000
	Capital	2709,99,18,000	-	2709,99,18,000
20	Tourism Department Revenue	252,78,37,000	-	252,78,37,000
	Capital	260,05,00,000	-	260,05,00,000
21	Forest Department Revenue	1533,99,51,000	-	1533,99,51,000
	Capital	218,23,89,000	-	218,23,89,000
22	Irrigation Department Revenue	786,69,79,000	-	786,69,79,000
	Capital	1410,84,33,000	-	1410,84,33,000
23	Public Health Engineering Department Revenue	1837,53,00,000	-	1837,53,00,000
	Capital	6346,45,69,000	-	6346,45,69,000

1	2	3			
		Voted by Parliament	Sums not exceeding		
No. of Vote/ Appropriation	Services and purposes		Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
24	Hospitality and Protocol Department	Revenue	291,02,95,000	-	291,02,95,000
		Capital	46,22,00,000	-	46,22,00,000
25	Labour, Stationery and Printing Department	Revenue	97,82,41,000	-	97,82,41,000
		Capital	67,07,80,000	-	67,07,80,000
26	Fisheries Department	Revenue	113,75,38,000	-	113,75,38,000
		Capital	102,11,21,000	-	102,11,21,000
27	Higher Education Department	Revenue	1365,23,59,000	-	1365,23,59,000
		Capital	1042,25,00,000	-	1042,25,00,000
28	Rural Development Department	Revenue	714,61,46,000	-	714,61,46,000
		Capital	4816,70,39,000	-	4816,70,39,000
29	Transport Department	Revenue	132,68,11,000	-	132,68,11,000
		Capital	163,00,00,000	-	163,00,00,000
30	Tribal Affairs Department	Revenue	104,71,90,000	-	104,71,90,000
		Capital	273,42,95,000	-	273,42,95,000
31	Culture Department	Revenue	64,42,09,000	-	64,42,09,000
		Capital	525,82,16,000	-	525,82,16,000
32	Horticulture Department	Revenue	188,79,16,000	-	188,79,16,000
		Capital	400,08,87,000	-	400,08,87,000
33	Disaster Management, Relief, Rehabilitation and Reconstruction Department	Revenue	986,15,12,000	-	986,15,12,000
		Capital	179,49,00,000	-	179,49,00,000
34	Youth Services and Technical Education	Revenue	652,97,20,000	-	652,97,20,000
		Capital	245,76,76,000	-	245,76,76,000
35	Science and Technology Department	Revenue	19,00,68,000	-	19,00,68,000
		Capital	105,91,00,000	-	105,91,00,000
36	Cooperative Department	Revenue	65,17,09,000	-	65,17,09,000
		Capital	15,00,00,000	-	15,00,00,000
	TOTAL:		96772,85,51,000	34059,38,36,000	130832,23,87,000

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 12] नई दिल्ली, बृहस्पतिवार, मार्च 25, 2021/चैत्र 4, 1943 (शक)
No. 12] NEW DELHI, THURSDAY, MARCH 25, 2021/CHAITRA 4, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th March, 2021/Chaitra 4, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2021, and is hereby published for general information:—

THE PUDUCHERRY APPROPRIATION (VOTE ON ACCOUNT) ACT, 2021

No. 10 OF 2021

[25th March 2021.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Puducherry for the services of a part of the financial year 2021-22.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Puducherry Appropriation (Vote on Account) Act, 2021. Short title.

2. From and out of the Consolidated Fund of the Union territory of Puducherry there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three thousand nine hundred and thirty-four crore rupees towards defraying the several charges which will come in course of payment during the financial year 2021-22 in respect of the services specified in column 2 of the Schedule.

Withdrawal of Rs. 3934,00,00,000 from and out of the Consolidated Fund of the Union territory of Puducherry for the financial year 2021-22.

Appropriation. **3.** The sums authorised to be withdrawn from and out of the Consolidated Fund of the Union territory of Puducherry by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote/ Appro- priation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Legislative Assembly Revenue	5,83,79,000	5,74,000	5,89,53,000
2	Administrator Revenue	4,000	3,25,05,000	3,25,09,000
3	Council of Ministers Revenue	5,28,70,000	..	5,28,70,000
4	Administration of Justice Revenue	13,40,94,000	..	13,40,94,000
5	Elections Revenue	8,91,45,000	..	8,91,45,000
6	Revenue and Food Revenue	133,62,69,000	..	133,62,69,000
7	Sales Tax Revenue	5,79,92,000	..	5,79,92,000
8	Transport Revenue	15,86,77,000	..	15,86,77,000
9	Secretariat Revenue	21,25,13,000	..	21,25,13,000
10	District Administration Revenue	98,21,91,000	..	98,21,91,000
	Capital	48,50,000	..	48,50,000
11	Treasury and Accounts Administration Revenue	10,60,01,000	..	10,60,01,000
12	Police Revenue	134,96,54,000	..	134,96,54,000
	Capital	3,57,35,000	58,000	3,57,93,000
13	Jails Revenue	3,83,37,000	..	3,83,37,000
	Capital	4,17,000	..	4,17,000
14	Stationary and Printing Revenue	13,80,63,000	..	13,80,63,000
	Capital	10,60,000	..	10,60,000
15	Retirement Benefits Revenue	479,28,50,000	..	479,28,50,000
16	Public Works Revenue	136,47,23,000	1,82,000	136,49,05,000
	Capital	55,93,38,000	2,63,28,000	58,56,66,000
17	Education Revenue	470,91,53,000	..	470,91,53,000
	Capital	4,83,000	2,05,35,000	2,10,18,000
18	Medical Revenue	325,14,36,000	1,88,000	325,16,24,000
	Capital	7,57,80,000	21,000	7,58,01,000
19	Information and Publicity Revenue	10,88,70,000	..	10,88,70,000
	Capital	..	44,58,000	44,58,000
20	Labour and Employment Revenue	20,76,90,000	..	20,76,90,000
	Capital	7,72,000	..	7,72,000
21	Social Welfare Revenue	302,82,23,000	9,31,000	302,91,54,000
22	Co-operation Revenue	12,43,91,000	..	12,43,91,000
	Capital	18,75,000	..	18,75,000
23	Statistics Revenue	2,35,64,000	..	2,35,64,000
24	Agriculture Revenue	55,65,93,000	..	55,65,93,000
	Capital	20,59,000	..	20,59,000
25	Animal Husbandry Revenue	19,03,82,000	67,000	19,04,49,000
	Capital	7,08,000	..	7,08,000
26	Fisheries Revenue	31,92,02,000	..	31,92,02,000
	Capital	2,21,29,000	..	2,21,29,000
27	Community Development Revenue	21,24,41,000	..	21,24,41,000
28	Industries Revenue	65,71,80,000	..	65,71,80,000
29	Electricity Revenue	713,58,85,000	9,17,000	713,68,02,000
	Capital	19,36,64,000	..	19,36,64,000
30	Ports and Pilotage Revenue	2,25,52,000	..	2,25,52,000
	Capital	1,47,92,000	47,92,000	1,95,84,000
	Public Debt Revenue	..	319,74,90,000	319,74,90,000
	Capital	..	350,27,09,000	350,27,09,000
31	Loans to Government Servants Capital	1,67,000	..	1,67,000
32	Building Programmes Revenue	4,52,41,000	..	4,52,41,000
	Capital	15,72,80,000	1,25,71,000	16,98,51,000
	TOTAL:	3253,56,74,000	680,43,26,000	3934,00,00,000

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 13] नई दिल्ली, बृहस्पतिवार, मार्च 25, 2021/चैत्र 4, 1943 (शक)
No. 13] NEW DELHI, THURSDAY, MARCH 25, 2021/CHAITRA 4, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th March, 2021/Chaitra 4, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2021, and is hereby published for general information:—

THE PUDUCHERRY APPROPRIATION ACT, 2021

No. 11 OF 2021

[25th March, 2021.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Puducherry for the services of the financial year 2020-21.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Puducherry Appropriation Act, 2021.

Short title.

2. From and out of the Consolidated Fund of the Union territory of Puducherry there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred fifty-six crores, four lakhs and ten thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2020-21, in respect of the services specified in column 2 of the Schedule.

Issue of
Rs. 256,04,10,000
from and out of
the
Consolidated
Fund of the
Union territory
of Puducherry
for the
financial year
2020-21.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Puducherry by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote/ Appro- pria- tion	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
5	Elections Revenue	8,05,18,000	..	8,05,18,000
8	Transport Revenue	3,60,54,000	..	3,60,54,000
10	District Administration Revenue	28,52,24,000	..	28,52,24,000
	Capital	1,16,38,000	..	1,16,38,000
12	Police Revenue	4,50,68,000	..	4,50,68,000
	Capital	3,60,81,000	..	3,60,81,000
16	Public Works Capital	..	70,10,73,000	70,10,73,000
17	Education Revenue	1,000	..	1,000
	Capital	1,87,000	13,99,83,000	14,01,70,000
18	Medical Revenue	19,57,33,000	..	19,57,33,000
	Capital	1,000	..	1,000
19	Information and Publicity Capital	..	1,61,73,000	1,61,73,000
21	Social Welfare Revenue	9,000	17,35,000	17,44,000
22	Co-operation Capital	34,01,000	..	34,01,000
26	Fisheries Revenue	1,23,56,000	..	1,23,56,000
	Capital	..	10,50,000	10,50,000
27	Community Development Revenue	1,000	..	1,000
28	Industries Revenue	7,36,25,000	27,54,000	7,63,79,000
29	Electricity Revenue	51,76,94,000	..	51,76,94,000
	Capital	4,87,90,000	..	4,87,90,000
30	Ports and Pilotage Revenue	24,56,000	..	24,56,000
	Capital	..	45,00,000	45,00,000
	Public Debt Revenue	..	33,33,60,000	33,33,60,000
32	Building Programmes Revenue	13,52,000	..	13,52,000
	Capital	3,000	95,90,000	95,93,000
	TOTAL:	135,01,92,000	121,02,18,000	256,04,10,000

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 14] नई दिल्ली, बृहस्पतिवार, मार्च 25, 2021/चैत्र 4, 1943 (शक)

No. 14] NEW DELHI, THURSDAY, MARCH 25, 2021/CHAITRA 4, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th March, 2021/Chaitra 4, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2021, and is hereby published for general information:—

THE JAMMU AND KASHMIR APPROPRIATION ACT, 2021

No. 12 OF 2021

[25th March, 2021.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the services of the financial year 2020-21.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India, in exercise of the powers vested under the Jammu and Kashmir Reorganisation Act, 2019 as follows:—

1. This Act may be called the Jammu and Kashmir Appropriation Act, 2021.

Short title.

Issue of
Rs. 12002.05,75,000
(Supplementary
Grants) out of
Consolidated
Fund of Union
territory of
Jammu and
Kashmir for the
financial year
2020-21.

2. From and out of the Consolidated Fund of the Union territory of Jammu and Kashmir, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twelve thousand two crores, five lakh and seventy-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2020-21 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote/ Appropriation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
3	Planning Department Capital	29,35,29,000	..	29,35,29,000
6	Power Development Department Capital	9909,47,13,000	..	9909,47,13,000
8	Finance Department Capital	..	299,25,00,000	299,25,00,000
10	Law Department Revenue	15,98,10,000	..	15,98,10,000
14	Revenue Department Capital	11,24,18,000	..	11,24,18,000
16	Public Works Department Capital	501,58,42,000	..	501,58,42,000
17	Health and Medical Education Department Revenue	503,23,76,000	..	503,23,76,000
18	Social Welfare Department Revenue	205,23,98,000	..	205,23,98,000
23	Public Health Engineering Department Capital	506,71,06,000	..	506,71,06,000
26	Fisheries Department Revenue	3,24,52,000	..	3,24,52,000
	Capital	16,74,31,000	..	16,74,31,000
	TOTAL :	11702,80,75,000	299,25,00,000	12002,05,75,000

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 15] नई दिल्ली, रविवार, मार्च 28, 2021/चैत्र 7, 1943 (शक)
No. 15] NEW DELHI, SUNDAY, MARCH 28, 2021/CHAITRA 7, 1943 (SAKA)

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 28th March, 2021/Chaitra 7, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 28th March, 2021, and is hereby published for general information:—

THE FINANCE ACT, 2021

No. 13 OF 2021

[28th March, 2021.]

An Act to give effect to the financial proposals of the Central Government for the financial year 2021-2022.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Finance Act, 2021.

Short title and commencement.

(2) Save as otherwise provided in this Act,—

(a) sections 2 to 88 shall come into force on the 1st day of April, 2021;

(b) sections 108 to 123 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

RATES OF INCOME-TAX

2. (1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 2021, income-tax shall be charged at the rates specified in Part I of the First Schedule and such tax

Income-tax.

shall be increased by a surcharge, for the purposes of the Union, calculated in each case in the manner provided therein.

(2) In the cases to which Paragraph A of Part I of the First Schedule applies, where the assessee has, in the previous year, any net agricultural income exceeding five thousand rupees, in addition to total income, and the total income exceeds two lakh fifty thousand rupees, then,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after the first two lakh fifty thousand rupees of the total income but without being liable to tax], only for the purpose of charging income-tax in respect of the total income; and

(b) the income-tax chargeable shall be calculated as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax shall be determined in respect of the aggregate income at the rates specified in the said Paragraph A, as if such aggregate income were the total income;

(ii) the net agricultural income shall be increased by a sum of two lakh fifty thousand rupees, and the amount of income-tax shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Paragraph A, as if the net agricultural income as so increased were the total income;

(iii) the amount of income-tax determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax in respect of the total income:

Provided that in the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year, referred to in item (II) of Paragraph A of Part I of the First Schedule, the provisions of this sub-section shall have effect as if for the words “two lakh fifty thousand rupees”, the words “three lakh rupees” had been substituted:

Provided further that in the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year, referred to in item (III) of Paragraph A of Part I of the First Schedule, the provisions of this sub-section shall have effect as if for the words “two lakh fifty thousand rupees”, the words “five lakh rupees” had been substituted.

(3) In cases to which the provisions of Chapter XII or Chapter XII-A or section 115JB or section 115JC or Chapter XII-FA or Chapter XII-FB or sub-section (IA) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) apply, the tax chargeable shall be determined as provided in that Chapter or that section, and with reference to the rates imposed by sub-section (I) or the rates as specified in that Chapter or section, as the case may be:

Provided that the amount of income-tax computed in accordance with the provisions of section 111A or section 112 or section 112A of the Income-tax Act shall be increased by a surcharge, for the purposes of the Union, as provided in Paragraph A, B, C, D or E, as the case may be, of Part I of the First Schedule, except in case of a domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act or in case of co-operative society whose income is chargeable to tax under section 115BAD of the Income-tax Act:

Provided further that in respect of any income chargeable to tax under section 115A, 115AB, 115AC, 115ACA, 115AD, 115B, 115BA, 115BB, 115BBA, 115BBC, 115BBD, 115BBF, 115BBG, 115E, 115JB or 115JC of the Income-tax Act, the amount of income-tax computed under this sub-section shall be increased by a surcharge, for the purposes of the Union, calculated,—

(a) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not having any income under section 115AD of the Income-tax Act,—

(i) having a total income exceeding fifty lakh rupees but not exceeding one crore rupees, at the rate of ten per cent. of such income-tax;

(ii) having a total income exceeding one crore rupees, but not exceeding two crore rupees, at the rate of fifteen per cent. of such income-tax;

(iii) having a total income exceeding two crore rupees, but not exceeding five crore rupees, at the rate of twenty-five per cent. of such income-tax; and

(iv) having a total income exceeding five crore rupees, at the rate of thirty-seven per cent. of such income-tax;

(aa) in the case of individual or every association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, having income under section 115AD of the Income-tax Act,—

(i) having a total income exceeding fifty lakh rupees but not exceeding one crore rupees, at the rate of ten per cent. of such income-tax;

(ii) having a total income exceeding one crore rupees, but not exceeding two crore rupees, at the rate of fifteen per cent. of such income-tax;

(iii) having a total income [excluding the income by way of dividend or income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeding two crore rupees but not exceeding five crore rupees, at the rate of twenty-five per cent. of such income-tax;

(iv) having a total income [excluding the income by way of dividend or income of the nature referred to in

clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeding five crore rupees, at the rate of thirty-seven per cent. of such income-tax; and

(v) having a total income [including the income by way of dividend or income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeding two crore rupees, but is not covered in sub-clauses (iii) and (iv), at the rate of fifteen per cent. of such income-tax:

Provided that in case where the total income includes any income by way of dividend or income chargeable under clause (b) of sub-section (1) of section 115AD of the Income-tax Act, the rate of surcharge on the income-tax calculated on that part of income shall not exceed fifteen per cent.;

(b) in the case of every co-operative society except a co-operative society whose income is chargeable to tax under section 115BAD of the Income-tax Act or firm or local authority, at the rate of twelve per cent. of such income-tax, where the total income exceeds one crore rupees;

(c) in the case of every domestic company except such domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act,—

(i) at the rate of seven per cent. of such income-tax, where the total income exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of twelve per cent. of such income-tax, where the total income exceeds ten crore rupees;

(d) in the case of every company, other than a domestic company,—

(i) at the rate of two per cent. of such income-tax, where the total income exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of five per cent. of such income-tax, where the total income exceeds ten crore rupees:

Provided also that in the case of persons mentioned in (a) and (aa) above, having total income chargeable to tax under section 115JC of the Income-tax Act, and such income exceeds,—

(i) fifty lakh rupees but does not exceed one crore rupees, the total amount payable as income-tax and surcharge thereon shall not exceed the total amount payable as income-tax on a total income of fifty lakh rupees by more than the amount of income that exceeds fifty lakh rupees;

(ii) one crore rupees but not exceed two crore rupees, the total amount payable as income-tax and surcharge thereon shall not exceed

the total amount payable as income-tax and surcharge on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees;

(iii) two crore rupees but not exceed five crore rupees, the total amount payable as income-tax and surcharge thereon shall not exceed the total amount payable as income-tax and surcharge on a total income of two crore rupees by more than the amount of income that exceeds two crore rupees;

(iv) five crore rupees, the total amount payable as income-tax and surcharge thereon shall not exceed the total amount payable as income-tax and surcharge on a total income of five crore rupees by more than the amount of income that exceeds five crore rupees:

Provided also that in the case of persons mentioned in (b) above, having total income chargeable to tax under section 115JC of the Income-tax Act, and such income exceeds one crore rupees, the total amount payable as income-tax on such income and surcharge thereon shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds one crore rupees but does not exceed ten crore rupees, the total amount payable as income-tax on such income and surcharge thereon, shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds ten crore rupees, the total amount payable as income-tax on such income and surcharge thereon, shall not exceed the total amount payable as income-tax and surcharge on a total income of ten crore rupees by more than the amount of income that exceeds ten crore rupees:

Provided also that in respect of any income chargeable to tax under clause (i) of sub-section (1) of section 115BBE of the Income-tax Act, the amount of income-tax computed under this sub-section shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of twenty-five per cent. of such income-tax:

Provided also that in case of every domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act, the income-tax computed under this sub-section shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of ten per cent. of such income-tax:

Provided also that in case of every individual or Hindu undivided family, whose income is chargeable to tax under section 115BAC of the Income-tax, the income-tax computed under this sub-section shall be increased by a surcharge, for the purposes of the Union, as provided in Paragraph A of Part I of the First Schedule:

Provided also that in case of every resident co-operative society, whose income is chargeable to tax under section 115BAD of the Income-tax Act, the income tax computed under this sub-section shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of ten per cent. of such "advance tax".

(4) In cases in which tax has to be charged and paid under sub-section

(2A) of section 92CE or section 115QA or section 115TA or section 115TD of the Income-tax Act, the tax shall be charged and paid at the rates as specified in those sections and shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of twelve per cent. of such tax.

(5) In cases in which tax has to be deducted under sections 193, 194A, 194B, 194BB, 194D, 194LBA, 194LBB, 194LBC and 195 of the Income-tax Act, at the rates in force, the deductions shall be made at the rates specified in Part II of the First Schedule and shall be increased by a surcharge, for the purposes of the Union, calculated in cases wherever prescribed, in the manner provided therein.

(6) In cases in which tax has to be deducted under sections 192A, 194, 194C, 194DA, 194E, 194EE, 194F, 194G, 194H, 194-I, 194-IA, 194-IB, 194-IC, 194J, 194LA, 194LB, 194LBA, 194LBB, 194LBC, 194LC, 194LD, 194K, 194M, 194N, 194-O, 194Q, 196A, 196B, 196C and 196D of the Income-tax Act, the deductions shall be made at the rates specified in those sections and shall be increased by a surcharge, for the purposes of the Union,—

(a) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, being a non-resident except in case of deduction on income by way of dividend under section 196D of the Income-tax Act, calculated,—

(i) at the rate of ten per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds fifty lakh rupees but does not exceed one crore rupees;

(ii) at the rate of fifteen per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees but does not exceed two crore rupees;

(iii) at the rate of twenty-five per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds two crore rupees but does not exceed five crore rupees;

(iv) at the rate of thirty-seven per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds five crore rupees;

(aa) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, being a non-resident, in case of deduction on income by way of dividend under section 196D of that Act, calculated,—

(i) at the rate of ten per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds fifty lakh rupees but does not exceed one crore rupees;

(ii) at the rate of fifteen per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees;

(b) in the case of every co-operative society or firm, being a non-resident, calculated at the rate of twelve per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees;

(c) in the case of every company, other than a domestic company, calculated,—

(i) at the rate of two per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of five per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds ten crore rupees.

(7) In cases in which tax has to be collected under the proviso to section 194B of the Income-tax Act, the collection shall be made at the rates specified in Part II of the First Schedule, and shall be increased by a surcharge, for the purposes of the Union, calculated, in cases wherever prescribed, in the manner provided therein.

(8) In cases in which tax has to be collected under section 206C of the Income-tax Act, the collection shall be made at the rates specified in that section and shall be increased by a surcharge, for the purposes of the Union,—

(a) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, being a non-resident, calculated,—

(i) at the rate of ten per cent. of such tax, where the amount or the aggregate of such amounts collected on likely to be collected and subject to the collection exceeds fifty lakh rupees but does not exceed one crore rupees;

(ii) at the rate of fifteen per cent. of such tax, where the amount or the aggregate of such amounts collected on likely to be collected and subject to the collection exceeds one crore rupees but does not exceed two crore rupees;

(iii) at the rate of twenty-five per cent. of such tax, where the income or the aggregate of such amounts collected on likely to be collected and subject to the collection exceeds two crore rupees but does not exceed five crore rupees;

(iv) at the rate of thirty-seven per cent. of such tax, where the income or the aggregate of such amounts collected on likely to be collected and subject to the collection exceeds five crore rupees;

(b) in the case of every co-operative society or firm, being a non-resident, calculated at the rate of twelve per cent. of such tax, where the amount or the aggregate of such amounts collected on likely to be collected and subject to the collection exceeds one crore rupees;

(c) in the case of every company, other than a domestic company,

calculated,—

(i) at the rate of two per cent. of such tax, where the amount or the aggregate of such amounts collected on likely to be collected and subject to the collection exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of five per cent. of such tax, where the amount or the aggregate of such amounts collected on likely to be collected and subject to the collection exceeds ten crore rupees.

(9) Subject to the provisions of sub-section (10), in cases in which income-tax has to be charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 174A or section 175 or sub-section (2) of section 176 of the Income-tax Act or deducted from, or paid on, income chargeable under the head “Salaries” under section 192 of the said Act or deducted under section 194P of the said Act or in which the “advance tax” payable under Chapter XVII-C of the said Act has to be computed at the rate or rates in force, such income-tax or, as the case may be, “advance tax” shall be charged, deducted or computed at the rate or rates specified in Part III of the First Schedule and such tax shall be increased by a surcharge, for the purposes of the Union, calculated in such cases and in such manner as provided therein:

Provided that in cases to which the provisions of Chapter XII or Chapter XII-A or section 115JB or section 115JC or Chapter XII-FA or Chapter XII-FB or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act apply, “advance tax” shall be computed with reference to the rates imposed by this sub-section or the rates as specified in that Chapter or section, as the case may be:

Provided further that the amount of “advance tax” computed in accordance with the provisions of section 111A or section 112 or 112A of the Income-tax Act shall be increased by a surcharge, for the purposes of the Union, as provided in Paragraph A, B, C, D or E, as the case may be, of Part III of the First Schedule except in case of a domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act or in case of a resident co-operative society whose income is chargeable to tax under section 115BAD of the Income-tax Act:

Provided also that in respect of any income chargeable to tax under section 115A, 115AB, 115AC, 115ACA, 115AD, 115B, 115BA, 115BB, 115BBA, 115BBC, 115BBD, 115BBF, 115BBG, 115E, 115JB or 115JC of the Income-tax Act, “advance tax” computed under the first proviso shall be increased by a surcharge, for the purposes of the Union, calculated,—

(a) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not having any income under section 115AD of the Income-tax Act,—

(i) at the rate of ten per cent. of such “advance tax”, where the total income exceeds fifty lakh rupees but does not exceed one crore rupees;

(ii) at the rate of fifteen per cent. of such “advance tax”, where the total income exceeds one crore rupees but does not exceed two crore rupees;

(iii) at the rate of twenty-five per cent. of such “advance tax”, where the total income exceeds two crore rupees but does not exceed five crore rupees;

(iv) at the rate of thirty-seven per cent. of such “advance tax”, where the total income exceeds five crore rupees;

(aa) in the case of individual or every association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, having income under section 115AD of the Income-tax Act,—

(i) at the rate of ten per cent. of such “advance tax”, where the total income exceeds fifty lakh rupees, but does not exceed one crore rupees;

(ii) at the rate of fifteen per cent. of such “advance tax”, where the total income exceeds one crore rupees but does not exceed two crore rupees;

(iii) at the rate of twenty-five per cent. of such “advance tax”, where the total income [excluding the income by way of dividend or income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds two crore rupees but does not exceed five crore rupees;

(iv) at the rate of thirty-seven per cent. of such “advance tax”, where the total income [excluding the income by way of dividend or income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds five crore rupees;

(v) at the rate of fifteen per cent. of such “advance tax”, where the total income [including the income by way of dividend or income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds two crore rupees but is not covered in sub-clauses (iii) and (iv):

Provided that in case where the total income includes any income by way of dividend or income chargeable under clause (b) of sub-section (1) of section 115AD of the Income-tax Act, the rate of surcharge on the advance tax calculated on that part of income shall not exceed fifteen per cent.;

(b) in the case of every co-operative society except such co-operative society whose income is chargeable to tax under section 115BAD of the Income-tax Act or firm or local authority at the rate of twelve per cent. of such “advance tax”, where the total income exceeds one crore rupees;

(c) in the case of every domestic company except such domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act,—

(i) at the rate of seven per cent. of such “advance tax”, where the total income exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of twelve per cent. of such “advance tax”,

where the total income exceeds ten crore rupees;

(d) in the case of every company, other than a domestic company,—

(i) at the rate of two per cent. of such “advance tax”, where the total income exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of five per cent. of such “advance tax”, where the total income exceeds ten crore rupees:

Provided also that in the case of persons mentioned in (a) and (aa) above, having total income chargeable to tax under section 115JC of the Income-tax Act, and such income exceeds,—

(a) fifty lakh rupees but does not exceed one crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon shall not exceed the total amount payable as “advance tax” on a total income of fifty lakh rupees by more than the amount of income that exceeds fifty lakh rupees;

(b) one crore rupees but does not exceed two crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon shall not exceed the total amount payable as “advance tax” on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees;

(c) two crore rupees but does not exceed five crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon shall not exceed the total amount payable as “advance tax” on a total income of two crore rupees by more than the amount of income that exceeds two crore rupees;

(d) five crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon shall not exceed the total amount payable as “advance tax” on a total income of five crore rupees by more than the amount of income that exceeds five crore rupees:

Provided also that in the case of persons mentioned in (b) above, having total income chargeable to tax under section 115JC of the Income-tax Act, and such income exceeds one crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon shall not exceed the total amount payable as “advance tax” on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds one crore rupees but does not exceed ten crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon, shall not exceed the total amount payable as “advance tax” on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds ten crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon, shall not exceed the total amount

payable as “advance tax” and surcharge on a total income of ten crore rupees by more than the amount of income that exceeds ten crore rupees:

Provided also that in respect of any income chargeable to tax under clause (i) of sub-section (1) of section 115BBE of the Income-tax Act, the “advance tax” computed under the first proviso shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of twenty-five per cent. of such “advance tax”:

Provided also that in case of every domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act, the advance tax computed under the first proviso shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of ten per cent. of such “advance tax”:

Provided also that in case of every individual or Hindu undivided family, whose income is chargeable to tax under section 115BAC of the Income-tax Act, the advance tax computed under the first proviso shall be increased by a surcharge, for the purposes of the Union, as provided in Paragraph A of Part III of the First Schedule:

Provided also that in case of every resident co-operative society whose income is chargeable to tax under section 115BAD of the Income-tax Act, the advance tax computed under the first proviso shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of ten per cent. of such “advance tax”.

(10) In cases to which Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any net agricultural income exceeding five thousand rupees, in addition to total income and the total income exceeds two lakh fifty thousand rupees, then, in charging income-tax under sub-section (2) of section 174 or section 174A or section 175 or sub-section (2) of section 176 of the said Act or in computing the “advance tax” payable under Chapter XVII-C of the said Act, at the rate or rates in force,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after the first two lakh fifty thousand rupees of the total income but without being liable to tax], only for the purpose of charging or computing such income-tax or, as the case may be, “advance tax” in respect of the total income; and

(b) such income-tax or, as the case may be, “advance tax” shall be so charged or computed as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax or “advance tax” shall be determined in respect of the aggregate income at the rates specified in the said Paragraph A, as if such aggregate income were the total income;

(ii) the net agricultural income shall be increased by a sum of two lakh fifty thousand rupees, and the amount of income-tax or “advance tax” shall be determined in respect of

the net agricultural income as so increased at the rates specified in the said Paragraph A, as if the net agricultural income were the total income;

(iii) the amount of income-tax or “advance tax” determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax or, as the case may be, “advance tax” determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax or, as the case may be, “advance tax” in respect of the total income:

Provided that in the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year, referred to in item (II) of Paragraph A of Part III of the First Schedule, the provisions of this sub-section shall have effect as if for the words “two lakh fifty thousand rupees”, the words “three lakh rupees” had been substituted:

Provided further that in the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year, referred to in item (III) of Paragraph A of Part III of the First Schedule, the provisions of this sub-section shall have effect as if for the words “two lakh fifty thousand rupees”, the words “five lakh rupees” had been substituted:

Provided also that the amount of income-tax or “advance tax” so arrived at, shall be increased by a surcharge for the purposes of the Union, calculated in each case, in the manner provided therein.

(11) The amount of income-tax as specified in sub-sections (1) to (3) and as increased by the applicable surcharge, for the purposes of the Union, calculated in the manner provided therein, shall be further increased by an additional surcharge, for the purposes of the Union, to be called the “Health and Education Cess on income-tax”, calculated at the rate of four per cent. of such income-tax and surcharge so as to fulfil the commitment of the Government to provide and finance quality health services and universalised quality basic education and secondary and higher education.

(12) The amount of income-tax as specified in sub-sections (4) to (10) and as increased by the applicable surcharge, for the purposes of the Union, calculated in the manner provided therein, shall be further increased by an additional surcharge, for the purposes of the Union, to be called the “Health and Education Cess on income-tax”, calculated at the rate of four per cent. of such income-tax and surcharge so as to fulfil the commitment of the Government to provide and finance quality health services and universalised quality basic education and secondary and higher education:

Provided that nothing contained in this sub-section shall apply to cases in which tax is to be deducted or collected under the sections of the Income-tax Act mentioned in sub-sections (5), (6), (7) and (8), if the income subjected to deduction of tax at source or collection of tax at source is paid to a domestic company and any other person who is resident in India.

(13) For the purposes of this section and the First Schedule,—

(a) “domestic company” means an Indian company or any other company which, in respect of its income liable to income-tax under the Income-tax Act, for the assessment year commencing on the 1st day of April, 2018, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income;

(b) “insurance commission” means any remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revival of policies of insurance);

(c) “net agricultural income” in relation to a person, means the total amount of agricultural income, from whatever source derived, of that person computed in accordance with the rules contained in Part IV of the First Schedule;

(d) all other words and expressions used in this section and the First Schedule but not defined in this sub-section and defined in the Income-tax Act shall have the meanings, respectively, assigned to them in that Act.

CHAPTER III

DIRECT TAXES

Income-tax

3. In section 2 of the Income-tax Act,—

Amendment of
section 2.

(i) in clause (11), in sub-clause (b), after the words “or commercial rights of similar nature,”, the words “not being goodwill of a business or profession,” shall be inserted;

(ii) in clause (14), after sub-clause (b), the following sub-clause shall be inserted, namely:—

“(c) any unit linked insurance policy to which exemption under clause (10D) of section 10 does not apply on account of the applicability of the fourth and fifth proviso thereof;”;

(iii) in clause (19AA), after *Explanation 5*, the following *Explanation* shall be inserted, namely:—

“*Explanation 6*.—For the purposes of this clause, the reconstruction or splitting up of a public sector company into separate companies shall be deemed to be a demerger, if such reconstruction or splitting up has been made to transfer any asset of the demerged company to the resulting company and the resulting company—

(i) is a public sector company on the appointed day indicated in such scheme, as may be approved by the Central Government or any other body authorised under the provisions of the Companies Act, 2013 or any other law for the time being in force governing such public sector companies in this behalf; and

(ii) fulfils such other conditions as may be notified by the Central Government in the Official Gazette in this behalf;”;

(iv) clause (29A) shall be renumbered as clause (29AA) thereof and before clause (29AA) as so renumbered, the following clause shall be inserted, namely:—

“(29A) “liable to tax”, in relation to a person and with reference to a country, means that there is an income-tax liability on such person under the law of that country for the time being in force and

shall include a person who has subsequently been exempted from such liability under the law of that country;’;

(v) in clause (42C),—

(I) for the words “undertaking as a result of the sale”, the words “undertaking, by any means,” shall be substituted;

(II) after *Explanation 2*, the following *Explanation* shall be inserted, namely:—

‘*Explanation 3*.—For the purposes of this clause, “transfer” shall have the meaning assigned to it in clause (47);’;

(vi) in clause (48), with effect from the 1st day of April, 2022,—

(I) in sub-clause (a), after the words “infrastructure capital fund or”, the words “infrastructure debt fund or” shall be inserted;

(II) in sub-clause (b), after the words “infrastructure capital fund or”, the words “infrastructure debt fund or” shall be inserted;

(III) the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

‘*Explanation 2*.—For the purposes of this clause, the expression “infrastructure debt fund” shall mean the infrastructure debt fund notified by the Central Government in the Official Gazette under clause (47) of section 10.’.

Amendment of section 9A.

4. In section 9A of the Income-tax Act, after sub-section (8), the following sub-section shall be inserted with effect from the 1st day of April, 2022, namely:—

“(8A) The Central Government may, by notification in the Official Gazette, specify that any one or more of the conditions specified in clauses (a) to (m) of sub-section (3) or clauses (a) to (d) of sub-section (4) shall not apply or shall apply with such modifications, as may be specified in such notification, in case of an eligible investment fund and its eligible fund manager, if such fund manager is located in an International Financial Services Centre, as defined in clause (a) of the *Explanation* to section 80LA, and has commenced its operations on or before the 31st day of March, 2024.”.

Insertion of new section 9B.

5. After section 9A of the Income-tax Act, the following section shall be inserted, namely:—

‘9B. (1) Where a specified person receives during the previous year any capital asset or stock in trade or both from a specified entity in connection with the dissolution or reconstitution of such specified entity, then the specified entity shall be deemed to have transferred such capital asset or stock in trade or both, as the case may be, to the specified person in the year in which such capital asset or stock in trade or both are received by the specified person.

(2) Any profits and gains arising from such deemed transfer of capital asset or stock in trade or both, as the case may be, by the specified entity shall be—

(i) deemed to be the income of such specified entity of the previous year in which such capital asset or stock in trade or both were received by the specified person; and

Income on receipt of capital asset or stock in trade by specified person from specified entity.

(ii) chargeable to income-tax as income of such specified entity under the head "Profits and gains of business or profession" or under the head "Capital gains", in accordance with the provisions of this Act.

(3) For the purposes of this section, fair market value of the capital asset or stock in trade or both on the date of its receipt by the specified person shall be deemed to be the full value of the consideration received or accruing as a result of such deemed transfer of the capital asset or stock in trade or both by the specified entity.

(4) If any difficulty arises in giving effect to the provisions of this section and sub-section (4) of section 45, the Board may, with the approval of the Central Government, issue guidelines for the purposes of removing the difficulty.

(5) Every guideline issued by the Board under sub-section (4) shall, as soon as may be after it is issued, be laid before each House of Parliament, and shall be binding on the income-tax authorities and on the assessee.

Explanation.— For the purposes of this section,—

(i) "reconstitution of the specified entity" means, where—

(a) one or more of its partners or members, as the case may be, of such specified entity ceases to be partners or members; or

(b) one or more new partners or members, as the case may be, are admitted in such specified entity in such circumstances that one or more of the persons who were partners or members, as the case may be, of the specified entity, before the change, continue as partner or partners or member or members after the change; or

(c) all the partners or members, as the case may be, of such specified entity continue with a change in their respective share or in the shares of some of them;

(ii) "specified entity" means a firm or other association of persons or body of individuals (not being a company or a co-operative society);

(iii) "specified person" means a person, who is a partner of a firm or member of other association of persons or body of individuals (not being a company or a co-operative society) in any previous year.?

6. In section 10 of the Income-tax Act,—

Amendment of section 10.

(a) with effect from the 1st day of April, 2022,—

(i) in clause (4D),—

(I) after the words "attributable to units held by non-resident (not being the permanent establishment of a non-resident in India)", the words "or is attributable to the investment division of offshore banking unit, as the case may be," shall be inserted;

(II) in the *Explanation*,—

(A) after clause (a), the following clause shall be inserted, namely:—

'(aa) "investment division of offshore banking unit" means an investment division of a banking unit of a non-resident located in an International Financial

Services Centre, as referred to in sub-section (1A) of section 80LA and which has commenced its operations on or before the 31st day of March, 2024’;

(B) for clause (c), the following clause shall be substituted, namely:—

‘(c) “specified fund” means,—

(i) a fund established or incorporated in India in the form of a trust or a company or a limited liability partnership or a body corporate,—

(I) which has been granted a certificate of registration as a Category III Alternative Investment Fund and is regulated under the Securities and Exchange Board of India (Alternative Investment Fund) Regulations, 2012, made under the Securities and Exchange Board of India Act, 1992 or International Financial Services Centres Authority Act, 2019;

15 of 1992.

50 of 2019.

(II) which is located in any International Financial Services Centre; and

(III) of which all the units other than unit held by a sponsor or manager are held by non-residents; or

(ii) investment division of an offshore banking unit, which has been—

(I) granted a certificate of registration as a Category-I foreign portfolio investor under the Securities and Exchange Board of India (Foreign Portfolio Investors) Regulations, 2019 made under the Securities and Exchange Board of India Act, 1992 and which has commenced its operations on or before the 31st day of March, 2024; and

15 of 1992.

(II) fulfils such conditions including maintenance of separate accounts for its investment division, as may be prescribed;’;

(ii) after clause (4D), the following clauses shall be inserted, namely:—

‘(4E) any income accrued or arisen to, or received by a non-resident as a result of transfer of non-deliverable forward contracts entered into with an offshore banking unit of an International Financial Services Centre as referred to in sub-section (1A) of section 80LA, which fulfils such conditions as may be prescribed;

(4F) any income of a non-resident by way of royalty or interest, on account of lease of an aircraft in a previous year, paid by a unit of an International Financial Services Centre as referred to in sub-section (1A) of section 80LA, if the unit has commenced its operations on or before the 31st day of March, 2024.

Explanation.—For the purposes of this clause, “aircraft” means an aircraft or a helicopter, or an engine of an aircraft or a helicopter, or any part thereof;’;

(b) in clause (5),—

(i) after the proviso and before the *Explanation*, the following proviso shall be inserted, namely:—

“Provided further that for the assessment year beginning on the 1st day of April, 2021, the value in lieu of any travel concession or assistance received by, or due to, such individual shall also be exempt under this clause subject to the fulfilment of such conditions (including the condition of incurring such amount of such expenditure within such period), as may be prescribed.”;

(ii) the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation 2.*—For the removal of doubts, it is hereby clarified that where an individual claims exemption and the exemption is allowed under the second proviso in connection with the prescribed expenditure, no exemption shall be allowed under this clause in respect of such prescribed expenditure to any other individual.”;

(c) in clause (10D),—

(i) after the third proviso and before *Explanation 1*, the following provisos shall be inserted, namely:—

“Provided also that nothing contained in this clause shall apply with respect to any unit linked insurance policy, issued on or after the 1st day of February, 2021, if the amount of premium payable for any of the previous year during the term of such policy exceeds two lakh and fifty thousand rupees:

Provided also that if the premium is payable, by a person, for more than one unit linked insurance policies, issued on or after the 1st day of February, 2021, the provisions of this clause shall apply only with respect to those unit linked insurance policies, where the aggregate amount of premium does not exceed the amount referred to in fourth proviso in any of the previous year during the term of any of those policies:

Provided also that the provisions of the fourth and fifth provisos shall not apply to any sum received on the death of a person:

Provided also that if any difficulty arises in giving effect to the provisions of this clause, the Board may, with the previous approval of the Central Government, issue guidelines for the purpose of removing the difficulty and every guideline issued by the Board under this proviso shall be laid before each House of Parliament, and shall be binding on the income-tax authorities and the assessee.”;

(ii) after *Explanation 2*, the following *Explanation* shall be inserted, namely:—

“*Explanation 3.*—For the purposes of this clause, “unit linked insurance policy” means a life insurance policy which has components of both investment and insurance and is linked to a unit as defined in clause (ee) of regulation 3 of the Insurance Regulatory and Development Authority of India (Unit Linked Insurance Products) Regulations, 2019 issued by the Insurance Regulatory and Development Authority under the

Insurance Act, 1938 and the Insurance Regulatory and Development Authority Act, 1999;’;

4 of 1938.
41 of 1999.

(d) with effect from the 1st day of April, 2022,—

(i) in clause (11), the following provisos shall be inserted, namely:—

‘Provided that the provisions of this clause shall not apply to the income by way of interest accrued during the previous year in the account of a person to the extent it relates to the amount or the aggregate of amounts of contribution made by that person exceeding two lakh and fifty thousand rupees in any previous year in that fund, on or after the 1st day of April, 2021 and computed in such manner as may be prescribed:

Provided further that if the contribution by such person is in a fund in which there is no contribution by the employer of such person, the provisions of the first proviso shall have the effect as if for the words “two lakh and fifty thousand rupees”, the words “five lakh rupees” had been substituted;’;

(ii) in clause (12), the following provisos shall be inserted, namely:—

‘Provided that the provisions of this clause shall not apply to the income by way of interest accrued during the previous year in the account of a person to the extent it relates to the amount or the aggregate of amounts of contribution made by that person exceeding two lakh and fifty thousand rupees in any previous year in that fund, on or after the 1st day of April, 2021 and computed in such manner as may be prescribed:

Provided further that if the contribution by such person is in a fund in which there is no contribution by the employer of such person, the provisions of the first proviso shall have the effect as if for the words “two lakh and fifty thousand rupees”, the words “five lakh rupees” had been substituted;’;

(iii) in clause (23C),—

(I) in sub-clause (iiid), for the words “receipts of such university or educational institution do not exceed the amount of annual receipts as may be prescribed”, the words “receipts of the person from such university or universities or educational institution or educational institutions do not exceed five crore rupees” shall be substituted;

(II) in sub-clause (iiiae),—

(A) for the words “receipts of such hospital or institution do not exceed the amount of annual receipts as may be prescribed; or”, the words “receipts of the person from such hospital or hospitals or institution or institutions do not exceed five crore rupees.” shall be substituted;

(B) after sub-clause (iiiae), the following *Explanation* shall be inserted, namely:—

“*Explanation.*—For the purposes of sub-clauses (iiiad) and (iiiie), it is hereby clarified that if the person has receipts from university or universities or educational institution or institutions as referred to in sub-clause (iiiad), as well as from hospital or hospitals or institution or institutions as referred to in sub-clause (iiiie), the exemptions under these clauses shall not apply, if the aggregate of annual receipts of the person from such university or universities or educational institution or institutions or hospital or hospitals or institution or institutions, exceed five crore rupees; or”;

(III) in the third proviso,—

(A) the *Explanation* shall be numbered as *Explanation 1* thereof and in *Explanation 1* as so numbered, after the words “medical institution:” occurring at the end, the words, brackets and figures “subject to the condition that such voluntary contributions are invested or deposited in one or more of the forms or modes specified in sub-section (5) of section 11 maintained specifically for such corpus” shall be inserted;

(B) after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation 2.*—For the purposes of determining the amount of application under this proviso,—

(i) application for charitable or religious purposes from the corpus as referred to in *Explanation 1*, shall not be treated as application of income for charitable or religious purposes:

Provided that the amount not so treated as application or part thereof, shall be treated as application for charitable or religious purposes in the previous year in which the amount, or part thereof, is invested or deposited back, into one or more of the forms or modes specified in sub-section (5) of section 11 maintained specifically for such corpus, from the income of that year and to the extent of such investment or deposit; and

(ii) application for charitable or religious purposes, from any loan or borrowing, shall not be treated as application of income for charitable or religious purposes:

Provided that the amount not so treated as application or part thereof, shall be treated as application for charitable or religious purposes in the previous year in which the loan or borrowing, or part thereof, is repaid from the income of that year and to the extent of such repayment:”;

(IV) in the fourteenth proviso, after the figures and letters “12AA”, the words, figures and letters “or section 12AB” shall be inserted;

(V) after the twentieth proviso, the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation 2.*—For the purposes of this clause, it is clarified that the calculation of income required to be applied or accumulated during the previous year shall be made without any set off or deduction or allowance of any excess application of any of the year preceding to the previous year;”;

(e) in clause (23FE),—

(A) in sub-clause (iii),—

(i) in item (c),—

(I) for the words “hundred per cent.”, the words “not less than fifty per cent.” shall be substituted;

(II) after the word, brackets and letter “item (b)”, the words, brackets, letters and figures “or item (d) or item (e) or in an Infrastructure Investment Trust referred to in sub-clause (i) of clause (13A) of section 2; or” shall be inserted;

(ii) after item (c), the following items shall be inserted, namely:—

“(d) a domestic company, set up and registered on or after the 1st day of April, 2021, having minimum seventy-five per cent. investments in one or more of the companies or enterprises or entities referred to in item (b); or

(e) a non-banking financial company registered as an Infrastructure Finance Company as referred to in notification number RBI/2009-10/316 issued by the Reserve Bank of India or in an Infrastructure Debt Fund, a non-banking finance company, as referred to in the Infrastructure Debt Fund-Non-Banking Financial Companies (Reserve Bank) Directions, 2011, issued by the Reserve Bank of India, having minimum ninety per cent. lending to one or more of the companies or enterprises or entities referred to in item (b).”;

(B) after the third proviso, the following provisos shall be inserted, namely:—

“Provided also that in case a Category-I or Category-II Alternative Investment Fund referred to in item (c) of sub-clause (iii) has investment of less than one hundred per cent. in one or more of the companies or enterprises or entities referred to in item (b) or item (d) or item (e) of the said sub-clause or in an Infrastructure Investment Trust referred to in item (c) of the said sub-clause, income accrued or arisen or received or attributable to such investment, directly or indirectly, which is exempt under this clause shall be calculated proportionately to that investment made in one or more of the companies or enterprises or entities referred to in item (b) or item (d) or item (e) of the said sub-clause or in the Infrastructure Investment Trust referred to in item (c) of the said sub-clause, in such manner as may be prescribed:

Provided also that in case a domestic company referred to in item (d) of sub-clause (iii) has investment of less than one hundred

per cent. in one or more of the companies or enterprises or entities referred to in item (b) of the said sub-clause, income accrued or arisen or received or attributable to such investments, directly or indirectly, which is exempt under this clause shall be calculated proportionately to the investment made in one or more of the companies or enterprises or entities referred to in item (b) of the said sub-clause, in such manner as may be prescribed:

Provided also that in case a non-banking finance company registered as an Infrastructure Finance Company or Infrastructure Debt Fund, referred to in item (e) of sub-clause (iii), has lending of less than one hundred per cent. in one or more of the companies or enterprises or entities referred to in item (b) of the said sub-clause, income accrued or arisen or received or attributable to such lending, directly or indirectly, which is exempt under this clause shall be calculated proportionately to the lending made in one or more of the companies or enterprises or entities referred to in item (b) of the said sub-clause, in such manner as may be prescribed:

Provided also that in case a sovereign wealth fund or pension fund has loans or borrowings, directly or indirectly, for the purposes of making investment in India, such fund shall be deemed to be not eligible for exemption under this clause.”;

(C) the *Explanation* shall be numbered as *Explanation 1* thereof, and in *Explanation 1* as so numbered,—

(i) in clause (b),—

(I) after sub-clause (iv), the following proviso shall be inserted, namely:—

“Provided that the provisions of sub-clauses (iii) and (iv) shall not apply to any payment made to creditors or depositors for loan taken or borrowing for the purposes other than for making investment in India;”;

(II) in sub-clause (v), for the words “undertake any commercial activity whether within or outside India”, the words “participate in the day to day operations of investee but the monitoring mechanism to protect the investment with the investee including the right to appoint directors or executive director shall not be considered as participation in the day to day operations of the investee” shall be substituted;

(ii) in clause (c),—

(I) in sub-clause (ii), after the word “country”, the words “or if liable to tax, exemption from taxation for all its income has been provided by such foreign country” shall be inserted;

(II) in sub-clause (iii), for the words “prescribed; and”, the word “prescribed;”, shall be substituted;

(III) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iii) it does not participate in the day to day operations of investee but the monitoring mechanism to protect the investment with the investee including the right to appoint directors or executive director shall not be considered as participation in day to day operations of the investee; and”;

(D) after *Explanation 1*, the following *Explanations* shall be inserted, namely:—

Explanation 2.— For the purposes of this clause,—

(i) “investee” means a business trust, or a company, or an enterprise, or an entity, or a Category I or Category II Alternative

Investment Fund, or an Infrastructure Investment Trust or a domestic company, or an Infrastructure Finance Company or an Infrastructure Debt Fund referred to in item (e) of sub-clause (iii), in which the sovereign wealth fund or the pension fund, as the case may be, has made the investment, directly or indirectly, under the provisions of this clause;

(ii) “loan and borrowing” means—

(a) any loan taken or borrowing by a sovereign wealth fund from, or any deposit or investment made in a sovereign wealth fund by, any person other than the Government of the country in which the sovereign wealth fund is set up;

(b) any loan taken or borrowing by a pension fund from or any deposit or investment made in a pension fund by, any person but shall not include the deposit or investment which represents statutory obligations and defined contributions of one or more funds or plans established for providing retirement, social security, employment, disability, death benefits or any similar compensation to the participants or beneficiaries of such funds or plans, as the case may be.

Explanation 3.—For the purposes of this clause, the Central Government may prescribe that the method of calculation of “fifty per cent.” referred to in item (c) or “seventy-five per cent.” referred to in item (d) or “ninety per cent.” referred to in item (e), of sub-clause (iii) shall be such as may be prescribed;’

(f) after clause (23FE), the following clause shall be inserted with effect from the 1st day of April, 2022, namely:—

‘(23FF) any income of the nature of capital gains, arising or received by a non-resident or a specified fund, which is on account of transfer of share of a company resident in India, by the resultant fund or a specified fund to the extent attributable to units held by non-resident (not being a permanent establishment of a non-resident in India) in such manner as may be prescribed, and such shares were transferred from the original fund, or from its wholly owned special purpose vehicle, to the resultant fund in relocation, and where capital gains on such shares were not chargeable to tax if that relocation had not taken place.

Explanation.—For the purposes of this clause,—

(a) the expressions “original fund”, “relocation” and “resultant fund” shall have the meanings respectively assigned to them in the *Explanation* to clause (viia) and clause (viid) of section 47;

(b) the expression “specified fund” shall have the meaning assigned to it in clause (c) of the *Explanation* to clause (4D) of section 10;’

(g) after clause (48C), the following clauses shall be inserted with effect from the 1st day of April, 2022, namely:—

“(48D) any income accruing or arising to an institution established for financing the infrastructure and development, set up under an Act of Parliament and notified by the Central Government for the purposes of this clause, for a period of ten consecutive assessment years beginning from the assessment year relevant to the previous year in which such institution is set up;

(48E) any income accruing or arising to a developmental financing institution, licensed by the Reserve Bank of India under an Act of the Parliament referred to in clause (48D) and notified by the

Central Government for the purposes of this clause, for a period of five consecutive assessment years beginning from the assessment year relevant to the previous year in which the developmental financing institution is set up:

Provided that the Central Government may, by issuing notification under this clause, extend the period of exemption under this clause for a further period, not exceeding five more consecutive assessment years, subject to fulfilment of such conditions as may be specified in the said notification;”;

(h) in clause (50),—

(I) for the figures “2021”, the figures “2020” shall be substituted;

(II) for the *Explanation*, the following *Explanations* shall be substituted, namely:—

Explanation 1.—For the removal of doubts it is hereby clarified that the income referred to in this clause shall not include and shall be deemed never to have been included any income which is chargeable to tax as royalty or fees for technical services in India under this Act read with the agreement notified by the Central Government under section 90 or section 90A.

Explanation 2.—For the purposes of this clause,—

(i) “e-commerce supply or services” shall have the meaning assigned to it in clause (cb) of section 164 of the Finance Act, 2016;

(ii) “specified service” shall have the meaning assigned to it in clause (i) of section 164 of the Finance Act, 2016.’

28 of 2016.

28 of 2016.

7. In section 11 of the Income-tax Act, with effect from the 1st day of April, 2022,—

Amendment of section 11.

(a) in sub-section (1),—

(i) in clause (d), for the word “institution”, the words, brackets and figures “institution, subject to the condition that such voluntary contributions are invested or deposited in one or more of the forms or modes specified in sub-section (5) maintained specifically for such corpus” shall be substituted;

(ii) after *Explanation 3*, the following *Explanations* shall be inserted, namely:—

Explanation 4.—For the purposes of determining the amount of application under clause (a) or clause (b),—

(i) application for charitable or religious purposes from the corpus as referred to in clause (d) of this sub-section, shall not be treated as application of income for charitable or religious purposes:

Provided that the amount not so treated as application, or part thereof, shall be treated as application for charitable or religious purposes in the previous year in which the amount, or part thereof, is invested or deposited back, into one or more of the forms or modes specified in sub-section (5) maintained specifically for such corpus, from the income of that year and to the extent of such investment or deposit; and

(ii) application for charitable or religious purposes, from any loan or borrowing, shall not be treated as application of income for charitable or religious purposes:

Provided that the amount not so treated as application, or part thereof, shall be treated as application for charitable or religious purposes in the previous year in which the loan or borrowing, or part thereof, is repaid from the income of that year and to the extent of such repayment.

Explanation 5.—For the purposes of this sub-section, it is hereby clarified that the calculation of income required to be applied or accumulated during the previous year shall be made without any set off or deduction or allowance of any excess application of any of the year preceding the previous year.”;

(b) in sub-section (2), in the *Explanation*, after the figures and letters “12AA”, the words, figures and letters “or section 12AB” shall be inserted;

(c) in sub-section (3), in clause (d), after the figures and letters “12AA”, the words, figures and letters “or section 12AB” shall be inserted.

Amendment of section 32.

8. In section 32 of the Income-tax Act, in sub-section (1),—

(a) in clause (ii), after the words, figures and letters, “after the 1st day of April, 1998,”, the words “not being goodwill of a business or profession,” shall be inserted;

(b) in *Explanation 3*, in clause (b), after the words “or commercial rights of similar nature”, the words “, not being goodwill of a business or profession” shall be inserted.

Amendment of section 36.

9. In section 36 of the Income-tax Act, in sub-section (1), in clause (va), the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

Explanation 2.—For the removal of doubts, it is hereby clarified that the provisions of section 43B shall not apply and shall be deemed never to have been applied for the purposes of determining the “due date” under this clause;’

Amendment of section 43.

10. In section 43 of the Income-tax Act, in clause (6), in sub-clause (c), in item (ii), for the words, brackets and figure “as further adjusted by the increase or the reduction referred to in item (i)”, the following words, brackets, figures and letters shall be substituted, namely:—

“as further adjusted by,—

(A) the increase or the reduction referred to in item (i), not being increase on account of acquisition of goodwill of a business or profession;

(B) the reduction by an amount which is equal to the actual cost of the goodwill falling within that block as decreased by—

(a) the amount of depreciation actually allowed to the assessee under this Act or under the corresponding provisions of the Indian Income-tax Act, 1922 for such goodwill in

respect of any previous year relevant to the assessment year commencing before the 1st day of April, 1988; and

(b) the amount of depreciation that would have been allowable to the assessee for such goodwill for any assessment year commencing on or after the 1st day of April, 1988 as if the goodwill was the only asset in the relevant block of assets,

in respect of the previous year relevant to the assessment year commencing on the 1st day of April 2021, in a case where the goodwill of a business or profession was part of the block of assets on which depreciation was obtained by the assessee for the immediate preceding previous year, so, however, that the amount of such reduction does not exceed the written down value.”.

11. In section 43B of the Income-tax Act, after *Explanation 4*, the following *Explanation* shall be inserted, namely:—

Amendment of section 43B.

“*Explanation 5.*—For the removal of doubts, it is hereby clarified that the provisions of this section shall not apply and shall be deemed never to have been applied to a sum received by the assessee from any of his employees to which the provisions of sub-clause (x) of clause (24) of section 2 applies.”.

12. In section 43CA of the Income-tax Act,—

Amendment of section 43CA.

(a) in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

‘Provided further that in case of transfer of an asset, being a residential unit, the provisions of this proviso shall have the effect as if for the words “one hundred and ten per cent.”, the words “one hundred and twenty per cent.” had been substituted, if the following conditions are satisfied, namely:—

(i) the transfer of such residential unit takes place during the period beginning from the 12th day of November, 2020 and ending on the 30th day of June, 2021;

(ii) such transfer is by way of first time allotment of the residential unit to any person; and

(iii) the consideration received or accruing as a result of such transfer does not exceed two crore rupees.’;

(b) after sub-section (4), the following *Explanation* shall be inserted, namely:—

‘*Explanation.*—For the purposes of this section, “residential unit” means an independent housing unit with separate facilities for living, cooking and sanitary requirement, distinctly separated from other residential units within the building, which is directly accessible from an outer door or through an interior door in a shared hallway and not by walking through the living space of another household.’.

13. In section 44AB of the Income-tax Act, in clause (a),—

Amendment of section 44AB.

(i) in the proviso, in long line, for the words “five crore rupees”, the words “ten crore rupees” shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that for the purposes of this clause, the payment or receipt, as the case may be, by a cheque drawn on a bank or by a bank draft, which is not account payee, shall be deemed to be the payment or receipt, as the case may be, in cash.”.

Amendment of section 44ADA.

14. In section 44ADA of the Income-tax Act, in sub-section (1), for the words “in the case of an assessee, being a resident in India, who”, the words, brackets, letter and figures “in case of an assessee, being an individual or a partnership firm other than a limited liability partnership as defined under clause (n) of sub-section (1) of section 2 of the Limited Liability Partnership Act, 2008, who is a resident in India, and” shall be substituted.

6 of 2009.

Amendment of section 44DB.

15. In section 44DB of the Income-tax Act,—

(a) in sub-section (3), after the words “successor co-operative bank”, the words “or to the converted banking company” shall be inserted;

(b) in sub-section (4), after the words “a successor co-operative bank” and the words “the successor co-operative bank”, the words “or to a converted banking company” and the words “or to the converted banking company” shall, respectively, be inserted;

(c) in sub-section (5),—

(i) after clause (c), the following clause shall be inserted, namely:—

‘(ca) “banking company” shall have the meaning assigned to it in clause (c) of section 5 of Banking Regulation Act, 1949;’;

10 of 1949.

(ii) in clause (d), after the words “a co-operative bank”, the words “or conversion of a primary co-operative bank” shall be inserted;

(iii) after clause (d), the following clauses shall be inserted, namely:—

‘(da) “conversion” means transition of a primary co-operative bank to a banking company under the scheme of the Reserve Bank of India as notified *vide* its circular number DCBR. CO. LS. PCB. Cir.No.5/07.01.000/2018-19, dated the 27th September, 2018;

(db) “converted banking company” means a banking company formed as a result of conversion from primary co-operative bank;’;

(iv) in clause (h), after the words “the demerged co-operative bank”, the words “or the primary co-operative bank which has been succeeded as a result of conversion” shall be inserted;

(v) after clause (h), the following clause shall be inserted, namely:—

‘(ha) “primary co-operative bank” shall have the meaning assigned to it in clause (ccv) of section 5 of the Banking Regulation Act, 1949;’.

10 of 1949.

16. In section 45 of the Income-tax Act,—

Amendment of section 45.

(a) after sub-section (IA), the following sub-section shall be inserted, namely:—

‘(IB) Notwithstanding anything contained in sub-section (I), where any person receives at any time during any previous year any amount under a unit linked insurance policy, to which exemption under clause (IOD) of section 10 does not apply on account of the applicability of the fourth and fifth proviso thereof, including the amount allocated by way of bonus on such policy, then, any profits or gains arising from receipt of such amount by such person shall be chargeable to income-tax under the head "Capital gains" and shall be deemed to be the income of such person of the previous year in which such amount was received and the income taxable shall be calculated in such manner as may be prescribed.’;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

‘(4) Notwithstanding anything contained in sub-section (I), where a specified person receives during the previous year any money or capital asset or both from a specified entity in connection with the reconstitution of such specified entity, then any profits or gains arising from receipt of such money by the specified person shall be chargeable to income-tax as income of such specified entity under the head "Capital gains" and shall be deemed to be the income of such specified entity of the previous year in which such money or capital asset or both were received by the specified person, and notwithstanding anything to the contrary contained in this Act, such profits or gains shall be determined in accordance with the following formula, namely:—

$$A = B + C - D$$

Where,

A = income chargeable to income-tax under this sub-section as income of the specified entity under the head "Capital gains";

B = value of any money received by the specified person from the specified entity on the date of such receipt;

C = the amount of fair market value of the capital asset received by the specified person from the specified entity on the date of such receipt; and

D = the amount of balance in the capital account (represented in any manner) of the specified person in the books of account of the specified entity at the time of its reconstitution:

Provided that if the value of “A” in the above formula is negative, its value shall be deemed to be zero:

Provided further that the balance in the capital account of the specified person in the books of account of the specified entity is to be calculated without taking into account the increase in the capital account of the specified person due to revaluation of any asset or due to self-generated goodwill or any other self-generated asset.

Explanation 1.—For the purposes of this sub-section,—

(i) the expressions “reconstitution of the specified entity”, “specified entity” and “specified person” shall have the meanings respectively assigned to them in section 9B;

(ii) “self-generated goodwill” and “self-generated asset” mean goodwill or asset, as the case may be, which has been acquired without incurring any cost for purchase or which has been generated during the course of the business or profession.

Explanation 2.—For the removal of doubts, it is clarified that when a capital asset is received by a specified person from a specified entity in connection with the reconstitution of such specified entity, the provisions of this sub-section shall operate in addition to the provisions of section 9B and the taxation under the said provisions thereof shall be worked out independently.’.

Amendment of
section 47.

17. In section 47 of the Income-tax Act,—

(a) in clause (vica), after the words “successor co-operative bank”, the words “or to the converted banking company” shall be inserted;

(b) in clause (vicb),—

(i) after the words “successor co-operative bank”, the words “or to the converted banking company” shall be inserted;

(ii) in the *Explanation*, for the words ‘expressions “business reorganisation”, “predecessor co-operative bank” and’, the words ‘expressions “business reorganisation”, “converted banking company”, “predecessor co-operative bank” and’ shall be substituted;

(c) after clause (viiab), the following clauses shall be inserted with effect from the 1st day of April, 2022, namely:—

(viiac) any transfer, in a relocation, of a capital asset by the original fund to the resulting fund;

(viiad) any transfer by a shareholder or unit holder or interest holder, in a relocation, of a capital asset being a share or unit or interest held by him in the original fund in consideration for the share or unit or interest in the resultant fund;

Explanation.— For the purposes of clauses (viiac) and (viiad),—

(a) “original fund” means a fund established or incorporated or registered outside India, which collects funds from its

members for investing it for their benefit and fulfils the following conditions, namely:—

(i) the fund is not a person resident in India;

(ii) the fund is a resident of a country or a specified territory with which an agreement referred to in sub-section (1) of section 90 or sub-section (1) of section 90A has been entered into; or is established or incorporated or registered in a country or a specified territory as may be notified by the Central Government in this behalf;

(iii) the fund and its activities are subject to applicable investor protection regulations in the country or specified territory where it is established or incorporated or is a resident; and

(iv) fulfils such other conditions as may be prescribed;

(b) “relocation” means transfer of assets of the original fund, or of its wholly owned special purpose vehicle, to a resultant fund on or before the 31st day of March, 2023, where consideration for such transfer is discharged in the form of share or unit or interest in the resulting fund to,—

(i) shareholder or unit holder or interest holder of the original fund, in the same proportion in which the share or unit or interest was held by such shareholder or unit holder or interest holder in such original fund, in lieu of their shares or units or interests in the original fund; or

(ii) the original fund, in the same proportion as referred to in sub-clause (i), in respect of which the share or unit or interest is not issued by resultant fund to its shareholder or unit holder or interest holder;

(c) “resultant fund” means a fund established or incorporated in India in the form of a trust or a company or a limited liability partnership, which—

(i) has been granted a certificate of registration as a Category I or Category II or Category III Alternative Investment Fund, and is regulated under the Securities and Exchange Board of India (Alternative Investment Fund) Regulations, 2012 made under the Securities and Exchange Board of India Act, 1992 or International Financial Services Centres Authority Act, 2019; and

(ii) is located in any International Financial Services Centre as referred to in sub-section (1A) of section 80LA;

(vii) any transfer of capital asset by India Infrastructure Finance Company Limited to an institution established for financing the infrastructure and development, set up under an Act of Parliament and notified by the Central Government for the purposes of this clause;

(*viiaf*) any transfer of capital asset, under a plan approved by the Central Government, by a public sector company to another public sector company notified by the Central Government for the purposes of this clause or to the Central Government or to a State Government;’.

Amendment of section 48.

18. In section 48 of the Income-tax Act, after clause (*ii*) the following clause shall be inserted, namely:—

“(iii) in case of value of any money or capital asset received by a specified person from a specified entity referred to in sub-section (4) of section 45, the amount chargeable to income-tax as income of such specified entity under that sub-section which is attributable to the capital asset being transferred by the specified entity, calculated in the prescribed manner.”.

Amendment of section 49.

19. In section 49 of the Income-tax Act, in sub-section(1), in clause (*iii*), in sub-clause (*e*), after the words, brackets, figures and letters “clause (*vicc*) or”, the words, brackets, figures and letters “clause (*viiac*) or clause (*viiad*) or clause (*viiac*) or clause (*viiad*) or” shall be inserted with effect from the 1st day of April, 2022.

Amendment of section 50.

20. In section 50 of the Income-tax Act, in clause (2), the following proviso shall be inserted, namely:—

“Provided that in a case where goodwill of a business or profession forms part of a block of asset for the assessment year beginning on the 1st day of April, 2020 and depreciation thereon has been obtained by the assessee under the Act, the written down value of that block of asset and short term capital gain, if any, shall be determined in such manner as may be prescribed.”.

Amendment of section 50B.

21. In section 50B of the Income-tax Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In relation to capital assets being an undertaking or division transferred by way of such slump sale,—

(i) the "net worth" of the undertaking or the division, as the case may be, shall be deemed to be the cost of acquisition and the cost of improvement for the purposes of sections 48 and 49 and no regard shall be given to the provisions contained in the second proviso to section 48;

(ii) Fair market value of the capital assets as on the date of transfer, calculated in the prescribed manner, shall be deemed to be the full value of the consideration received or accruing as a result of the transfer of such capital asset.’;

(b) in *Explanation 2*, after clause (*a*), the following clause shall be inserted, namely:—

“(aa) in the case of capital asset being goodwill of a business or profession, which has not been acquired by the assessee by purchase from a previous owner, *nil*.”.

Amendment of section 54GB.

22. In section 54GB of the Income-tax Act, in sub-section (5), in the proviso, for the figures “2021”, the figures “2022” shall be substituted.

23. In section 55 of the Income-tax Act, in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

Amendment of section 55.

“(a) in relation to a capital asset, being goodwill of a business or profession, or a trade mark or brand name associated with a business or profession, or a right to manufacture, produce or process any article or thing, or right to carry on any business or profession, or tenancy rights, or stage carriage permits, or loom hours,—

(i) in the case of acquisition of such asset by the assessee by purchase from a previous owner, means the amount of the purchase price; and

(ii) in the case falling under sub-clauses (i) to (iv) of sub-section (1) of section 49 and where such asset was acquired by the previous owner (as defined in that section) by purchase, means the amount of the purchase price for such previous owner; and

(iii) in any other case, shall be taken to be *nil*:

Provided that where the capital asset, being goodwill of a business or profession, in respect of which a deduction on account of depreciation under sub-section (1) of section 32 has been obtained by the assessee in any previous year preceding the previous year relevant to the assessment year commencing on or after the 1st day of April, 2021, the provisions of sub-clauses (i) and (ii) shall apply with the modification that the total amount of depreciation obtained by the assessee under sub-section (1) of section 32 before the assessment year commencing on the 1st day of April, 2021 shall be reduced from the amount of purchase price;”.

24. In section 56 of the Income-tax Act, in sub-section (2), in clause (x),—

Amendment of section 56.

(a) in sub-clause (b), in item (B), after the third proviso, the following proviso shall be inserted, namely:—

“Provided also that in case of property being referred to in the second proviso to sub-section (1) of section 43CA, the provisions of sub-item (ii) of item (B) shall have effect as if for the words “ten per cent.”, the words “twenty per cent.” had been substituted;”;

(b) in the proviso, in clause (IX) after the word, brackets and figures “clause (vii)”, the words, brackets, figures and letters “or clause (viiac) or clause (viiad) or clause (viiac) or clause (viiad)” shall be inserted with effect from the 1st day of April, 2022.

25. In section 72A of the Income-tax Act, in sub-section (1),—

Amendment of section 72A.

(i) for clause (c), the following clauses shall be substituted, namely:—

“(c) one or more public sector company or companies with one or more public sector company or companies; or

(d) an erstwhile public sector company with one or more company or companies, if the share purchase agreement entered into under strategic disinvestment restricted immediate amalgamation of the said public sector company and the amalgamation is carried out within five year from the end of the previous year in which the restriction on amalgamation in the share purchase agreement ends;”;

(ii) after the long line, the following shall be inserted, namely:—

‘Provided that the accumulated loss and the unabsorbed depreciation of the amalgamating company, in case of an amalgamation referred to in clause (d), which is deemed to be the loss or, as the case may be, the allowance for unabsorbed depreciation of the amalgamated company, shall not be more than the accumulated loss and unabsorbed depreciation of the public sector company as on the date on which the public sector company ceases to be a public sector company as a result of strategic disinvestment.

Explanation.—For the purposes of clause (d),—

(i) “control” shall have the same meaning as assigned to in clause (27) of section 2 of the Companies Act, 2013;

18 of 2013.

(ii) “erstwhile public sector company” means a company which was a public sector company in earlier previous years and ceases to be a public sector company by way of strategic disinvestment by the Government;

(iii) “strategic disinvestment” means sale of shareholding by the Central Government or any State Government in a public sector company which results in reduction of its shareholding to below fifty-one per cent. along with transfer of control to the buyer.’.

Amendment of section 79.

26. In section 79 of the Income-tax Act, in sub-section (2), after clause (d), the following clause shall be inserted with effect from the 1st day of April, 2022, namely:—

“(e) to a company to the extent that a change in the shareholding has taken place during the previous year on account of relocation referred to in the *Explanation* to clauses (viac) and (viad) of section 47.”.

Amendment of section 80EEA.

27. In section 80EEA of the Income-tax Act, in sub-section (3), in clause (i), for the figures “2021”, the figures “2022” shall be substituted with effect from the 1st day of April, 2022.

Amendment of section 80-IAC.

28. In section 80-IAC of the Income-tax Act, in the *Explanation*, in clause (ii), in sub-clause (a), for the figures “2021”, the figures “2022” shall be substituted.

Amendment of section 80-IBA.

29. In section 80-IBA of the Income-tax Act, with effect from the 1st day of April, 2022,—

(a) after sub-section (I), the following sub-section shall be inserted, namely:—

“(IA) Where the gross total income of an assessee includes any profits and gains derived from the business of developing and building rental housing project, there shall be allowed a deduction of an amount equal to hundred per cent. of the profits and gains derived from such business.”;

(b) in sub-section (2), in clause (a), for the figures “2021”, the figures “2022” shall be substituted;

(c) in sub-section (6), after clause (d), the following clause shall be inserted, namely:—

‘(da) “rental housing project” means a project which is notified by the Central Government in the Official Gazette under this clause on or before the 31st day of March, 2022 and fulfils such conditions as may be specified in the said notification.’.

30. In section 80LA of the Income-tax Act, with effect from the 1st day of April, 2022,—

Amendment of section 80LA.

50 of 2019.

(i) in sub-section (1A), for the words “any other relevant laws was obtained”, the words “permission or registration under the International Financial Services Centre Authority Act, 2019 was obtained” shall be substituted;

(ii) in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

‘(d) arising from the transfer of an asset, being an aircraft, which was leased by a unit referred to in clause (c) to a person, subject to the condition that the unit has commenced operation on or before the 31st day of March, 2024.

Explanation.—For the purposes of this clause, “aircraft” shall have the meaning assigned to it in the *Explanation* to clause (4F) of section 10.’;

(iii) in sub-section (3), for clause (ii), the following clause shall be substituted, namely:—

10 of 1949.

“(ii) a copy of the permission obtained under clause (a) of sub-section (1) of section 23 of the Banking Regulation Act, 1949 or copy of permission or registration obtained under the International Financial Services Centres Authority Act, 2019.”.

50 of 2019.

31. After section 89 of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 2022, namely:—

Insertion of new section 89A.

‘89A. Where a specified person has income accrued in a specified account, such income shall be taxed in such manner and in such year as may be prescribed.

Relief from taxation in income from retirement benefit account maintained in a notified country.

Explanation.—For the purposes of this section,—

(a) “notified country” means a country as may be notified by the Central Government in the Official Gazette for the purposes of this section;

(b) “specified account” means an account maintained in a notified country by the specified person in respect of his retirement benefits and the income from such account is not taxable on accrual basis but is taxed by such country at the time of withdrawal or redemption;

(c) “specified person” means a person resident in India who opened a specified account in a notified country while being non-resident in India and resident in that country.’.

Amendment of section 112A.

32. In section 112A of the Income-tax Act, in the *Explanation*, in clause (a),—

(i) in the opening portion, after the word and figures “section 10”, the words, brackets, figures and letter “or under a scheme of an insurance company comprising unit linked insurance policies to which exemption under clause (10D) of the said section does not apply on account of the applicability of the fourth and fifth proviso thereof” shall be inserted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in case of a scheme of an insurance company comprising unit linked insurance policies to which exemption under clause (10D) of section 10 does not apply on account of the applicability of the fourth and fifth provisos thereof, the minimum requirement of ninety per cent. or sixty-five per cent., as the case may be, is required to be satisfied throughout the term of such insurance policy.”.

Amendment of section 115ACA.

33. In section 115ACA of the Income-tax Act, in the *Explanation*, with effect from the 1st day of April, 2022—

(i) in clause (a),—

(a) in the opening portion, after the words “the Overseas Depository Bank outside India”, the words “or in an International Financial Services Centre” shall be inserted;

(b) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iii) ordinary shares of issuing company, being a company incorporated outside India, if such depository receipt or certificate is listed and traded on any International Financial Services Centre;”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(ca) “International Financial Services Centre” shall have the meaning assigned to it in clause (q) of section 2 of the Special Economic Zone Act, 2005.”.

28 of 2005.

Amendment of section 115AD.

34. In section 115AD of the Income-tax Act, with effect from the 1st day of April, 2022,—

(i) after sub-section (1A), the following sub-section shall be inserted, namely:—

“(1B) Notwithstanding anything contained in sub-section (1), where the specified fund is investment division of an offshore banking unit, the provisions of this section shall apply to the extent of income that is attributable to the investment division of such banking units, referred to in sub-clause (ii) of clause (c) to the *Explanation* to clause (4D) of section 10, as a Category-I portfolio investor under the Securities and Exchange Board of India (Foreign Portfolio Investors) Regulations, 2019 made under the Securities and Exchange Board of India Act, 1992, calculated in such manner as may be prescribed.”;

15 of 1992.

(ii) in the *Explanation*, after clause (a), the following clause shall be inserted, namely:—

“(aa) the expression “investment division of offshore banking unit” shall have the meaning assigned to it in clause (aa) of the *Explanation* to clause (4D) of section 10;”.

35. In section 115JB of the Income-tax Act, in sub-section (2),—

Amendment of section 115JB.

(a) in *Explanation 1*,—

(i) in clause (fb), in sub-clause (B), for the words “interest, royalty”, the words “interest, dividend, royalty” shall be substituted;

(ii) in the long line, in clause (iid), in sub-clause (B), for the words “interest, royalty”, the words “interest, dividend, royalty” shall be substituted;

(b) after sub-section (2C), the following sub-section shall be inserted, namely:—

“(2D) In the case of an assessee being a company, where there is an increase in book profit of the previous year due to income of past year or years included in the book profit on account of an advance pricing agreement entered into by the assessee under section 92CC or on account of secondary adjustment required to be made under section 92CE, the Assessing Officer shall, on an application made to him in this behalf by the assessee, recomputed the book profit of the past year or years and tax payable, if any, by the assessee during the previous year under sub-section (1), in such manner as may be prescribed and the provisions of section 154 shall, so far as may be, apply and the period of four years specified in sub-section (7) of that section shall be reckoned from the end of the financial year in which the said application is received by the Assessing Officer:

Provided that the provisions of this sub-section shall apply only if the assessee has not utilised the credit of tax paid under this section in any subsequent assessment year under section 115JAA:

Provided further that the provisions of this sub-section shall also apply to an assessment year beginning on or before the 1st day of April, 2020 and notwithstanding anything contained in any other provisions of this Act, no interest shall be payable to such assessee on the refund arising on account of the provisions of this sub-section.”.

36. In section 115UB of the Income-tax Act, in *Explanation 1*, in clause (a), for the figures “1992”, the figures and words “1992 or under the International Financial Services Centres Authority Act, 2019” shall be substituted with effect from the 1st day of April, 2022.

Amendment of section 115UB.

50 of 2019.

37. In section 139 of the Income-tax Act,—

Amendment of section 139.

(a) in sub-section (1), in *Explanation 2*,—

(i) in clause (a), in sub-clause (iii), after the words “any other law for the time being in force”, the words, figure and letter “or the spouse of such partner if the provisions of section 5A applies to such spouse” shall be inserted;

(ii) in clause (aa), after the words “an assessee”, the words “, including the partners of the firm or the spouse of such partner

(if the provisions of section 5A applies to such spouse) being such assessee,” shall be inserted;

(b) in sub-section (4), for the words “return for any previous year at any time before”, the words “return for any previous year at any time before three months prior to” shall be substituted;

(c) in sub-section (5), for the words “before the end”, the words “before three months prior to the end” shall be substituted;

(d) in sub-section (9), in the *Explanation*, the following proviso shall be inserted, namely:—

“Provided that the Board may, by notification in the Official Gazette, specify that any of the conditions specified in clauses (a) to (f) to the *Explanation* shall not apply to such class of assessee or shall apply with such modifications, as may be specified in such notification.”.

Amendment of section 142.

38. In section 142 of the Income-tax Act, in sub-section (1), in clause (i), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that a notice under this sub-section for the purposes of this clause may also be served by the prescribed income-tax authority.”.

Amendment of section 143.

39. In section 143 of the Income-tax Act,—

(a) in sub-section (1),—

(i) in the second proviso, for the words “one year”, the words “nine months” shall be substituted;

(ii) in clause (a),—

(i) in sub-clause (iv), for the words “disallowance of expenditure indicated”, the words “disallowance of expenditure or increase in income indicated” shall be substituted;

(ii) in sub-clause (v), for the words, figures and letters “sections 10AA, 80-IA, 80-IAB, 80-IB, 80-IC, 80-ID or section 80-IE, if”, the words, figures and letters ‘section 10AA or under any of the provisions of Chapter VI-A under the heading “C.-Deductions in respect of certain incomes”, if’ shall be substituted;

(b) in sub-section (2), in the proviso, for the word “six”, the word “three” shall be substituted.

Substitution of new section for section 147.

40. For section 147 of the Income-tax Act, the following section shall be substituted, namely:—

Income escaping assessment.

“147. If any income chargeable to tax, in the case of an assessee, has escaped assessment for any assessment year, the Assessing Officer may, subject to the provisions of sections 148 to 153, assess or reassess such income or recompute the loss or the depreciation allowance or any other allowance or deduction for such assessment year (hereafter in this section and in sections 148 to 153 referred to as the relevant assessment year).

Explanation.—For the purposes of assessment or reassessment or recomputation under this section, the Assessing Officer may assess or reassess the income in respect of any issue, which has escaped assessment, and such issue comes to his notice subsequently in the course of the proceedings under this section, irrespective of the fact that the provisions of section 148A have not been complied with.”.

41. For section 148 of the Income-tax Act, the following section shall be substituted, namely:—

Substitution of new section for section 148.

“148. Before making the assessment, reassessment or recomputation under section 147, and subject to the provisions of section 148A, the Assessing Officer shall serve on the assessee a notice, along with a copy of the order passed, if required, under clause (d) of section 148A, requiring him to furnish within such period, as may be specified in such notice, a return of his income or the income of any other person in respect of which he is assessable under this Act during the previous year corresponding to the relevant assessment year, in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed; and the provisions of this Act shall, so far as may be, apply accordingly as if such return were a return required to be furnished under section 139:

Issue of notice where income has escaped assessment.

Provided that no notice under this section shall be issued unless there is information with the Assessing Officer which suggests that the income chargeable to tax has escaped assessment in the case of the assessee for the relevant assessment year and the Assessing Officer has obtained prior approval of the specified authority to issue such notice.

Explanation 1.—For the purposes of this section and section 148A, the information with the Assessing Officer which suggests that the income chargeable to tax has escaped assessment means,—

(i) any information flagged in the case of the assessee for the relevant assessment year in accordance with the risk management strategy formulated by the Board from time to time;

(ii) any final objection raised by the Comptroller and Auditor-General of India to the effect that the assessment in the case of the assessee for the relevant assessment year has not been made in accordance with the provisions of this Act.

Explanation 2.—For the purposes of this section, where,—

(i) a search is initiated under section 132 or books of account, other documents or any assets are requisitioned under section 132A, on or after the 1st day of April, 2021, in the case of the assessee; or

(ii) a survey is conducted under section 133A, other than under sub-section (2A) or sub-section (5) of that section, on or after the 1st day of April, 2021, in the case of the assessee; or

(iii) the Assessing Officer is satisfied, with the prior approval of the Principal Commissioner or Commissioner, that any money, bullion, jewellery or other valuable article or thing, seized or requisitioned under section 132 or under section 132A in case of any other person on or after the 1st day of April, 2021, belongs to the assessee; or

(iv) the Assessing Officer is satisfied, with the prior approval of Principal Commissioner or Commissioner, that any books of account or documents, seized or requisitioned under section 132 or section 132A in case of any other person on or after the 1st day of April, 2021, pertains or pertain to, or any information contained therein, relate to, the assessee,

the Assessing Officer shall be deemed to have information which suggests that the income chargeable to tax has escaped assessment in the case of the assessee for the three assessment years immediately preceding the assessment year relevant to the previous year in which the search is initiated or books of account, other documents or any assets are requisitioned or survey is conducted in the case of the assessee or money, bullion, jewellery or other valuable article or thing or books of account or documents are seized or requisitioned in case of any other person.

Explanation 3.—For the purposes of this section, specified authority means the specified authority referred to in section 151.”.

Insertion of new section 148A.

42. After section 148 of the Income-tax Act, the following section shall be inserted, namely:—

Conducting inquiry, providing opportunity before issue of notice under section 148.

“148A. The Assessing Officer shall, before issuing any notice under section 148,—

(a) conduct any enquiry, if required, with the prior approval of specified authority, with respect to the information which suggests that the income chargeable to tax has escaped assessment;

(b) provide an opportunity of being heard to the assessee, with the prior approval of specified authority, by serving upon him a notice to show cause within such time, as may be specified in the notice, being not less than seven days and but not exceeding thirty days from the date on which such notice is issued, or such time, as may be extended by him on the basis of an application in this behalf, as to why a notice under section 148 should not be issued on the basis of information which suggests that income chargeable to tax has escaped assessment in his case for the relevant assessment year and results of enquiry conducted, if any, as per clause (a);

(c) consider the reply of assessee furnished, if any, in response to the show-cause notice referred to in clause (b);

(d) decide, on the basis of material available on record including reply of the assessee, whether or not it is a fit case to issue a notice under section 148, by passing an order, with the prior approval of specified authority, within one month from the end of the month in which the reply referred to in clause (c) is received by him, or where no such reply is furnished, within one month from the end of the month in which time or extended time allowed to furnish a reply as per clause (b) expires:

Provided that the provisions of this section shall not apply in a case where,—

(a) a search is initiated under section 132 or books of account, other documents or any assets are requisitioned under section 132A in the case of the assessee on or after the 1st day of April, 2021; or

(b) the Assessing Officer is satisfied, with the prior approval of the Principal Commissioner or Commissioner that any money, bullion, jewellery or other valuable article or thing, seized in a search under section 132 or requisitioned under section 132A, in the case of any other person on or after the 1st day of April, 2021, belongs to the assessee; or

(c) the Assessing Officer is satisfied, with the prior approval of the Principal Commissioner or Commissioner that any books of account or documents, seized in a search under section 132 or requisitioned under section 132A, in case of any other person on or after the 1st day of April, 2021, pertains or pertain to, or any information contained therein, relate to, the assessee.

Explanation.—For the purposes of this section, specified authority means the specified authority referred to in section 151.”.

43. For section 149 of the Income-tax Act, the following section shall be substituted, namely:—

Substitution of new section for section 149.

‘149. (1) No notice under section 148 shall be issued for the relevant assessment year,—

Time limit for notice.

(a) if three years have elapsed from the end of the relevant assessment year, unless the case falls under clause (b);

(b) if three years, but not more than ten years, have elapsed from the end of the relevant assessment year unless the Assessing Officer has in his possession books of account or other documents or evidence which reveal that the income chargeable to tax, represented in the form of asset, which has escaped assessment amounts to or is likely to amount to fifty lakh rupees or more for that year:

Provided that no notice under section 148 shall be issued at any time in a case for the relevant assessment year beginning on or before 1st day of April, 2021, if such notice could not have been issued at that time on account of being beyond the time limit specified under the provisions of clause (b) of sub-section (1) of this section, as they stood immediately before the commencement of the Finance Act, 2021:

Provided further that the provisions of this sub-section shall not apply in a case, where a notice under section 153A, or section 153C read with section 153A, is required to be issued in relation to a search initiated under section 132 or books of account, other documents or any assets requisitioned under section 132A, on or before the 31st day of March, 2021:

Provided also that for the purposes of computing the period of limitation as per this section, the time or extended time allowed to the assessee, as per show-cause notice issued under clause (b) of section 148A or the period during which the proceeding under section 148A is stayed by an order or injunction of any court, shall be excluded:

Provided also that where immediately after the exclusion of the period referred to in the immediately preceding proviso, the period of limitation available to the Assessing Officer for passing an order under clause (d) of section 148A is less than seven days, such remaining period shall be extended to seven days and the period of limitation under this sub-section shall be deemed to be extended accordingly.

Explanation.—For the purposes of clause (b) of this sub-section, “asset” shall include immovable property, being land or building or both, shares and securities, loans and advances, deposits in bank account.

(2) The provisions of sub-section (1) as to the issue of notice shall be subject to the provisions of section 151.’.

Substitution of new section for section 151.

44. For section 151 of the Income-tax Act, the following section shall be substituted, namely:—

Sanction for issue of notice.

“151. Specified authority for the purposes of section 148 and section 148A shall be,—

(i) Principal Commissioner or Principal Director or Commissioner or Director, if three years or less than three years have elapsed from the end of the relevant assessment year;

(ii) Principal Chief Commissioner or Principal Director General or where there is no Principal Chief Commissioner or Principal Director General, Chief Commissioner or Director General, if more than three years have elapsed from the end of the relevant assessment year.”.

Amendment of section 151A.

45. In section 151A of the Income-tax Act, in sub-section (1), in the opening portion, after the words and figures “issuance of notice under section 148”, the words, figures and letter “or conducting of enquiries or issuance of show-cause notice or passing of order under section 148A” shall be inserted.

Amendment of section 153.

46. In section 153 of the Income-tax Act,—

(i) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

‘Provided also that in respect of an order of assessment relating to the assessment year commencing on or after the 1st day of April, 2021, the provisions of this sub-section shall have effect, as if for the words “twenty-one months”, the words “nine months” had been substituted.’;

(ii) in *Explanation 1*,—

(a) in clause (viii), for the words “Authority for Advance Rulings”, the words “Authority for Advance Rulings or before the Board for Advance Rulings” shall be substituted;

(b) in clause (ix), for the words “Authority for Advance Rulings”, the words “Authority for Advance Rulings or before the Board for Advance Rulings” shall be substituted;

(c) after the third proviso, the following provisos shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

‘Provided also that where the assessee exercises the option to withdraw the application under sub-section (1) of section 245M, the period of limitation available under this section to the Assessing Officer for making an order of assessment, reassessment or recomputation, as the case may be,

shall, after the exclusion of the period under sub-section (5) of the said section, be not less than one year; and where such period of limitation is less than one year, it shall be deemed to have been extended to one year:

Provided also that for the purposes of determining the period of limitation under sections 149, 154 and 155, and for the purposes of payment of interest under section 244A, the provisions of the fourth proviso shall apply accordingly.”.

47. In section 153A of the Income-tax Act, in sub-section (1), in the opening portion, after the words, figures and letters “after the 31st day of May, 2003”, the words, figures and letters “but on or before the 31st day of March, 2021” shall be inserted.

Amendment of section 153A.

48. In section 153B of the Income-tax Act, in the *Explanation*,—

Amendment of section 153B.

(a) in clause (vi), for the words “Authority for Advance Rulings”, the words “Authority for Advance Rulings or before the Board for Advance Rulings” shall be substituted;

(b) in clause (vii), for the words “Authority for Advance Rulings”, the words “Authority for Advance Rulings or before the Board for Advance Rulings” shall be substituted;

(c) after the third proviso, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

“Provided also that where the assessee exercises the option to withdraw the application under sub-section (1) of section 245M, the period of limitation available under this section to the Assessing Officer for making an order of assessment or reassessment, as the case may be, shall, after the exclusion of the period under sub-section (5) of the said section, be not less than one year; and where such period of limitation is less than one year, it shall be deemed to have been extended to one year.”.

49. In section 153C of the Income-tax Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 153C.

“(3) Nothing contained in this section shall apply in relation to a search initiated under section 132 or books of account, other documents or any assets requisitioned under section 132A on or after the 1st day of April, 2021.”.

50. In section 194 of the Income-tax Act, in the second proviso, after clause (c), the following clauses shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2020, namely:—

Amendment of section 194.

(d) a “business trust”, as defined in clause (13A) of section 2, by a special purpose vehicle referred to in the *Explanation* to clause (23FC) of section 10;

(e) any other person as may be notified by the Central Government in the Official Gazette in this behalf.’.

51. In section 194A of the Income-tax Act, in sub-section (3), in clause (x), after the words “infrastructure capital fund or”, the words “infrastructure debt fund or” shall be inserted.

Amendment of section 194A.

Amendment of section 194-IB.

52. In section 194-IB of the Income-tax Act, in sub-section (4), for the words, figures and letters “section 206AA, such”, the words, figures and letters “section 206AA or section 206AB, such” shall be substituted with effect from the 1st day of July, 2021.

Insertion of new section 194P.

53. After section 194-O of the Income-tax Act, the following section shall be inserted, namely:—

Deduction of tax in case of specified senior citizen.

‘194P. (1) Notwithstanding anything contained in the provisions of Chapter XVII-B, in case of a specified senior citizen, the specified bank shall, after giving effect to the deduction allowable under Chapter VI-A and rebate allowable under section 87A, compute the total income of such specified senior citizen for the relevant assessment year and deduct income-tax on such total income on the basis of the rates in force.

(2) The provisions of section 139 shall not apply to a specified senior citizen for the assessment year relevant to the previous year in which the tax has been deducted under sub-section (1).

Explanation.— For the purposes of this section,—

(a) “specified bank” means a banking company as the Central Government may, by notification in Official Gazette, specify;

(b) “specified senior citizen” means an individual, being a resident in India—

(i) who is of the age of seventy-five years or more at any time during the previous year;

(ii) who is having income of the nature of pension and no other income except the income of the nature of interest received or receivable from any account maintained by such individual in the same specified bank in which he is receiving his pension income; and

(iii) has furnished a declaration to the specified bank containing such particulars, in such form and verified in such manner, as may be prescribed.’

Insertion of new section 194Q.

54. After section 194P of the Income-tax Act, the following section shall be inserted with effect from the 1st day of July, 2021, namely:—

Deduction of tax at source on payment of certain sum for purchase of goods.

‘194Q. (1) Any person, being a buyer who is responsible for paying any sum to any resident (hereafter in this section referred to as the seller) for purchase of any goods of the value or aggregate of such value exceeding fifty lakh rupees in any previous year, shall, at the time of credit of such sum to the account of the seller or at the time of payment thereof by any mode, whichever is earlier, deduct an amount equal to 0.1 per cent. of such sum exceeding fifty lakh rupees as income-tax.

Explanation.—For the purposes of this sub-section, “buyer” means a person whose total sales, gross receipts or turnover from the business carried on by him exceed ten crore rupees during the financial year immediately preceding the financial year in which the purchase of goods is carried out, not being a person, as the Central Government may, by notification in the Official Gazette, specify for this purpose, subject to such conditions as may be specified therein.

(2) Where any sum referred to in sub-section (1) is credited to any account, whether called “suspense account” or by any other name, in the books of account of the person liable to pay such income, such credit of income shall be deemed to be the credit of such income to the account of the payee and the provisions of this section shall apply accordingly.

(3) If any difficulty arises in giving effect to the provisions of this section, the Board may, with the previous approval of the Central Government, issue guidelines for the purpose of removing the difficulty.

(4) Every guideline issued by the Board under sub-section (3) shall, as soon as may be after it is issued, be laid before each House of Parliament, and shall be binding on the income-tax authorities and the person liable to deduct tax.

(5) The provisions of this section shall not apply to a transaction on which—

(a) tax is deductible under any of the provisions of this Act; and

(b) tax is collectible under the provisions of section 206C other than a transaction to which sub-section (1H) of section 206C applies.’.

55. In section 196D of the Income-tax Act, in sub-section (1), the following proviso shall be inserted, namely:—

Amendment of section 196D.

“Provided that where an agreement referred to in sub-section (1) of section 90 or sub-section (1) of section 90A applies to the payee and if the payee has furnished a certificate referred to in sub-section (4) of section 90 or sub-section (4) of section 90A, as the case may be, then, income-tax thereon shall be deducted at the rate of twenty per cent. or at the rate or rates of income-tax provided in such agreement for such income, whichever is lower.”.

56. In section 206AA of the Income-tax Act, in sub-section (1), after the proviso, the following proviso shall be inserted with effect from the 1st day of July, 2021, namely:—

Amendment of section 206AA.

‘Provided further that where the tax is required to be deducted under section 194Q, the provisions of clause (iii) shall apply as if for the words “twenty per cent.”, the words “five per cent.” had been substituted.’.

57. After section 206AA of the Income-tax Act, the following section shall be inserted with effect from the 1st day of July, 2021, namely:—

Insertion of new section 206AB.

‘206AB. (1) Notwithstanding anything contained in any other provisions of this Act, where tax is required to be deducted at source under the provisions of Chapter XVIIIB, other than sections 192, 192A, 194B, 194BB, 194LBC or 194N on any sum or income or amount paid, or payable or credited, by a person (hereafter referred to as deductee) to a specified person, the tax shall be deducted at the higher of the following rates, namely:—

Special provision for deduction of tax at source for non-filers of income-tax return.

(i) at twice the rate specified in the relevant provision of the Act; or

(ii) at twice the rate or rates in force; or

(iii) at the rate of five per cent.

(2) If the provisions of section 206AA is applicable to a specified

person, in addition to the provision of this section, the tax shall be deducted at higher of the two rates provided in this section and in section 206AA.

(3) For the purposes of this section “specified person” means a person who has not filed the returns of income for both of the two assessment years relevant to the two previous years immediately prior to the previous year in which tax is required to be deducted, for which the time limit of filing return of income under sub-section (1) of section 139 has expired; and the aggregate of tax deducted at source and tax collected at source in his case is rupees fifty thousand or more in each of these two previous years:

Provided that the specified person shall not include a non-resident who does not have a permanent establishment in India.

Explanation.—For the purposes of this sub-section, the expression “permanent establishment” includes a fixed place of business through which the business of the enterprise is wholly or partly carried on.’

Insertion of new section 206CCA.

58. After section 206CC of the Income-tax Act, the following section shall be inserted with effect from the 1st day of July, 2021, namely:—

Special provision for collection of tax at source for non-filers of income-tax return.

‘206CCA. (1) Notwithstanding anything contained in any other provisions of this Act, where tax is required to be collected at source under the provisions of Chapter XVII-BB, on any sum or amount received by a person (hereafter referred to as collectee) from a specified person, the tax shall be collected at the higher of the following two rates, namely:—

(i) at twice the rate specified in the relevant provision of the Act; or

(ii) at the rate of five per cent.

(2) If the provisions of section 206CC is applicable to a specified person, in addition to the provisions of this section, the tax shall be collected at higher of the two rates provided in this section and in section 206CC.

(3) For the purposes of this section “specified person” means a person who has not filed the returns of income for both of the two assessment years relevant to the two previous years immediately prior to the previous year in which tax is required to be collected, for which the time limit of filing return of income under sub-section (1) of section 139 has expired; and the aggregate of tax deducted at source and tax collected at source in his case is rupees fifty thousand or more in each of these two previous years:

Provided that the specified person shall not include a non-resident who does not have a permanent establishment in India.

Explanation.—For the purposes of this sub-section, the expression “permanent establishment” includes a fixed place of business through which the business of the enterprise is wholly or partly carried on.’

Amendment of section 234C.

59. In section 234C of the Income-tax Act, in sub-section (1),—

(i) in the first proviso, for clause (d), the following clause shall be

substituted, namely:—

“(d) the amount of dividend income,”;

(ii) the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

‘*Explanation 2.*—For the purposes of this sub-section, the term “dividend” shall have the meaning assigned to it in clause (22) of section 2, but shall not include sub-clause (e) thereof.’

60. In section 234F of the Income-tax Act, for sub-section (I), the following sub-section shall be substituted, namely:—

Amendment of section 234F.

“(I) Without prejudice to the provisions of this Act, where a person required to furnish a return of income under section 139, fails to do so within the time prescribed in sub-section (I) of the said section, he shall pay, by way of a fee, a sum of five thousand rupees:

Provided that if the total income of the person does not exceed five lakh rupees, the fee payable under this section shall not exceed one thousand rupees.”

61. After section 234G of the Income-tax Act, the following section shall be inserted, namely:—

Insertion of new section 234H.

“234H. Without prejudice to the provisions of this Act, where a person is required to intimate his Aadhaar number under sub-section (2) of section 139AA and such person fails to do so on or before such date, as may be prescribed, he shall be liable to pay such fee, as may be prescribed, not exceeding one thousand rupees, at the time of making intimation under sub-section (2) of section 139AA after the said date.”

Fee for default relating to intimation of Aadhaar number.

62. In section 245A of the Income-tax Act, with effect from the 1st day of February, 2021,—

Amendment of section 245A.

(i) after clause (d), the following clause shall be inserted and shall be deemed to have been inserted, namely:—

‘(da) “Interim Board” means the Interim Board for Settlement constituted under section 245AA;’;

(ii) after the clause (e), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

‘(ea) “Member of the Interim Board” means a Member of the Interim Board;

(eb) “pending application” means an application which was filed under section 245C and which fulfils the following conditions, namely:—

(i) it was not declared invalid under sub-section (2C) of section 245D; and

(ii) no order under sub-section (4) of section 245D was issued on or before the 31st day of January, 2021 with respect to such application;’.

Insertion of new section 245AA.

63. After section 245A of the Income-tax Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

Interim Boards for Settlement.

“245AA. (1) The Central Government shall constitute one or more Interim Boards for Settlement, as may be necessary, for the settlement of pending applications.

(2) Every Interim Board shall consist of three members, each being an officer of the rank of Chief Commissioner, as may be nominated by the Board.

(3) If the Members of the Interim Board differ in opinion on any point, the point shall be decided according to the opinion of the majority.”.

Amendment of section 245B.

64. In section 245B of the Income-tax Act, in sub-section (1), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

“Provided that the Income-tax Settlement Commission so constituted shall cease to operate on or after the 1st day of February, 2021.”.

Amendment of section 245BC.

65. In section 245BC of the Income-tax Act, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

“Provided that the provisions of this section shall not apply on or after the 1st day of February, 2021.”.

Amendment of section 245BD.

66. In section 245BD of the Income-tax Act, the following proviso shall be inserted and shall be deemed to have been inserted, with effect from the 1st day of February, 2021, namely:—

“Provided that the provisions of this section shall not apply on or after the 1st day of February, 2021.”.

Amendment of section 245C.

67. In section 245C of the Income-tax Act, after sub-section (4), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

“(5) No application shall be made under this section on or after the 1st day of February, 2021.”.

Amendment of section 245D.

68. In section 245D of the Income-tax Act, with effect from the 1st day of February, 2021,—

(i) in sub-section (2C), after the second proviso, the following proviso shall be inserted and shall be deemed to have been inserted, namely:—

“Provided also that where in respect of an application, an order, which was required to be passed under this sub-section on or before the 31st day of January, 2021, has not been passed on or before the 31st day of January, 2021, such application shall be deemed to be valid.”;

(ii) in sub-section (6B), for the words “amend any order passed by it”, the words “amend any order passed” shall be substituted and shall be deemed to have been substituted;

(iii) after sub-section (8), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

(9) On and from the 1st day of February, 2021, the provisions of sub-sections (1), (2), (2B), (2C), (3), (4), (4A), (5), (6) and (6B) shall apply to pending applications allotted to Interim Board with the following modifications, namely:—

(i) for the words “Settlement Commission”, wherever they occur, the words “Interim Board” shall be substituted;

(ii) for the word “Bench”, the words “Interim Board” shall be substituted;

(iii) for the purposes of this section, the date referred to in sub-section (2) of section 245M shall be deemed to be date on which the application was made under section 245C and received by the Interim Board;

(iv) where the time-limit for amending any order or filing of rectification application as per sub-section (6B) expires on or after the 1st day of February, 2021, in computing the period of limitation, the period commencing from the 1st February, 2021 and ending on the end of the month in which the Interim Board is constituted shall be excluded and where immediately after exclusion of such period, the remaining period available to the Interim Board for amending the order or to the Principal Commissioner or Commissioner or the applicant for filing of application is less than sixty days, such remaining period shall be extended to sixty days and the period of limitation shall be deemed to have been extended accordingly.

(10) On and from the 1st day of February, 2021, the provisions of sub-sections (6A) and (7) shall have effect as if for the words “Settlement Commission”, the words “Settlement Commission or Interim Board of Settlement” had been substituted.

(11) The Central Government may by notification in the Official Gazette, make a scheme, for the purposes of settlement in respect of pending applications by the Interim Board, so as to impart greater efficiency, transparency and accountability by—

(a) eliminating the interface between the Interim Board and the assessee in the course of proceedings to the extent technologically feasible;

(b) optimising utilisation of the resources through economies of scale and functional specialisation;

(c) introducing a mechanism with dynamic jurisdiction.

(12) The Central Government may, for the purposes of giving effect to the scheme made under sub-section (11), by notification in the Official Gazette, direct that any of the provisions of this Act shall not apply or shall apply with such exceptions, modifications and adaptations as may be specified in the said notification:

Provided that no such direction shall be issued after the 31st day of March, 2023.

(13) Every notification issued under sub-section (11) and sub-section (12) shall, as soon as may be after the notification is issued, be laid before each House of Parliament.’.

Amendment of section 245DD.

69. In section 245DD of the Income-tax Act, after sub-section (2), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

“(3) On and from the 1st day of February, 2021, the power of the Settlement Commission under this section shall be exercised by the Interim Board and the provisions of this section shall *mutatis mutandis* apply to the Interim Board as they apply to the Settlement Commission.”.

Amendment of section 245F.

70. In section 245F of the Income-tax Act, after sub-section (7), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

“(8) On and from the 1st day of February, 2021, the powers and functions of the Settlement Commission under this section shall be exercised or performed, by the Interim Board and all the provisions of this section shall *mutatis mutandis* apply to the Interim Board as they apply to the Settlement Commission.”.

Amendment of section 245G.

71. In section 245G of the Income-tax Act, after the first proviso, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

“Provided further that on or after the 1st day of February, 2021, functions of the Settlement Commission under this section shall be performed by the Interim Board and the provisions of this section shall *mutatis mutandis* apply to Interim Board as they apply to the Settlement Commission.”.

Amendment of section 245H.

72. In section 245H of the Income-tax Act, after sub-section (2), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

“(3) On and from the 1st day of February, 2021, the power of the Settlement Commission under this section shall be exercised by the Interim Board and the provisions of this section shall *mutatis mutandis* apply to the Interim Board as they apply to the Settlement Commission.”.

Insertion of new section 245M.

73. In the Income-tax Act, after section 245L, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of February, 2021, namely:—

“245M. (1) With respect to a pending application, the assessee who had filed such application may, at his option, withdraw such application within a period of three months from the date of commencement of the Finance Act, 2021 and intimate the Assessing Officer, in the prescribed manner, about such withdrawal.

Option to withdraw pending application.

(2) Where the option under sub-section (1) is not exercised by the assessee within the time allowed under that sub-section, the pending application shall be deemed to have been received by the Interim Board on the date on which such application is allotted or transferred to the Interim Board under sub-section (3).

(3) The Board may, by an order, allot any pending application to any Interim Board and may also transfer, by an order, any pending application from one Interim Board to another Interim Board.

(4) Where the pending application is allotted to an Interim Board under sub-section (3) or transferred to another Interim Board subsequently, all the records, documents or evidences, by whatever name called, with the Settlement Commission shall be transferred to such Interim Board and shall be deemed to be the records before it for all purposes.

(5) Where the assessee exercises the option under sub-section (1) to withdraw his application, the proceedings with respect to the application shall abate on the date on which such application is withdrawn and the Assessing Officer, or, as the case may be, any other income-tax authority before whom the proceeding at the time of making the application was pending, shall dispose of the case in accordance with the provisions of this Act as if no application under section 245C had been made:

Provided that for the purposes of the time-limit under sections 149, 153, 153B, 154 and 155 and for the purposes of payment of interest under section 243 or 244 or, as the case may be, section 244A, for making the assessment or re-assessment under this sub-section, the period commencing on and from the date of the application to the Settlement Commission under section 245C and ending with the date referred to in this sub-section shall be excluded:

Provided further that the income-tax authority shall not be entitled to use the material and other information produced by the assessee before the Settlement Commission or the results of the inquiry held or evidence recorded by the Settlement Commission in the course of proceedings before it:

Provided also that nothing contained in the first proviso shall apply in relation to the material and other information collected, or results of the inquiry held or evidence recorded by the Assessing Officer, or as the case may be, other income-tax authority during the course of any other proceeding under this Act irrespective of whether such material or other information or results of the inquiry or evidence were also produced by the assessee or the Assessing Officer before the Settlement Commission.”.

74. After Chapter XIX-A of the Income-tax Act, the following Chapter shall be inserted, with effect from the 1st day of April, 2021, namely:—

Insertion of
new Chapter
XIX-AA.

‘CHAPTER XIX-AA

DISPUTE RESOLUTION COMMITTEE IN CERTAIN CASES

245MA. (1) The Central Government shall constitute, one or more Dispute Resolution Committees, as may be necessary, in accordance with the rules made under this Act, for dispute resolution in the case of such persons or class of persons, as may be specified by the Board, who may opt for dispute resolution under this Chapter in respect of dispute arising from any variation in the specified order in his case and who fulfils the specified conditions.

Dispute
Resolution
Committee.

(2) The Dispute Resolution Committee, subject to such conditions, as may be prescribed, shall have the powers to reduce or waive any penalty imposable under this Act or grant immunity from prosecution for any offence punishable under this Act in case of a person whose dispute is resolved under this Chapter.

(3) The Central Government may make a scheme, by notification in

the Official Gazette, for the purposes of dispute resolution under this Chapter, so as to impart greater efficiency, transparency and accountability by—

(a) eliminating the interface between the Dispute Resolution Committee and the assessee in the course of dispute resolution proceedings to the extent technologically feasible;

(b) optimising utilisation of the resources through economies of scale and functional specialisation;

(c) introducing a dispute resolution system with dynamic jurisdiction.

(4) The Central Government may, for the purposes of giving effect to the scheme made under sub-section (3), by notification in the Official Gazette, direct that any of the provisions of this Act shall not apply or shall apply with such exceptions, modifications and adaptations as may be specified in the said notification:

Provided that no such direction shall be issued after the 31st day of March, 2023.

(5) Every notification issued under sub-sections (3) and (4) shall, as soon as may be after the notification is issued, be laid before each House of Parliament.

Explanation.— For the purposes of this section,—

(a) “specified conditions” in relation to a person means a person who fulfils the following conditions, namely:—

(I) where he is not a person,—

(A) in respect of whom an order of detention has been made under the provisions of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974:

52 of 1974.

Provided that—

(i) such order of detention, being an order to which the provisions of section 9 or section 12A of the said Act do not apply, has been revoked on the report of the Advisory Board under section 8 of the said Act or before the receipt of the report of the Advisory Board; or

(ii) such order of detention being an order to which the provisions of section 9 of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the review under sub-section (3) of section 9, or on the report of the Advisory Board under section 8, read with sub-section (2) of section 9, of the said Act; or

(iii) such order of detention, being an order to which the provisions of section 12A of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the first review under sub-section (3) of the said section, or on the basis of the report of the Advisory Board under section 8, read with sub-section (6) of section 12A, of the said Act; or

(iv) such order of detention has not been set aside by a court of competent jurisdiction;

45 of 1860.
37 of 1967.
61 of 1985.
45 of 1988.
49 of 1988.

(B) in respect of whom prosecution for any offence punishable under the provisions of the Indian Penal Code, the Unlawful Activities (Prevention) Act, 1967, the Narcotic Drugs and Psychotropic Substances Act, 1985, the Prohibition of *Benami* Transactions Act, 1988, the Prevention of Corruption Act, 1988 or the Prevention of Money-laundering Act, 2002 has been instituted and he has been convicted of any offence punishable under any of those Acts;

15 of 2003.

(C) in respect of whom prosecution has been initiated by an income-tax authority for any offence punishable under the provisions of this Act or the Indian Penal Code or for the purpose of enforcement of any civil liability under any law for the time being in force, or such person has been convicted of any such offence consequent upon the prosecution initiated by an Income-tax authority;

45 of 1860.

(D) who is notified under section 3 of the Special Court (Trial of Offences Relating to Transactions in Securities) Act, 1992;

27 of 1992.

(II) such other conditions, as may be prescribed.

(b) “specified order” means such order, including draft order, as may be specified by the Board, and,—

(i) aggregate sum of variations proposed or made in such order does not exceed ten lakh rupees;

(ii) such order is not based on search initiated under section 132 or requisition under section 132A in the case of assessee or any other person or survey under section 133A or information received under an agreement referred to in section 90 or section 90A;

(iii) where return has been filed by the assessee for the assessment year relevant to such order, total income as per such return does not exceed fifty lakh rupees.’

75. In section 245N of the Income-tax Act,—

Amendment
of section
245N.

(i) in clause (b), sub-clauses (b), (c) and (d) shall be omitted with effect from such date as the Central Government may, by notification in the Official Gazette, appoint;

(ii) in clause (c), after the word “Authority”, the words “or the Board for Advance Rulings” shall be inserted;

(iii) after clause (c), the following clause shall be inserted, namely:—

‘(ca) “Board for Advance Rulings” means the Board for Advance Rulings constituted by the Central Government under section 245-OB;’;

(iv) in clause (f), after the word “Vice-Chairman”, the words “or a Member of the Board for Advance Rulings” shall be inserted.

Amendment of section 245-O.

76. In section 245-O of the Income-tax Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the Authority so constituted shall cease to operate on and from such date as the Central Government may, by notification in the Official Gazette, appoint.”.

Insertion of new section 245-OB.

77. After section 245-OA of the Income-tax Act, the following section shall be inserted, namely:—

“245-OB. (1) The Central Government shall constitute one or more Boards for Advance Rulings, as may be necessary, for giving advance rulings under this Chapter on or after such date as the Central Government may, by notification in the Official Gazette, appoint.

Board for Advance Rulings.

(2) The Board for Advance Rulings shall consist of two members, each being an officer not below the rank of Chief Commissioner, as may be nominated by the Board.”.

Amendment of section 245P.

78. Section 245P of the Income-tax Act shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

‘(2) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, the provisions of this section shall have effect as if for the word “Authority”, the words “Board for Advance Rulings” had been substituted.’.

Amendment of section 245Q.

79. In section 245Q of the Income-tax Act,—

(a) in sub-section (1), the words, figures and letters “or under Chapter IIIA of the Central Excise Act, 1944 or under Chapter VA of the Finance Act, 1994” shall be omitted with effect from such date as the Central Government may, by notification in the Official Gazette, appoint;

1 of 1944.
32 of 1994.

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Where an application for advance ruling under this Chapter is made before such date as the Central Government may, by notification in the Official Gazette, appoint, and in respect of which no order under sub-section (2) of section 245R has been passed or no advance ruling under sub-section (4) of section 245R has been pronounced before such date, such application along with all the relevant records, documents or material, by whatever name called, on the file of the Authority shall be transferred to the Board for Advance Rulings and shall be deemed to be the records before the Board for Advance Rulings for all purposes.”.

Amendment of section 245R.

80. In section 245R of the Income-tax Act, after sub-section (7), the following sub-sections shall be inserted, namely:—

‘(8) On and from such date as the Central Government may, by notification in the Official Gazette, appoint, the provisions of this section shall have effect as if for the word “Authority”, the words

“Board for Advance Rulings” had been substituted and the provisions of this section shall apply *mutatis mutandis* to the Board for Advance Rulings as they apply to the Authority.

(9) The Central Government may, by notification in the Official Gazette, make a scheme for the purposes of giving advance rulings under this Chapter by the Board for Advance Rulings, so as to impart greater efficiency, transparency and accountability by—

(a) eliminating the interface between the Board for Advance Rulings and the applicant in the course of proceedings to the extent technologically feasible;

(b) optimising utilisation of the resources through economies of scale and functional specialisation;

(c) introducing a system with dynamic jurisdiction.

(10) The Central Government may, for the purposes of giving effect to the scheme made under sub-section (9), by notification in the Official Gazette, direct that any of the provisions of this Act shall not apply or shall apply with such exceptions, modifications and adaptations as may be specified in the said notification:

Provided that no such direction shall be issued after the 31st day of March, 2023.

(11) Every notification issued under sub-section (9) and sub-section (10) shall, as soon as may be after the notification is issued, be laid before each House of Parliament.’

81. In section 245S of the Income-tax Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment
of section
245S.

“(3) Nothing contained in this section shall apply to any advance ruling pronounced under section 245R on or after such date as the Central Government may, by notification in the Official Gazette, appoint.”.

82. In section 245T of the Income-tax Act,—

Amendment
of section
245T.

(a) in sub-section (1), the words “by it” shall be omitted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, the provisions of this section shall have effect as if for the word “Authority”, the words “Board for Advance Rulings” had been substituted.’

83. In section 245U of the Income-tax Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment
of section
245U.

“(3) On and from such date as the Central Government may, by notification in the Official Gazette, appoint, the powers of the Authority under this section shall be exercised by the Board for Advance Rulings and the provisions of this section shall *mutatis mutandis* apply to the Board for Advance Rulings as they apply to the Authority.”.

Amendment
of section
245V.

84. In section 245V of the Income-tax Act, the following proviso shall be inserted, namely:—

“Provided that nothing contained in this section shall apply on or after such date as the Central Government may, by notification in the Official Gazette, appoint.”.

Insertion of new
section
245W.

85. After section 245V of the Income-tax Act, the following section shall be inserted, namely:—

Appeal.

“245W. (1) The applicant, if he is aggrieved by any ruling pronounced or order passed by the Board for Advance Rulings or the Assessing Officer, on the directions of the Principal Commissioner or Commissioner, may appeal to the High Court against such ruling or order of the Board of Advance Rulings within sixty days from the date of the communication of that ruling or order, in such form and manner, as may be prescribed:

Provided that where the High Court is satisfied, on an application made by the appellant in this behalf, that the appellant was prevented by sufficient cause from presenting the appeal within the period specified in sub-section (1), it may grant further period of thirty days for filing such appeal.

(2) The Central Government may make a scheme, by notification in the Official Gazette, for the purposes of filing appeal to the High Court under sub-section (1) by the Assessing Officer, so as to impart greater efficiency, transparency and accountability by—

(a) optimising utilisation of the resources through economies of scale and functional specialisation;

(b) introducing a team-based mechanism with dynamic jurisdiction.

(3) The Central Government may, for the purposes of giving effect to the scheme made under sub-section (2), by notification in the Official Gazette, direct that any of the provisions of this Act shall not apply or shall apply with such exceptions, modifications and adaptations as may be specified in the said notification:

Provided that no such direction shall be issued after the 31st day of March, 2023.

(4) Every notification issued under sub-section (2) and sub-section (3) shall, as soon as may be after the notification is issued, be laid before each House of Parliament.”.

Amendment of
section 255.

86. In section 255 of the Income-tax Act, after sub-section (6), the following sub-sections shall be inserted, namely:—

“(7) The Central Government may make a scheme, by notification in the Official Gazette, for the purposes of disposal of appeals by the Appellate Tribunal so as to impart greater efficiency, transparency and accountability by—

(a) eliminating the interface between the Appellate Tribunal and parties to the appeal in the course of appellate proceedings to the extent technologically feasible;

(b) optimizing utilisation of the resources through economies of scale and functional specialisation;

(c) introducing an appellate system with dynamic jurisdiction.

(8) The Central Government may, for the purposes of giving effect to the scheme made under sub-section (7), by notification in the Official Gazette, direct that any of the provisions of this Act shall not apply to such scheme or shall apply with such exceptions, modifications and adaptations as may be specified in the said notification:

Provided that no such direction shall be issued after the 31st day of March, 2023.

(9) Every notification issued under sub-section (7) and sub-section (8) shall, as soon as may be after the notification is issued, be laid before each House of Parliament.”.

87. In section 263 of the Income-tax Act, in sub-section (1), before *Explanation*, for the words “Principal Commissioner”, the words “Principal Chief Commissioner or Chief Commissioner or Principal Commissioner” shall be inserted and shall be deemed to have been inserted with effect from the 1st day of November, 2020.

Amendment of section 263.

88. In section 281B of the Income-tax Act, in sub-section (1), after the words “escaped assessment”, the words, figures and letters “or for imposition of penalty under section 271AAD where the amount or aggregate of amounts of penalty likely to be imposed under the said section exceeds two crore rupees” shall be inserted.

Amendment of section 281B.

CHAPTER IV

INDIRECT TAXES

Customs

52 of 1962.

89. In the Customs Act, 1962 (hereinafter referred to as the Customs Act), in section 2, after clause (7A), the following clause shall be inserted, namely:—

Amendment of section 2.

‘(7B) “common portal” means the Common Customs Electronic Portal referred to in section 154C;’.

90. In section 5 of the Customs Act, in sub-section (3), for the words and figures “Chapter XV and section 108”, the words, figures, brackets and letter “Chapter XV, section 108 and sub-section (1D) of section 110” shall be substituted.

Amendment of section 5.

91. In section 25 of the Customs Act, after sub-section (4), the following sub-section shall be inserted, namely:—

Amendment of section 25.

“(4A) Where any exemption is granted subject to any condition under sub-section (1), such exemption shall, unless otherwise specified or varied or rescinded, be valid up to 31st day of March falling immediately after two years from the date of such grant or variation:

Provided that in respect of any such exemption in force as on the date on which the Finance Bill, 2021 receives the assent of the President, the said period of two years shall be reckoned from the 1st day of February, 2021.”.

92. After section 28BA of the Customs Act, the following section shall be inserted, namely:—

Insertion of new section 28BB.

Time limit for completion of certain actions.

“28BB. (1) Any inquiry or investigation under this Act, culminating in the issuance of a notice under sub-section (1) or sub-section (4) of section 28 shall be completed by issuing such notice, within a period of two years from the date of initiation of audit, search, seizure or summons, as the case may be:

Provided that the Principal Commissioner of Customs or the Commissioner of Customs may, on sufficient cause being shown and for reasons to be recorded in writing, extend the said period to a further period of one year.

(2) For computing the period under sub-section (1), the period during which stay was granted by an order of a court or tribunal, or the period for seeking information from an overseas authority through a legal process, shall be excluded.

Explanation.—For the removal of doubts, it is hereby declared that nothing contained in this section shall apply to any such proceeding initiated before the date on which the Finance Bill, 2021 receives the assent of the President.”.

Amendment of section 46.

93. In section 46 of the Customs Act, in sub-section (3),—

(i) in the opening portion, for the words and brackets “before the end of the next day following the day (excluding holidays)”, the words and brackets “before the end of the day (including holidays) preceding the day” shall be substituted;

(ii) for the words “Provided that”, the following shall be substituted, namely:—

“Provided that the Board may, in such cases as it may deem fit, prescribe different time limits for presentation of the bill of entry, which shall not be later than the end of the day of such arrival:

Provided further that”;

(iii) for the words “Provided further that”, the words “Provided also that” shall be substituted.

Amendment of section 110.

94. In section 110 of the Customs Act, after sub-section (1C), the following sub-section shall be inserted, namely:—

“(1D) Where the goods seized under sub-section (1) is gold in any form as notified under sub-section (1A), then, the proper officer shall, instead of making an application under sub-section (1B) to the Magistrate, make such application to the Commissioner (Appeals) having jurisdiction, who shall, as soon as may be, allow the application and thereafter, the proper officer shall dispose of such goods in such manner as the Central Government may determine.”.

Amendment of section 113.

95. In section 113 of the Customs Act, after clause (j), the following clause shall be inserted, namely:—

“(ja) any goods entered for exportation under claim of remission or refund of any duty or tax or levy to make a wrongful claim in contravention of the provisions of this Act or any other law for the time being in force;”.

96. After section 114AB of the Customs Act, the following section shall be inserted, namely:—

Insertion of new section 114AC.

‘114AC. Where any person has obtained any invoice by fraud, collusion, wilful misstatement or suppression of facts to utilise input tax credit on the basis of such invoice for discharging any duty or tax on goods that are entered for exportation under claim of refund of such duty or tax, such person shall be liable for penalty not exceeding five times the refund claimed.

Penalty for fraudulent utilisation of input tax credit for claiming refund.

Explanation.—For the purposes of this section, the expression “input tax credit” shall have the same meaning as assigned to it in clause (63) of section 2 of the Central Goods and Services Tax Act, 2017.’

12 of 2017.

97. In section 139 of the Customs Act, in the *Explanation*, for the words, brackets, figures and letter “a Magistrate under sub-section (1C) of section 110”, the words, brackets, figures and letters “a Magistrate under sub-section (1C), or Commissioner (Appeals) under sub-section (1D), of section 110” shall be inserted.

Amendment of section 139.

98. In section 149 of the Customs Act, after the proviso, the following provisos shall be inserted, namely:—

Amendment of section 149.

“Provided further that such authorisation or amendment may also be done electronically through the customs automated system on the basis of risk evaluation through appropriate selection criteria:

Provided also that such amendments, as may be specified by the Board, may be done by the importer or exporter on the common portal.”

99. In section 153 of the Customs Act, in sub-section (1), after clause (c), the following clause shall be inserted, namely:—

Amendment of section 153.

“(ca) by making it available on the common portal;”

100. After section 154B of the Customs Act, the following section shall be inserted, namely:—

Insertion of new section 154C.

“154C. The Board may notify a common portal, to be called the Common Customs Electronic Portal, for facilitating registration, filing of bills of entry, shipping bills, other documents and forms prescribed under this Act or under any other law for the time being in force or the rules or regulations made thereunder, payment of duty and for such other purposes, as the Board may, by notification, specify.”

Common Customs Electronic Portal.

Customs Tariff

51 of 1975.

101. In the Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), in section 8B, in sub-section (6),—

Amendment of section 8B.

(i) in clause (i), for the word “unit;”, the words “unit; or” shall be substituted;

(ii) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Explanation.—For the purposes of this sub-section,—

(a) the expression “hundred per cent. export-oriented undertaking” shall have the same meaning as assigned to it in clause (i) of *Explanation 2* to sub-section (1) of section 3 of the Central Excise Act, 1944;

1 of 1944.

(b) the expression “special economic zone” shall have the same meaning as assigned to it in clause (za) of section 2 of the Special Economic Zones Act, 2005.’.

28 of 2005.

Amendment of section 9.

102. In section 9 of the Customs Tariff Act,—

(i) in sub-section (IA), after the words “such other article also”, the words “from such date, not earlier than the date of initiation of the inquiry, as the Central Government may, by notification in the Official Gazette, specify” shall be inserted;

(ii) after sub-section (IA), the following sub-section shall be inserted, namely:—

‘(IB) Where the Central Government, on such inquiry as it considers necessary, is of the opinion that absorption of countervailing duty imposed under sub-section (I) has taken place whereby the countervailing duty so imposed is rendered ineffective, it may modify such duty to counter the effect of such absorption, from such date, not earlier than the date of initiation of the inquiry, as the Central Government may, by notification in the Official Gazette, specify.

Explanation.—For the purposes of this sub-section, “absorption of countervailing duty” is said to have taken place,—

(a) if there is a decrease in the export price of an article without any commensurate change in the resale price in India of such article imported from the exporting country or territory; or

(b) under such other circumstances as may be provided by rules.’;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

‘(2A) Notwithstanding anything contained in sub-sections (1) and (2), a notification issued under sub-section (1) or any countervailing duty imposed under sub-section (2) shall not apply to article imported by a hundred per cent. export-oriented undertaking or a unit in a special economic zone, unless,—

(i) it is specifically made applicable in such notification or to such undertaking or unit; or

(ii) such article is either cleared as such into the domestic tariff area or used in the manufacture of any goods that are cleared into the domestic tariff area, in which case, countervailing duty shall be imposed on that portion of the article so cleared or used, as was applicable when it was imported into India.

Explanation.—For the purposes of this sub-section,—

(a) the expression “hundred per cent. export-oriented undertaking” shall have the same meaning as assigned to it in clause (i) of *Explanation 2* to sub-section (1) of section 3 of the Central Excise Act, 1944;

1 of 1944.

28 of 2005.

(b) the expression “special economic zone” shall have the same meaning as assigned to it in clause (za) of section 2 of the Special Economic Zones Act, 2005.’;

(iv) in sub-section (6),—

(a) in the first proviso, for the words “of five years”, the words “up to five years” shall be substituted;

(b) after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that if the said duty is revoked temporarily, the period of such revocation shall not exceed one year at a time.”.

103. In section 9A of the Customs Tariff Act,—

Amendment of section 9A.

(i) in sub-section (1A), after the words “as the case may be”, the words “, from such date, not earlier than the date of initiation of the inquiry, as the Central Government may, by notification in the Official Gazette, specify” shall be inserted;

(ii) after sub-section (1A), the following sub-section shall be inserted, namely:—

‘(1B) Where the Central Government, on such inquiry as it may consider necessary, is of the opinion that absorption of anti-dumping duty imposed under sub-section (1) has taken place whereby the anti-dumping duty so imposed is rendered ineffective, it may modify such duty to counter the effect of such absorption, from such date, not earlier than the date of initiation of the inquiry, as the Central Government may, by notification in the Official Gazette, specify.

Explanation.—For the purposes of this sub-section, “absorption of anti-dumping duty” is said to have taken place,—

(a) if there is a decrease in the export price of an article without any commensurate change in the cost of production of such article or export price of such article to countries other than India or resale price in India of such article imported from the exporting country or territory; or

(b) under such other circumstances as may be provided by rules.’;

(iii) for sub-section (2A), the following sub-section shall be substituted, namely:—

‘(2A) Notwithstanding anything contained in sub-section (1) and sub-section (2), a notification issued under sub-section (1) or any anti-dumping duty imposed under sub-section (2) shall not apply to articles imported by a hundred per cent. export-oriented undertaking or a unit in a special economic zone, unless,—

(i) it is specifically made applicable in such notification or to such undertaking or unit; or

(ii) such article is either cleared as such into the domestic tariff area or used in the manufacture of any goods that are cleared into the domestic tariff area, in which case, anti-dumping duty shall be imposed on that

portion of the article so cleared or used, as was applicable when it was imported into India.

Explanation.—For the purposes of this section,—

(a) the expression “hundred per cent. export-oriented undertaking” shall have the same meaning as assigned to it in clause (i) of *Explanation 2* to sub-section (1) of section 3 of the Central Excise Act, 1944;

1 of 1944.

(b) the expression “special economic zone” shall have the same meaning as assigned to it in clause (za) of section 2 of the Special Economic Zones Act, 2005.;

28 of 2005.

(iv) in sub-section (5),—

(a) in the first proviso, for the words “of five years”, the words “up to five years” shall be substituted;

(b) after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that if the said duty is revoked temporarily, the period of such revocation shall not exceed one year at a time.”.

Amendment of
First Schedule.

104. In the Customs Tariff Act, the First Schedule shall,—

(i) be amended in the manner specified in the Second Schedule;

(ii) with effect from the 1st April, 2021, be also amended in the manner specified in the Third Schedule; and

(iii) with effect from the 1st January, 2022, be also amended in the manner specified in the Fourth Schedule.

Excise

Amendment of
Fourth Schedule.

105. In the Central Excise Act, 1944 (hereinafter referred to as the Central Excise Act), the Fourth Schedule shall,—

1 of 1944.

(i) with effect from the 1st April, 2021, be amended in the manner specified in the Fifth Schedule; and

(ii) with effect from the 1st January, 2022, be also amended in the manner specified in the Sixth Schedule.

Amendment of
Chapter 27 of
Fourth Schedule.

106. In the Fourth Schedule to the Central Excise Act, in Chapter 27, with effect from the 1st day of January, 2020,—

(i) for the entry in column (2) occurring against tariff item 27101249, the entry “---- M15 Fuel conforming to standard IS 17076” shall be substituted and shall be deemed to have been substituted;

(ii) for the entry in column (4) occurring against tariff item 2710 20 10, the entry “14% + Rs.15.00 per litre” shall be substituted and shall be deemed to have been substituted;

(iii) for the entry in column (4) occurring against tariff item 2710 20 20, the entry “14% + Rs.15.00 per litre” shall be substituted and shall be deemed to have been substituted.

1 of 1944. **107.** Notwithstanding anything contained in paragraph 2 of the notification of the Government of India in the Ministry of Finance (Department of Revenue) number G.S.R 978(E), dated the 31st December, 2019, issued in exercise of the powers conferred under section 3C of the Central Excise Act, 1944, the amendments made in Chapter 27 of the Fourth Schedule thereto by the said notification shall be deemed to have, and always to have had effect, for all purposes, on and from the 1st day of January, 2020.

Revised date of effect to amendments made in Fourth Schedule *vide* notification issued under section 3C of Central Excise Act, 1944.

Central Goods and Services Tax

12 of 2017. **108.** In the Central Goods and Services Tax Act, 2017 (hereinafter referred to as the Central Goods and Services Tax Act), in section 7, in sub-section (1), after clause (a), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017, namely:—

Amendment of section 7.

“(aa) the activities or transactions, by a person, other than an individual, to its members or constituents or *vice-versa*, for cash, deferred payment or other valuable consideration.

Explanation.—For the purposes of this clause, it is hereby clarified that, notwithstanding anything contained in any other law for the time being in force or any judgment, decree or order of any Court, tribunal or authority, the person and its members or constituents shall be deemed to be two separate persons and the supply of activities or transactions *inter se* shall be deemed to take place from one such person to another;”.

109. In section 16 of the Central Goods and Services Tax Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

Amendment of section 16.

“(aa) the details of the invoice or debit note referred to in clause (a) has been furnished by the supplier in the statement of outward supplies and such details have been communicated to the recipient of such invoice or debit note in the manner specified under section 37;”.

110. In section 35 of the Central Goods and Services Tax Act, sub-section (5) shall be omitted.

Amendment of section 35.

111. For section 44 of the Central Goods and Services Tax Act, the following section shall be substituted, namely:—

Substitution of new section for section 44.

“44. Every registered person, other than an Input Service Distributor, a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person shall furnish an annual return which may include a self-certified reconciliation statement, reconciling the value of supplies declared in the return furnished for the financial year, with the audited annual financial statement for every financial year electronically, within such time and in such form and in such manner as may be prescribed:

Annual return.

Provided that the Commissioner may, on the recommendations of the Council, by notification, exempt any class of registered persons from filing annual return under this section:

Provided further that nothing contained in this section shall apply to any department of the Central Government or a State Government or a local authority, whose books of account are subject to audit by the Comptroller and Auditor-General of India or an auditor appointed for

auditing the accounts of local authorities under any law for the time being in force.”.

Amendment of section 50.

112. In section 50 of the Central Goods and Services Tax Act, in sub-section (1), for the proviso, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 1st day of July, 2017, namely:—

“Provided that the interest on tax payable in respect of supplies made during a tax period and declared in the return for the said period furnished after the due date in accordance with the provisions of section 39, except where such return is furnished after commencement of any proceedings under section 73 or section 74 in respect of the said period, shall be payable on that portion of the tax which is paid by debiting the electronic cash ledger.”.

Amendment of section 74.

113. In section 74 of the Central Goods and Services Tax Act, in *Explanation* 1, in clause (ii), for the words and figures “sections 122, 125, 129 and 130”, the words and figures “sections 122 and 125” shall be substituted.

Amendment of section 75.

114. In section 75 of the Central Goods and Services Tax Act, in sub-section (12), the following *Explanation* shall be inserted, namely:—

‘*Explanation.*—For the purposes of this sub-section, the expression “self-assessed tax” shall include the tax payable in respect of details of outward supplies furnished under section 37, but not included in the return furnished under section 39.’.

Amendment of section 83.

115. In section 83 of the Central Goods and Services Tax Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Where, after the initiation of any proceeding under Chapter XII, Chapter XIV or Chapter XV, the Commissioner is of the opinion that for the purpose of protecting the interest of the Government revenue it is necessary so to do, he may, by order in writing, attach provisionally, any property, including bank account, belonging to the taxable person or any person specified in sub-section (1A) of section 122, in such manner as may be prescribed.”.

Amendment of section 107.

116. In section 107 of the Central Goods and Services Tax Act, in sub-section (6), the following proviso shall be inserted, namely:—

“Provided that no appeal shall be filed against an order under sub-section (3) of section 129, unless a sum equal to twenty-five per cent. of the penalty has been paid by the appellant.”.

Amendment of section 129.

117. In section 129 of the Central Goods and Services Tax Act,—

(i) in sub-section (1), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) on payment of penalty equal to two hundred per cent. of the tax payable on such goods and, in case of exempted goods, on payment of an amount equal to two per cent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods comes forward for payment of such penalty;

(b) on payment of penalty equal to fifty per cent. of the value of the goods or two hundred per cent. of the tax payable on such

goods, whichever is higher, and in case of exempted goods, on payment of an amount equal to five per cent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods does not come forward for payment of such penalty;”;

(ii) sub-section (2) shall be omitted;

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The proper officer detaining or seizing goods or conveyance shall issue a notice within seven days of such detention or seizure, specifying the penalty payable, and thereafter, pass an order within a period of seven days from the date of service of such notice, for payment of penalty under clause (a) or clause (b) of sub-section (1).”;

(iv) in sub-section (4), for the words “No tax, interest or penalty”, the words “No penalty” shall be substituted;

(v) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) Where the person transporting any goods or the owner of such goods fails to pay the amount of penalty under sub-section (1) within fifteen days from the date of receipt of the copy of the order passed under sub-section (3), the goods or conveyance so detained or seized shall be liable to be sold or disposed of otherwise, in such manner and within such time as may be prescribed, to recover the penalty payable under sub-section (3):

Provided that the conveyance shall be released on payment by the transporter of penalty under sub-section (3) or one lakh rupees, whichever is less:

Provided further that where the detained or seized goods are perishable or hazardous in nature or are likely to depreciate in value with passage of time, the said period of fifteen days may be reduced by the proper officer.”.

118. In section 130 of the Central Goods and Services Tax Act,—

Amendment of section 130.

(a) in sub-section (1), for the words “Notwithstanding anything contained in this Act, if ”, the word “Where” shall be substituted;

(b) in sub-section (2), in the second proviso, for the words, brackets and figures “amount of penalty leviable under sub-section (1) of section 129”, the words “penalty equal to hundred per cent. of the tax payable on such goods” shall be substituted;

(c) sub-section (3) shall be omitted.

119. For section 151 of the Central Goods and Services Tax Act, the following section shall be substituted, namely:—

Substitution of new section for section 151.

“151. The Commissioner or an officer authorised by him may, by an order, direct any person to furnish information relating to any matter dealt with in connection with this Act, within such time, in such form, and in such manner, as may be specified therein.”.

Power to call for information.

Amendment of section 152.

120. In section 152 of the Central Goods and Services Tax Act,—

(a) in sub-section (1),—

(i) the words “of any individual return or part thereof” shall be omitted;

(ii) after the words “any proceedings under this Act”, the words “without giving an opportunity of being heard to the person concerned” shall be inserted;

(b) sub-section (2) shall be omitted.

Amendment of section 168.

121. In section 168 of the Central Goods and Services Tax Act, in sub-section (2),—

(i) for the words, brackets and figures “sub-section (1) of section 44”, the word and figures “section 44” shall be substituted;

(ii) the words, brackets and figures “sub-section (1) of section 151,” shall be omitted.

Amendment to Schedule II.

122. In Schedule II of the Central Goods and Services Tax Act, paragraph 7 shall be omitted and shall be deemed to have been omitted with effect from the 1st day of July, 2017.

Integrated Goods and Services Tax

Amendment of section 16.

123. In the Integrated Goods and Services Tax Act, 2017, in section 16,— 13 of 2017.

(a) in sub-section (1), in clause (b), after the words “supply of goods or services or both”, the words “for authorised operations” shall be inserted;

(b) for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) A registered person making zero rated supply shall be eligible to claim refund of unutilised input tax credit on supply of goods or services or both, without payment of integrated tax, under bond or Letter of Undertaking, in accordance with the provisions of section 54 of the Central Goods and Services Tax Act or the rules made thereunder, subject to such conditions, safeguards and procedure as may be prescribed:

Provided that the registered person making zero rated supply of goods shall, in case of non-realisation of sale proceeds, be liable to deposit the refund so received under this sub-section along with the applicable interest under section 50 of the Central Goods and Services Tax Act within thirty days after the expiry of the time limit prescribed under the Foreign Exchange Management Act, 1999 for receipt of foreign exchange remittances, in such manner as may be prescribed. 42 of 1999.

(4) The Government may, on the recommendation of the Council, and subject to such conditions, safeguards and procedures, by notification, specify—

(i) a class of persons who may make zero rated supply on payment of integrated tax and claim refund of the tax so paid;

(ii) a class of goods or services which may be exported on payment of integrated tax and the supplier of such goods or services may claim the refund of tax so paid.”.

CHAPTER V

AGRICULTURE INFRASTRUCTURE AND DEVELOPMENT CESS

- 51 of 1975. **124.** (1) There shall be levied and collected, in accordance with the provisions of this section, for the purposes of the Union, a duty of customs, to be called Agriculture Infrastructure and Development Cess, on the goods specified in the First Schedule to the Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), being the goods imported into India, at the rate not exceeding the rate of customs duty as specified in the said Schedule, for the purposes of financing the agriculture infrastructure and other development expenditure. Agriculture Infrastructure and Development Cess on imported goods.
- (2) The Central Government may, after due appropriation made by Parliament by law in this behalf, utilise such sums of money of the Agriculture Infrastructure and Development Cess levied under this section for the purposes specified in sub-section (1), as it may consider necessary.
- 52 of 1962. (3) Where the duty is leviable on the goods at any percentage of its value, then, for the purposes of calculating the Agriculture Infrastructure and Development Cess under this section, the value of such goods shall be calculated in the same manner as the value of goods is calculated for the purpose of customs duty under section 14 of the Customs Act, 1962.
- 52 of 1962. (4) The Agriculture Infrastructure and Development Cess on imported goods shall be in addition to any other duties of customs chargeable on such goods, under the Customs Act, 1962 or any other law for the time being in force.
- 52 of 1962. (5) The provisions of the Customs Act, 1962 and the rules and regulations made thereunder, including those relating to assessment, non-levy, short-levy, refund, exemptions, interest, appeals, offences and penalties shall, as far as may be, apply in relation to the levy and collection of the Agriculture Infrastructure and Development Cess on imported goods as they apply in relation to the levy and collection of duties of customs on such goods under the said Act, or the rules or regulations, as the case may be.
- 125.** (1) There shall be levied and collected, in accordance with the provisions of this section, for the purposes of the Union, an additional duty of excise, to be called Agriculture Infrastructure and Development Cess, on the goods specified in the Seventh Schedule (hereinafter referred to as scheduled goods), being the goods manufactured or produced, at the rates specified in column (3) of the said Schedule, for the purposes of financing the agriculture infrastructure and other development expenditure. Agriculture Infrastructure and Development Cess on excisable goods.
- (2) The Central Government may, after due appropriation made by Parliament by law in this behalf, utilise such sums of money of the Agriculture Infrastructure and Development Cess levied under this section for the purposes specified in sub-section (1), as it may consider necessary.
- 1 of 1944. (3) The cess leviable under sub-section (1), chargeable on the scheduled goods, shall be in addition to any other duties of excise chargeable on such goods under the Central Excise Act, 1944 or any other law for the time being in force.

(4) The provisions of the Central Excise Act, 1944 and the rules and regulations made thereunder, including those relating to assessment, non-levy, short-levy, refund, exemptions, interest, appeals, offences and penalties shall, as far as may be, apply in relation to the levy and collection of the cess leviable under this section in respect of scheduled goods as they apply in relation to the levy and collection of duties of excise on such goods under the said Act or the rules or regulations, as the case may be. 1 of 1944.

CHAPTER VI

MISCELLANEOUS

PART I

AMENDMENT TO THE INDIAN STAMP ACT, 1899

Insertion of new section 8G.

126. In the Indian Stamp Act, 1899, after section 8F, the following section shall be inserted, namely:— 2 of 1899.

Strategic sale, disinvestment, etc., of immovable property by Government company not liable to stamp duty.

‘8G. Notwithstanding anything contained in this Act or any other law for the time being in force, any instrument for conveyance or transfer of a business or asset or right in any immovable property from a Government company, its subsidiary, unit or joint venture,—

(i) by way of strategic sale or disinvestment or demerger or any other scheme of arrangements or through any law, to another Government company or to the Central Government or any State Government or to the development financial institution established by any law made by Parliament; or

(ii) which is to be wound up, closed, struck-off, liquidated or otherwise shut down, to another Government company or to the Central Government or any State Government,

after approval of the Central Government or the State Government, as the case may be, shall not be liable to duty under this Act.

Explanation.—For the purposes of this section, “Government company” shall have the same meaning as assigned to it in clause (45) of section 2 of the Companies Act, 2013.’ 18 of 2013.

PART II

AMENDMENT TO THE CONTINGENCY FUND OF INDIA ACT, 1950

Amendment of Act 49 of 1950.

127. In section 2 of the Contingency Fund of India Act, 1950, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) On and from the date on which the Finance Bill, 2021 receives the assent of the President, the sum which shall be paid from and out of the Consolidated Fund of India into the Contingency Fund of India under sub-section (2) shall stand enhanced to thirty thousand crores of rupees.”.

PART III

AMENDMENTS TO THE LIFE INSURANCE CORPORATION ACT, 1956

Commencement of this Part.

128. The provisions of this Part shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Part and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

31 of 1956.

129. In the Life Insurance Corporation Act, 1956 (hereinafter in this Part referred to as the principal Act), in section 2,—

Amendment of section 2.

(i) after clause (I), the following clauses shall be inserted, namely:—

(1a) “Audit Committee” means the Committee constituted under section 19C;

(1b) “Board of Directors” or “Board” means the collective body of the directors appointed or nominated or deemed as such under section 4;

(1c) “Chairperson” means the Chairperson referred to in clause (a) of sub-section (2) of section 4;

(1d) “Chief Executive” means,—

(i) during the initial period, the Chairperson referred to in sub-clause (i) of clause (a) of sub-section (2) of section 4;

(ii) after the initial period, the Chief Executive Officer and Managing Director;

(1e) “Chief Executive Officer and Managing Director” means the Chief Executive Officer and Managing Director referred to in clause (b) of sub-section (2) of section 4;

18 of 2013.

(1f) “Companies Act” means the Companies Act, 2013;

18 of 2013.

(1g) “court” means “Court” as defined in clause (29) of section 2 of the Companies Act, 2013;’;

(ii) after clause (4), the following clauses shall be inserted, namely:—

(4a) “director” means a director appointed or nominated or deemed as such under section 4;

(4b) “financial statement”, in relation to the Corporation, includes—

(i) a balance-sheet as at the end of the financial year;

(ii) a profit and loss account for the financial year;

(iii) cash flow statement for the financial year;

(iv) a statement of changes in equity, if applicable; and

(v) any explanatory note annexed to, or forming part of, any document referred to in sub-clause (i) to sub-clause (iv);

(4c) “fully diluted basis” shall mean, in relation to the percentage holding of the Central Government on such basis, the total number of shares held by the Central Government expressed as a percentage of the total number of shares of the Corporation that would be outstanding if all possible sources of conversion are exercised;

(4d) “independent director” means an independent director referred to in clause (g) of sub-section (2) of section 4;

(4e) “initial period” means the period of three years reckoned from the date on which the provisions of section 130 of the Finance Act, 2021 shall come into force;’;

(iii) after clause (6), the following clause shall be inserted, namely:—

‘(6a) “Managing Director” means a Managing Director referred to in clause (c) of sub-section (2) of section 4;’;

(iv) for clause (7), the following clauses shall be substituted, namely:—

‘(7) “member” means every person holding shares of the Corporation and whose name is entered in the register of members maintained under clause (a) of sub-section (1) of section 5B;

(7a) “Nomination and Remuneration Committee” means the Committee constituted under section 19B;

(7b) “notification” means a notification published in the Official Gazette, and the expression “notify” shall be construed accordingly;’;

(v) after clause (8), the following clause shall be inserted, namely:—

‘(8a) “special resolution” means a resolution for which the intention to propose the same as a special resolution has been duly specified in the notice given to members for calling a general meeting, and the votes cast in favour of the resolution by members are not less than three times the number of votes, if any, cast against the resolution;’;

(vi) for clause (10), the following clause shall be substituted, namely:—

“(10) unless there is anything repugnant in the subject or context, all the words and expressions used herein but not defined and defined in the Insurance Act, 1938 or in the Companies Act, 2013 shall have the meanings respectively assigned to them in the said Acts.”.

4 of 1938.
18 of 2013.

Substitution of
new section for
section 4.

Board of
Directors.

130. For section 4 of the principal Act, the following sections shall be substituted, namely:—

‘4. (1) The general superintendence and direction of the affairs and business of the Corporation shall vest in its Board of Directors, which may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation and are not by this Act expressly directed or required to be done by the Corporation in general meeting.

(2) The Board of Directors of the Corporation shall consist of the following directors, not exceeding eighteen, of whom at least one shall be a woman, namely:—

(a) a Chairperson of the Board, to be appointed by the Central Government, who shall,—

(i) during the initial period, be a whole-time director of the Corporation; and

(ii) after the initial period, be from amongst the non-executive directors nominated or to be nominated by the Central Government;

(b) after the initial period, a Chief Executive Officer and Managing Director, who shall be a who-time director of the Corporation to be appointed by the Central Government:

Provided that where no Chief Executive Officer and Managing Director is appointed before expiry of the initial period, the individual holding office as Chairperson shall be deemed to have been appointed as the Chief Executive Officer and Managing Director on and from the date of such expiry;

(c) Managing Directors, not exceeding four, to be appointed by the Central Government, who shall be whole-time directors of the Corporation;

(d) an officer of the Central Government not below the rank of a Joint Secretary to the Government of India, to be nominated by the Central Government;

(e) an individual to be nominated by the Central Government, who has special knowledge or practical experience in actuarial science, business management, economics, finance, human resources, information technology, insurance, law, risk management, or any other field the special knowledge or practical experience of which would be useful to the Corporation in the opinion of the Central Government or who represent the interests of policyholders;

(f) where the total holding of members other than the Central Government in the paid-up equity capital of the Corporation is—

(a) not more than ten per cent., one individual;

(b) more than ten per cent., two individuals,

who shall be elected by and from amongst such members and in such manner as may be specified by regulations, to be appointed by the Board; and

(g) such number of independent directors, not exceeding nine, to be recommended by the Nomination and Remuneration Committee and appointed by the Board.

(3) An independent director of the Corporation shall, in relation to the Corporation, meet the same criteria of independence as an independent director of a company is required to meet in relation to the company under sub-section (6) of section 149 of the Companies Act:

Provided that such a director shall also meet, in addition to the aforesaid criteria, any criteria that the Nomination and Remuneration Committee may formulate regarding qualifications, positive attributes and independence:

Provided further that every such director shall at the first meeting of the Board in which he participates as a director and thereafter at the first meeting of the Board in every financial year or whenever there is any change in the circumstances which may affect his status as an independent director, give a declaration that he meets the criteria of independence under this sub-section and that he is not aware of any circumstance or situation, which exist or may reasonably be anticipated, that could impair or impact his ability to discharge his duties with an objective independent judgment and without any external influence.

(4) An individual appointed by the Board as a director under clause (f) or clause (g) of sub-section (2) shall hold office up to the date of the next annual general meeting or the last date on which the annual general meeting should have been held, whichever is earlier, and shall hold office beyond such date only if his appointment is approved at the annual general meeting.

(5) Before an individual is appointed or nominated as a director under sub-section (2), the Central Government or the Nomination and Remuneration Committee, as the case may be, shall satisfy itself that such an individual as a director shall have no financial or other interest as is likely to affect prejudicially the exercise or performance by him of the functions of a director:

Provided that the Board shall satisfy itself from time to time with respect to every director other than a director nominated under clause (d) of sub-section (2) that he has no such interest:

Provided further that, for the purposes of this sub-section, any individual who is, or whose appointment or nomination or election is proposed and who has consented to be a director, shall furnish such information as the Central Government or the Nomination and Remuneration Committee or the Board, as the case may be, may require.

(6) Notwithstanding anything contained in sub-section (2), on and from the appointed date, an individual appointed under section 4 who is eligible to be or remain a director under section 4A and who, immediately before such appointed date, held the office of a member of the Corporation—

(i) in the capacity as the Chairman of the Corporation, shall be deemed to be a director and the Chairperson under sub-clause (i) of clause (a) of sub-section (2);

(ii) in the capacity as a Managing Director of the Corporation, shall be deemed to be a director and a Managing Director under clause (c) of sub-section (2);

(iii) and is an officer of the Central Government not below the rank of a Joint Secretary to the Government of India in the Department of Financial Services, shall be deemed to be a director nominated under clause (d) of sub-section (2);

(iv) and has been in office for a duration which is the longest amongst members other than members referred to in clauses (i), (ii) and (iii), shall be deemed to be a director nominated under clause (e) of sub-section (2):

Provided that every such individual shall hold office until expiry of the term, if any, specified at the time of his appointment as a member of the Corporation, or until a director appointed or nominated, as the case may be, under sub-section (2) in place of such an individual assumes office:

Provided further that any act or proceeding of the collective body of members constituting the Corporation under section 4 before the appointed date, shall be deemed to be an act or proceeding, as the case may be, of the Board.

Explanation.—For the purposes of this sub-section,—

(a) notwithstanding anything contained in clause (7) of section 2, the expression “member” shall mean a member appointed to the Corporation constituted under section 4 [as it stood before the coming into force of section 130 of the Finance Act, 2021];

(b) “appointed date” means the date on which the provisions of section 130 of the Finance Act, 2021 shall come into force.

4A. An individual shall not be eligible to be or remain a director if,— Disqualification to be director.

(a) he is of unsound mind and stands so declared by a competent court;

(b) he is an undischarged insolvent;

(c) he has applied to be adjudicated as an insolvent and his application is pending;

(d) he has been convicted by a court of any offence, whether involving moral turpitude or otherwise, and sentenced in respect thereof to imprisonment for not less than six months and a period of five years has not elapsed from the date of expiry of the sentence:

Provided that if an individual has been convicted of any offence and sentenced in respect thereof to imprisonment for a period of seven years or more, he shall not be eligible to be a director;

(e) an order disqualifying him to be a director has been passed by a court or the National Company Law Tribunal constituted under section 408 of the Companies Act, and the order is in force;

(f) he has not paid any calls in respect of any shares of the Corporation held by him, whether alone or jointly with others, and six months have elapsed from the last day fixed for the payment of such call;

(g) he attracts any disqualification for being a director of a company under the provisions of sub-section (2) of section 164 of the Companies Act, subject to such exceptions thereto as the Central Government may, by notification, specify;

(h) he is a salaried government official, other than an individual nominated director under clause (d) of sub-section (2) of section 4;

(i) he is an insurance agent or an intermediary or an insurance intermediary;

(j) he is an employee of the Corporation, other than the Chief Executive or a Managing Director, or of its subsidiary or associate company;

(k) he is a director of a subsidiary or an associate company of the Corporation and is other than the Chief Executive or a Managing Director;

(l) he is an employee or a director or a promoter of any insurer carrying on life insurance business anywhere in the world, other than the Corporation or its subsidiary or associate company, or of any holding company, subsidiary or associate company of such an insurer;

(m) he absents himself from all the meetings of the Board held during a period of twelve months, with or without seeking leave of absence of the Board:

Provided that the disqualifications referred to in clauses (d) and (e) shall continue to apply even if an appeal or petition has been filed against the order of conviction or disqualification.

Disclosure of interest by director and senior management.

4B. (1) Every director shall at the first meeting of the Board in which he participates as a director and thereafter at the first meeting of the Board in every financial year, or whenever there is any change in the disclosures already made, then at the first Board meeting held after such change, disclose his concern or interest in any body corporate, which shall include shareholding, in such manner as may be prescribed.

(2) Every director who is in any way, whether directly or indirectly, concerned or interested in a contract or arrangement or proposed contract or arrangement entered into or to be entered into by the Corporation—

(a) with a body corporate in which such director or such director in association with any other director, holds more than two per cent. shareholding of that body corporate, or is a promoter, manager, chief executive officer or trustee of that body corporate, or

(b) with a firm or other entity in which such director is a partner, owner or member, as the case may be,

shall not participate in any meeting of the Board or of its Committee in which such contract or arrangement is deliberated upon, or in any other deliberations or discussions regarding such contract or arrangement, and shall, in the case of such deliberations in a meeting of the Board or its Committee, disclose the nature of his concern or interest to the Board or the Committee, as the case may be:

Provided that where any director who is not so concerned or interested at the time of entering into such contract or arrangement, he shall, if he becomes concerned or interested after the contract or arrangement is entered into, disclose his concern or interest forthwith when he becomes concerned or interested, or at the first meeting of the Board held after he becomes so concerned or interested.

(3) A contract or arrangement entered into by the Corporation without disclosure under sub-section (2) or with participation by a director who is concerned or interested in any way, whether directly or indirectly, in such contract or arrangement, shall be voidable at the option of the Corporation.

(4) Such employees as the Board may specify as constituting the senior management of the Corporation shall make disclosures to the Board relating to all material, financial and commercial transactions, in which they have personal interest that may have a potential conflict with the interest of the Corporation, and the Board shall formulate a policy on such transactions, including any materiality threshold therefor, and shall review such policy at least once every three years.

Explanation.—For the purposes of this sub-section, conflict of interest relates to dealing in the shares of the Corporation or any of its subsidiaries or associate companies, commercial dealings with bodies in which the senior management individual or his relatives have shareholding, etc.

(5) If an individual who is a director contravenes the provisions of sub-section (1) or sub-section (2), or an employee referred to in sub-section (4), contravenes such provisions, such an individual or employee shall be liable to pay penalty of a sum of up to one lakh rupees.

(6) Without prejudice to anything contained in sub-section (5), it shall be open to the Corporation to proceed against a director or any other employee who had entered into such contract or arrangement in contravention of the provisions of this section for recovery of any loss sustained by it as a result of such contract or arrangement.

Explanation.—For the purposes of sections 4B and 4C, the expression “body corporate” shall include a company, a body corporate as defined under clause (11) of section 2 of the Companies Act, a firm, a financial institution or a scheduled bank or a public sector enterprise established or constituted by or under any Central Act or State Act, and any other incorporated association of persons or body of individuals.

4C. (1) Except with the consent of the Board and subject to such conditions as may be prescribed, the Corporation shall not enter into any contract or arrangement with a related party with respect to—

Related party transactions.

- (a) sale, purchase or supply of any goods or materials;
- (b) selling or otherwise disposing of, or buying, property of any kind;
- (c) leasing of property of any kind;
- (d) availing or rendering of any services;
- (e) appointment of any agent for purchase or sale of goods, materials, services or property;
- (f) such related party's appointment to any office or place of profit in the Corporation, its subsidiary or associate company;
- (g) underwriting the subscription of any securities, or derivatives thereof, of the Corporation:

Provided that no contract or arrangement involving transactions exceeding such sums as the Board may specify, shall be entered into except with the prior approval in the general meeting:

Provided further that no member shall vote in such general

meeting to approve any contract or arrangement which may be entered into by the Corporation, if such member is a related party:

Provided also that nothing in this sub-section shall apply to any transactions entered into by the Corporation in its ordinary course of business, other than transactions which are not on an arm's length basis:

Provided also that the requirement of approval under the first proviso shall not be applicable for transactions entered into between the Corporation and—

(a) its wholly owned subsidiary, if any, whose financial statements are consolidated with the Corporation and placed before the members at the general meeting for adoption;

(b) a Government company, or the Central Government, or any State Government, or any combination thereof, in respect of contract or arrangement entered into between them.

Explanation.—In this sub-section,—

(a) the expression “office or place of profit” means any office or place—

(i) where such office or place is held by a director, if the director holding it receives from the Corporation anything by way of remuneration over and above the remuneration to which he is entitled as director, by way of salary, fee, commission, perquisites, any rent-free accommodation, or otherwise;

(ii) where such office or place is held by an individual other than a director or by any firm, private company or other body corporate, if the individual, firm, private company or body corporate holding it receives from the Corporation anything by way of remuneration, salary, fee, commission, perquisites, any rent-free accommodation, or otherwise;

(b) the expression “arm's length transaction” means a transaction between two related parties that is conducted as if they were unrelated, so that there is no conflict of interest.

(2) The Board shall formulate a policy on materiality of related party transactions and on dealing with related party transactions, including clear threshold limits, and shall review and update such policy at least once in every three years.

Explanation.—For the removal of doubts, it is hereby clarified that a transaction with a related party shall be considered material if the amount of the transaction to be entered into, individually or taken together with previous transactions during a financial year, exceeds such percentage of the annual consolidated turnover of the Corporation as per its last audited financial statements as may be specified in any regulation made by the Securities and Exchange Board in this behalf.

(3) Every contract or arrangement entered into under sub-section (1) shall be referred to in a report made by the Board to the members, along with the justification for entering into such contract or arrangement.

(4) Where any contract or arrangement is entered into by a director or any other employee, without obtaining the consent of the Board or approval by a resolution in the general meeting under sub-section (1) and

if it is not ratified by the Board or, as the case may be, by the members at a meeting within three months from the date on which such contract or arrangement was entered into, such contract or arrangement shall be voidable at the option of the Board or, as the case may be, of the members and if the contract or arrangement is with a related party to any director, or is authorised by any other director, the directors concerned shall indemnify the Corporation against any loss incurred by it.

(5) Without prejudice to anything contained in sub-section (4), it shall be open to the Corporation to proceed against a director or any other employee who had entered into such contract or arrangement in contravention of the provisions of this section for recovery of any loss sustained by it as a result of such contract or arrangement.

(6) Any director or any other employee of the Corporation who had entered into or authorised a contract or arrangement in violation of the provisions of this section, shall be liable to pay penalty of a sum of up to twenty-five lakh rupees.

4D. (1) The Central Government may, by an order published in the Official Gazette, appoint an officer of the Central Government, not below the rank of Joint Secretary to the Government of India or equivalent, as adjudicating officer for adjudging penalties under the provisions of this Act.

Adjudication of penalties.

(2) The adjudicating officer may, on a complaint made in writing by a person authorised by the Corporation, and after giving a reasonable opportunity of being heard, by an order impose penalty on a director or employee liable to penalty under any provision of this Act on account of any contravention or violation on his part.

(3) The adjudicating officer, for the purposes of discharging his functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, to summon and enforce the attendance of any person and examine him on oath and to require the discovery and production of documents or other electronic records, and shall be deemed to be a civil court for purposes of Order XXI of the Civil Procedure Code, 1908.

5 of 1908.

(4) A director or employee aggrieved by any order made by the adjudicating officer may prefer an appeal to such officer to the Central Government of a rank higher than that of the adjudicating officer as the Central Government may appoint as appellate authority, within thirty days from the date on which a copy of the order made by the adjudicating officer is received by the aggrieved individual, and the officer so appointed may, after giving the individual an opportunity of being heard, pass such order as he may deem fit, confirming, modifying or setting aside the order appealed against, or remanding the case to the adjudicating officer for disposal, with such directions as he may deem fit.

(5) Where a director or employee of the Corporation having already been subjected to penalty under this Act for any contravention or violation of any provision of this Act, again commits such contravention or violation within a period of three years from the date of order imposing such penalty passed by the adjudicating officer, he shall be liable for the second or subsequent contravention or violation for twice the amount of penalty provided therefor.'

131. For section 5 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new section for section 5.

‘5. (1) The authorised share capital of the Corporation shall be twenty-five thousand crore rupees, divided into two thousand and five hundred crore shares of ten rupees each:

Capital of Corporation.

Provided that the Central Government may, by notification, increase the authorised share capital or reduce the authorised share capital to such amount not less than the amount of the paid-up equity capital of the Corporation immediately before the coming into force of section 131 of the Finance Act, 2021, as it may deem fit:

Provided further that the Corporation may, with the previous approval of the Central Government, consolidate or reduce the nominal or face value of the shares, divide the authorised share capital into equity share capital or a combination of equity and preference share capital, and divide the nominal or face value of shares into such denomination as the Corporation may decide.

(2) The Corporation shall, with the previous approval of the Central Government, issue equity shares to the Central Government in consideration for the paid-up equity capital provided by the Central Government to the Corporation as it stood before the coming into force of section 131 of the Finance Act, 2021.

(3) The share capital of the Corporation shall consist of equity shares and preference shares, which may be fully paid-up or partly paid-up:

Provided that the Board may determine the terms of issue of partly paid-up shares and payment of calls for such partly paid-up shares.

(4) The Corporation may from time to time increase its issued share capital, with the previous approval of the Central Government, whether by public issue or rights issue or preferential allotment or private placement or issue of bonus shares to existing members holding equity shares, or by issue of shares to employees pursuant to share based employee benefits schemes, or by issue of shares to life insurance policyholders of the Corporation, or otherwise:

Provided that the Central Government shall, on a fully diluted basis hold,—

(a) at all times, not less than fifty-one per cent. of the issued equity share capital of the Corporation;

(b) during a period of five years from the date of first issue of shares to any person other than the Central Government, not less than seventy-five per cent. of the issued equity share capital of the Corporation:

Provided further that no shares shall be issued other than by way of rights issue unless authorised by a special resolution, except in the circumstances where the provisions of the second and third provisos to sub-section (1) of section 23A apply:

Provided also that issue of shares to life insurance policyholders of the Corporation shall not be by preferential allotment or private placement.

(5) Where the Corporation issues shares at a premium, whether for cash or otherwise, a sum equal to the aggregate amount of the premium received on those shares shall be transferred to a share premium account, and the provisions of sub-sections (7) and (8) shall, except as provided in sub-section (6), apply as if the share premium account were the paid-up share capital of the Corporation.

(6) The share premium account referred to in sub-section (5) may be applied by the Corporation—

(a) towards the issue of unissued shares of the Corporation to members as fully paid-up bonus shares;

(b) in writing off the expenses of, or the commission paid or discount allowed on, any issue of shares or debentures of the Corporation;

(c) in providing for the premium payable on the redemption of any redeemable preference shares or of any debentures or of any securities of the Corporation; or

(d) for the purchase of its own shares or other securities.

(7) The Corporation may, by a special resolution, reduce its paid-up equity share capital in the following manners, namely:—

(a) giving of previous notice by the Corporation of the intended reduction to every member, and to such class or classes of creditors as the Central Government may, by notification, specify;

(b) constitution of a committee which shall consist of a chairperson who has been a judge of a High Court or the chairperson of a tribunal and such independent experts not exceeding two as the Board may appoint, to consider representations, if any, that may be made by members and creditors referred to in clause (a) in respect of the intended reduction and to submit its recommendations to the Board; and

(c) after consideration of the committee's recommendations, making of recommendations by the Board for reduction, either as given in the notice or with such modifications as the Board may consider necessary, to the Central Government for its approval.

(8) Without prejudice to the generality of the power under sub-section (7), the Corporation may reduce its paid-up equity share capital by—

(a) extinguishing or reducing the liability on any of its equity shares in respect of share capital not paid-up; or

(b) cancelling, with or without extinguishing or reducing liability on any of its paid-up equity shares, any paid-up equity share capital which is either lost or is unrepresented by available assets; or

(c) paying off, with or without extinguishing or reducing liability on any of its paid-up equity shares, any paid-up equity share capital which is in excess of the wants of the Corporation.

(9) Notwithstanding anything contained in any other law for the time being in force—

(a) regarding various categories of persons in favour of whom an issuer may make reservations on a competitive basis, in relation to a public issue, the Corporation may, at any time during the period of five years from the commencement of section 131 of the Finance Act,

2021, make a reservation on a competitive basis, to an extent of up to ten per cent. out of the issue size, in favour of its life insurance policyholders as one of the reserved categories for such public issue:

Provided that the value of the allotment of equity shares to such a policyholder shall not exceed two lakh rupees, or such higher amount as the Central Government may by notification specify:

Provided further that, in the event of under-subscription in the policyholder reservation portion, the unsubscribed portion may be allotted on a proportionate basis, in excess of the value referred to in the first proviso, subject to the total allotment to a policyholder not exceeding five lakh rupees or such higher amount as the Central Government may by notification specify:

Provided also that the policyholders in favour of whom reservation is made under this sub-section may be offered shares at a price not lower than by more than ten per cent. of the price at which net offer to public is made to other categories of applicants;

(b) regarding ineligibility for computation of minimum promoter's contribution, in relation to a public issue by way of an initial public offer, all equity shares of the Corporation held by the Central Government, including all shares acquired during the period of three years preceding the opening of such public offer, resulting from a bonus issue or otherwise, shall be eligible for such computation;

(c) requiring the holding of paid-up equity shares by the sellers for a minimum holding period as a condition for offering such shares for sale to the public, in relation to a public issue by way of an initial public offer, all fully paid-up equity shares of the Corporation held by the Central Government shall be eligible for such an offer for sale:

Provided that and subject to any regulation made by the Securities and Exchange Board, no shares issued by the Corporation against revaluation of assets or by utilisation of revaluation reserves or from unrealised profits shall be eligible for computation of minimum promoter's contribution and for offer for sale in relation to a public issue by way of initial public offer.

Explanation.—Words and expressions used in this sub-section but not defined either in this Act or in the Insurance Act or in the Companies Act shall have the meanings respectively assigned to them in regulations made by the Securities and Exchange Board regarding issue of capital and disclosure requirements, to the extent not repugnant with the provisions of this Act.

(10) The Corporation may issue other securities, including bonds, debentures, notes, commercial paper and other debt instruments, for the purpose of raising funds to meet its business requirements.

5A. (1) Save as otherwise provided in sub-sections (2) and (3), the shares of the Corporation shall be freely transferable:

Provided that any arrangement between two or more persons in respect of transfer of shares shall be enforceable as a contract.

(2) Nothing contained in sub-section (1) shall entitle the Central Government to transfer any shares held by it in the Corporation, if as a result of such transfer, the shares held by it, on a fully diluted basis, shall reduce to less than fifty-one per cent. of the issued equity share capital of the Corporation.

(3) No person, other than the Central Government, acting individually or with persons acting in concert with such person, or constituents of a group, shall hold equity share in excess of five per cent.

Transferability of shares.

of issued equity share capital of the Corporation, or such higher percentage as the Central Government may by notification specify.

Explanation.—For the purposes of this section,—

12 of 2003.

(a) the expression “group” shall have the meaning assigned to it in the Competition Act, 2002;

(b) the expression “persons acting in concert” shall have the meaning assigned to it in regulations made by the Securities and Exchange Board regarding substantial acquisition of shares and takeovers.

5B. (1) The Corporation shall keep and maintain the following registers, in such form and in such manner as may be specified by regulations, namely:—

Register of members, etc.

(a) register of members, indicating separately each class of equity and preference shares held by each member residing in or outside India;

(b) register of debenture-holders; and

(c) register of any other security holders.

(2) Every register maintained under sub-section (1) shall include an index of the names included therein.

22 of 1996.

(3) The register and index of beneficial owners maintained by a depository under section 11 of the Depositories Act, 1996 shall be deemed to be the corresponding register and index for the purposes of this Act.

(4) No notice of any trust, whether express or implied or constructive, shall be entered on the register of members or be receivable by the Corporation:

Provided that nothing in this section shall apply to a depository in respect of shares held by it as a registered owner on behalf of the beneficial owners.

22 of 1996.

Explanation.—For the purposes of this section and section 5C, the expressions “beneficial owner”, “depository” and “registered owner” shall have the meanings respectively assigned to them in clauses (a), (e) and (j) of sub-section (1) of section 2 of the Depositories Act, 1996.

5C. (1) Where the name of a person is entered on the register of members of the Corporation as the holder of shares in the Corporation but he does not hold beneficial interest in such shares, such person shall make, within such time and in such form as may be prescribed for a company under section 89 of the Companies Act, a declaration to the Corporation specifying the name and other particulars of the person who holds beneficial interest in such shares.

Declaration in respect of beneficial interest in shares.

(2) Every person who holds or acquires a beneficial interest in shares of the Corporation shall make, within such time and in such form as may be prescribed for a company under section 89 of the Companies Act, a declaration to the Corporation specifying the nature of his interest, particulars of the person in whose name the share stands

registered in the books of the Corporation and such other particulars as may be prescribed under the said section.

(3) Where any change occurs in the beneficial interest in shares of the Corporation, the person referred to in sub-section (1) and the beneficial owner specified in sub-section (2) shall, within a period of thirty days from the date of such change, make a declaration to the Corporation in such form and containing such particulars as may be prescribed for a company under section 89 of the Companies Act.

(4) No right in relation to any share in respect of which a declaration is required to be made under this section but has not been made by the beneficial owner, shall be enforceable by him or by any person claiming through him.

(5) For the purposes of this section, beneficial interest in a share includes, directly or indirectly, through any contract, arrangement or otherwise, the right or entitlement of a person alone or together with any other person to—

(a) exercise or cause to be exercised any or all of the rights attached to such share; or

(b) receive or participate in any dividend or other distribution in respect of such share.

(6) Every individual who, acting alone or together or through one or more persons, holds beneficial interests, of not less than twenty-five per cent. or such other percentage as may be prescribed for a company under section 90 of the Companies Act, in the shares of the Corporation or the right to exercise, or the actual exercising of significant influence or control as defined in clause (27) of section 2 of the Companies Act, over the Corporation (herein referred to as “significant beneficial owner”), shall make a declaration to the Corporation, specifying the nature of his interest and other particulars, in such manner and within such period of acquisition of the beneficial interest or rights and any change thereof, as may be prescribed for a company under section 90 of the Companies Act.

(7) The Corporation shall maintain a register of the interest declared by individuals under sub-section (6) and changes therein, which shall include the name of individual, his date of birth, address, details of ownership in the Corporation and such other details as may be prescribed for a company under section 90 of the Companies Act.

Shares to be securities.

5D. Notwithstanding anything contained in the Securities Contracts (Regulation) Act, 1956 or any other law for the time being in force, the shares of the Corporation shall be deemed to be securities as defined under the said Act.

42 of 1956.

Right of registered members to nominate.

5E. (1) Every individual registered member may, at any time, nominate, in such manner as may be specified by regulations, an individual to whom all his rights in the shares shall vest in the event of death of such member.

(2) Where the shares are registered in the name of more than one individual jointly, the joint holders may together nominate, in such manner as may be specified by regulations, an individual to whom all their rights in the shares shall vest in the event of the death of all such joint holders.

(3) Notwithstanding anything contained in any other law for time being in force or in any disposition, whether testamentary or otherwise, where a nomination in respect of shares is made and which purports to confer on the nominee the right to vest the shares, the nominee shall, on the death of the member or, as the case may be, on the death of all the joint holders, become entitled to all the rights of the member or, as the case may be, of all the joint holders, in relation to such shares, and all other persons shall be excluded unless the nomination has been varied or cancelled before death in such manner as may be specified by regulations.

(4) Where the nominee is a minor, it shall be lawful for the individual registered holder of the shares to make nomination to appoint, in such manner as may be specified by regulations, any person to become entitled to the shares in the event of his death during the minority of the nominee.’

132. For section 19 of the principal Act, the following sections shall be substituted, namely:—

Substitution of section 19.

‘19. (1) The Board may constitute an Executive Committee of the Board, consisting of—

Executive Committee.

(i) the Chief Executive;

(ii) Managing Directors;

(iii) the director referred to in clause (d) of sub-section (2) of section 4; and

(iv) four directors nominated by the Board from amongst the directors referred to in clauses (e), (f) and (g) of sub-section (2) of section 4.

(2) The Executive Committee of the Board shall exercise such powers as the Board may entrust to it.

19A. The Board may, for such functions relating to investment of the funds of the Corporation as the Board may entrust, constitute an Investment Committee of the Board, consisting of the Chief Executive and not more than seven other directors, of which a minimum two shall be directors other than directors appointed under clause (a) or clause (b) of sub-section (2) of section 4:

Investment Committee.

Provided that the officers of the Corporation heading the functions dealing with finance, risk, investment and law as well as its Appointed Actuary shall be invited to every meeting of the Committee and shall have a right to be heard at the meeting.

Explanation.—For the purposes of this section and section 24B, “Appointed Actuary” means the actuary appointed as such by the Corporation under the regulations made by the Authority under the Insurance Act regarding appointed actuaries.

19B. (1) The Board shall constitute a Nomination and Remuneration Committee of the Board, consisting of three or more directors from amongst directors other than those appointed either under sub-clause (i) of clause (a) or under clause (b) or under clause (c) of sub-section (2) of section 4, out of whom not less than one-half shall be independent directors at any time when the number of independent directors in office is sufficient to constitute such proportion of the membership of the Committee:

Nomination and Remuneration Committee.

Provided that the Chairperson may be appointed as a member of the Nomination and Remuneration Committee but shall not chair the Committee:

Provided further that in the event of the Corporation applying to list its equity shares under any regulation made by the Securities and Exchange Board in this behalf, the Corporation shall ensure that the proportion of independent directors on the Nomination and Remuneration Committee shall be in accordance with the requirements as provided under those regulations.

(2) The Nomination and Remuneration Committee shall—

(i) formulate the criteria for determining qualifications, positive attributes and independence of a director to be appointed under clause (e) or clause (f) or clause (g) of sub-section (2) of section 4 and recommend the same to the Board;

(ii) in accordance with the criteria referred to in clause (i), identify individuals who are qualified to be appointed as such a director:

Provided that while identifying individuals, the Committee shall have due regard to the requirements under the proviso to sub-section (1) of section 19C;

(iii) give its recommendations to the Board regarding appointment and removal of such an individual, and carry out evaluation of his performance; and

(iv) recommend to the Board a policy relating to the sum payable as sitting fees to a director nominated or appointed under clauses (e) or (f) or (g) of sub-section (2) of section 4, subject to such fees not exceeding such limit as may apply in respect of sitting fees payable to a director of a company under the Companies Act.

Audit
Committee.

19C. (1) The Board shall constitute an Audit Committee of the Board, consisting of a minimum of three directors with independent directors forming a majority when the number of independent directors in office is sufficient to constitute such proportion of the membership of the Audit Committee:

Provided that a majority of directors on the Audit Committee, including its chairperson, shall be individuals with ability to read and understand financial statements and at least one individual shall have accounting or related financial management expertise:

Provided further that in the event of the Corporation applying to list its equity shares under any regulation made by the Securities and Exchange Board in this behalf, the Corporation shall ensure that the proportion of independent directors on the Audit Committee shall be in accordance with the requirements as provided under those regulations.

(2) The Audit Committee shall act in accordance with the terms of reference specified by the Board, which shall include, *inter alia*,—

(a) recommendations for appointment, remuneration and terms of appointment of the auditors of the Corporation;

(b) review and monitoring of the independence and performance of the auditors, and the effectiveness of the audit process;

(c) examination of financial statements and auditor's report thereon;

(d) prior approval of transactions of the Corporation with related parties:

Provided that the Audit Committee may make omnibus approval for related party transactions proposed to be entered into by the Corporation subject to the conditions specified in sub-section (3):

Provided further that in case of transaction other than transactions referred to in section 4C, and where the Audit Committee does not approve a transaction, it shall make its recommendations to the Board:

Provided also that in case any transaction involving any amount not exceeding one crore rupees is entered into by a director or an officer of the Corporation without obtaining the approval of the Audit Committee and it is not ratified by the Audit Committee within three months from the date of the transaction, such transaction shall be voidable at the option of the Corporation with the approval of the Audit Committee and if the transaction is with the related party to any director or is authorised by any other director, the director concerned shall indemnify the Corporation against any loss incurred by it;

(e) scrutiny of inter-corporate loans and investments;

(f) valuation of undertakings or assets of the Corporation, wherever it is necessary;

(g) evaluation of internal financial controls and risk management systems;

(h) monitoring the end use of funds raised through public offers, and related matters.

(3) The Audit Committee may grant omnibus approval for related party transactions proposed to be entered into by the Corporation, subject to the following conditions, namely:—

(a) the Audit Committee shall lay down the criteria for granting omnibus approval in line with the policy referred to in sub-section (2) of section 4C including in respect of transactions which are repetitive in nature;

(b) the Audit Committee shall satisfy itself that omnibus approval is needed and that such approval is in the interest of the Corporation;

(c) the omnibus approval shall specify the following, namely:—

(i) the details regarding the name of the related party and the nature, period and the maximum amount of the transactions that shall be entered into;

(ii) the details regarding indicative base price or current contracted price, along with the formula, if any, for variation in the price; and

(iii) such other conditions as the Audit Committee may deem fit:

Provided that where the need for related party transaction cannot be foreseen and the said details are not available, the Audit Committee may grant omnibus approval for such transactions subject to their value not exceeding one crore rupees per transaction;

(d) the Audit Committee shall review on a quarterly basis,

the details of related party transactions entered into by the Corporation pursuant to every omnibus approval given; and

(e) omnibus approval shall be valid for a period not exceeding one year and shall require fresh approval after expiry of one year.

(4) The Audit Committee may call for the comments of the auditors about internal control systems, the scope of audit including the observations of the auditors, and review of financial statements before their submission to the Board, and may also discuss any related issues with the auditors and the management of the Corporation.

(5) The Audit Committee shall have authority to investigate any matter in relation to the items specified in sub-section (2) or referred to it by the Board and, for this purpose, shall have the power to obtain professional advice from external sources and have full access to information contained in the records of the Corporation.

(6) The auditors of the Corporation and such key managerial personnel as the Board may specify shall have a right to be heard in the meetings of the Audit Committee when it considers the auditor's report.

Other Committees.

19D. The Board may constitute such other Committees of the Board as it may deem fit, to render advice to the Board on such matters as may be generally or specially referred to them, and to perform such duties as the Board may entrust to them.'.

Substitution of section 20.

133. For section 20 of the principal Act, the following section shall be substituted, namely:—

Chief Executive and Managing Directors.

“20. (1) The Chief Executive shall, subject to the superintendence, control and direction of the Board, be entrusted with substantial powers of management in respect of the whole of the affairs of the Corporation.

(2) The Chief Executive shall also perform such other duties in relation to the affairs of the Corporation as the Board may entrust to him from time to time and shall, for this purpose, exercise such powers as may be conferred upon him by the Board:

Provided that the Board may also empower the Chief Executive to entrust or delegate such of his duties and powers, as it may deem fit.

(3) Every Managing Director, subject to the general control of the Chief Executive, shall perform such duties and exercise such powers as may be entrusted or delegated to him by the Board or, under sub-section (2), by the Chief Executive.”.

Amendment of section 22.

134. In section 22 of the principal Act,—

(i) in sub-section (1), for the words “a person whether a member or not”, the words “an employee of the Corporation other than a whole-time director” shall be substituted;

(ii) sub-section (2) shall be omitted.

Insertion of new section 23A.

135. After section 23 of the principal Act, the following section shall be inserted, namely:—

“23A. (1) An annual general meeting or other general meeting of members shall be held in each financial year at such time as the Board may specify, at the central office of the Corporation or at such other place in India as the Central Government may permit on the recommendations of the Board:

Annual general meeting and other general meetings.

Provided that not more than fifteen months shall elapse between the date of one annual general meeting of the Corporation and that of the next:

Provided further that notwithstanding anything contained in this section, general meeting shall be held only when the Corporation has members other than the Central Government who are entitled to vote:

Provided also that until the first annual general meeting or other general meeting is held, the Board shall perform all the functions required to be performed in such meeting.

(2) The members present at an annual general meeting shall be entitled to—

(a) discuss the financial statements of the Corporation as referred to in section 24B and the auditor’s report as referred to in section 25B, which shall be accompanied by the report of the Board as referred to in section 24C, and to adopt the financial statements, along with all the documents which are required to be attached to such financial statements under this Act;

(b) discuss and adopt the Annual Report prepared under section 27;

(c) approve a declaration of dividend under sub-section (1) of section 28B;

(d) approve the appointment of directors under sub-section (4) of section 4;

(e) approve the appointment of auditors under sub-sections (1) and (4) of section 25 and fix their remuneration under sub-section (7) of section 25.

(3) Every member shall be entitled to attend a general meeting, whether in person or by proxy or by duly authorised representative:

Provided that every director shall also be entitled to attend a general meeting, whether in person or through electronic means:

Provided further that all notices of, and other communications relating to, any general meeting shall be forwarded to the auditor appointed for the Corporation, and such auditor shall, unless exempted by the Corporation, attend any general meeting either in person or through authorised representative who is qualified to be an auditor, and shall have the right to be heard at such meeting on any part of the business which concerns him as the auditor.

(4) A member who is entitled to vote may exercise his vote at a general meeting in person or by proxy or by duly authorised representative.

(5) Persons entitled to attend and to exercise vote at a general meeting may also do so through electronic means, and the manner of attendance and exercise of vote shall be such as may be prescribed.

(6) No business other than that specified in sub-section (2) shall be transacted or discussed at the annual general meeting, except with the consent of the Chairperson, unless not less than six weeks' notice of the same has been given to the Chairperson either by the Central Government or by at least hundred members who have the right to vote at the meeting:

Provided that such a notice shall be in the form of a definite resolution to be put to the meeting, and that such resolution shall be included in the notice of the meeting.

(7) Save and except with the consent of the Chairperson, no business other than that for which a general meeting has been convened shall be transacted or discussed at the meeting.

(8) No general meeting shall be proceeded with and no business shall be transacted at any general meeting unless members constitute such quorum as may be prescribed:

Provided that where a meeting could not be held for want of quorum, it may be adjourned and held in such manner as may be prescribed.

(9) The Corporation shall cause the minutes of all proceedings of general meetings to be entered in books kept for that purpose.”.

Substitution of section 24.

136. For section 24 of the principal Act, the following sections shall be substituted, namely:—

Funds of the Corporation.

‘24. (1) The Corporation shall have its own fund or funds, and all receipts of the Corporation shall be credited thereto and all payments of the Corporation shall be made therefrom:

Provided that the Board may, in relation to any of the funds of the Corporation or otherwise, establish reserves which may or may not be allocated for a specific purpose, and such sums as the Board may determine, may be transferred to or from such reserves.

(2) The Board shall, for every financial year after the financial year in which the provisions of section 136 of the Finance Act, 2021 come into force, cause to be maintained—

(a) a participating policyholders fund, to which all receipts from participating policyholders shall be credited and from which all payments to such policyholders shall be made; and

(b) a non-participating policyholders fund, to which all receipts from non-participating policyholders shall be credited and from which all payments to such policyholders shall be made:

Provided that the members, by resolution in a general meeting, may exempt maintenance of such funds for one financial year at a time up to two financial years.

Books of account, etc.

24A. (1) The Corporation shall prepare and keep at its central office books of account and other relevant books and records and financial statement for every financial year which give a true and fair view of the state of its affairs, including that of its zonal offices, and which explain

the transactions effected both at the central office and at its zonal offices.

(2) The Corporation shall prepare and keep at each zonal office of the Corporation, books of account and other relevant books and records and financial statement for every financial year which give a true and fair view of the state of affairs of every divisional office established in the zone corresponding to such zonal office and which explain the transactions effected thereat.

(3) The Corporation shall prepare and keep at each divisional office of the Corporation, books of account and other relevant books and records and financial statement for every financial year which give a true and fair view of the state of affairs of every branch established under such divisional office and which explain the transactions effected thereat.

(4) All or any of the books of account and other relevant books and records referred to in sub-section (1) or sub-section (2) or sub-section (3) may be kept at such other place or places in India as the Board may decide.

(5) The Corporation shall be deemed to have complied with the provisions of sub-section (1) or sub-section (2) or sub-section (3), in respect of a zonal office or a divisional office, other than the central office, or a branch of the Corporation, whether within or outside India, if proper books of account relating to the transactions effected at such office or branch, are kept thereat and proper summarised returns are sent periodically to the central office or the corresponding zonal office or the corresponding divisional office, or to the other place referred to in sub-section (4).

(6) The books of account and other relevant books and records referred to in sub-section (1) or sub-section (2) or sub-section (3) may be kept in electronic form, in such manner as the Board may determine.

(7) The books of account of the Corporation relating to a period of not less than ten financial years immediately preceding a financial year, together with the vouchers relevant to any entry in such books of account, shall be kept in good order:

Provided that where the Central Government has appointed a special auditor under section 25D or is of the opinion that circumstances exist which render it necessary so to do, it may direct the Corporation that the books of account be kept for such longer period as the Central Government may specify.

24B. (1) The financial statements of the Corporation shall give a true and fair view of the state of affairs of the Corporation and shall be in conformity with applicable accounting requirements as may be applicable for such financial statements:

Financial statements.

Provided that the financial statements shall not be treated as not disclosing a true and fair view of the state of affairs of the Corporation, merely by reason of the fact that they do not disclose any matters which are not required to be disclosed by this Act or by the Insurance Act or by the Insurance Regulatory and Development Authority Act, 1999 or by any other law for the time being in force.

(2) At every annual general meeting, the Board shall place before such meeting financial statements for the preceding financial year.

(3) The Corporation shall, in addition to financial statements provided under sub-section (2), prepare a consolidated financial statement of the Corporation in conformity with the requirements referred to in sub-section (1), and shall place the same before the annual general meeting, along with the placing of its financial statements under sub-section (2):

Provided that the Corporation shall also attach along with its financial statements, a separate statement containing the salient features of the consolidated financial statement.

(4) The provisions of this Act applicable to financial statements under sub-section (1) and under section 24C, the inquiry by the auditor into matters referred to in and making of the auditor's report on accounts under section 25B, and adoption of financial statements under section 23A at the annual general meeting, shall, *mutatis mutandis*, apply to the consolidated financial statement referred to in sub-section (3).

(5) Without prejudice to anything contained in sub-section (1) or sub-section (3), where the financial statements are not in conformity with the standards applicable thereto, the Corporation shall disclose in the financial statements the deviation from applicable standards, the reasons therefor and the financial effects, if any, arising out of such deviation.

(6) Financial statements including consolidated financial statement, if any, shall be approved by the Board before they are signed on behalf of the Board by two whole-time directors, one director other than a whole-time director, the heads of the finance and secretarial functions of the Corporation and its Appointed Actuary, for submission to the auditor for his report thereon.

(7) The auditor's report shall be attached to every financial statement.

(8) A signed copy of every financial statement, including consolidated financial statement, if any, shall be issued, circulated or published, along with a copy each of—

(a) any notes annexed to or forming part of such financial statement;

(b) the auditor's report; and

(c) the Board's report referred to in sub-section (1) of section 24C.

Board's report.

24C. (1) There shall be attached to financial statements placed before general meeting, a report by the Board, which shall include—

(a) number of meetings of the Board;

(b) a Directors' Responsibility Statement;

(c) details in respect of frauds reported by auditors;

(d) a statement on declarations given by independent directors under the second proviso to sub-section (3) of section 4;

(e) the Corporation's policy on directors' appointment,

including the criteria for determining qualifications, positive attributes and independence of a director, which are referred to in section 19B;

(f) explanations or comments by the Board on every qualification, reservation or adverse remark or disclaimer made in the auditor's report;

(g) particulars in respect of investments in terms of the provisions of section 27A of the Insurance Act as made applicable to the Corporation by notification issued under sub-section (2) of section 43;

(h) particulars of contracts or arrangements with related parties, referred to in sub-section (1) of section 4C;

(i) the state of the Corporation's affairs;

(j) the amounts, if any, which are carried to any reserves;

(k) the amount, if any, which it recommends should be paid by way of dividend;

(l) material changes and commitments, if any, affecting the financial position of the Corporation, which have occurred between the end of the financial year to which the financial statements relate and the date of the report;

(m) a statement indicating the manner in which annual evaluation of the performance of individual directors has been made under section 19B;

(n) such other matters as may be prescribed:

Provided that where disclosures referred to in this sub-section have been included in the financial statements, such disclosures may be referred to instead of being repeated in the Board's report:

Provided further that where the policy referred to in clause (e) is made available on the Corporation's website, it shall be sufficient compliance of the requirement under the said clause if the salient features of the policy and any changes therein are specified in brief in the Board's report and the web-address at which the policy is available is indicated therein.

(2) The Directors' Responsibility Statement referred to in clause (b) of sub-section (1) shall state that—

(a) in the preparation of the annual accounts, the requirements referred to in section 24B were followed, along with proper explanation relating to material departures;

(b) accounting policies were selected and applied consistently and the judgments made and estimates were reasonable and prudent, so as to give a true and fair view of the state of affairs of the Corporation at the end of the financial year and of the profit and loss of the Corporation for that period;

(c) proper and sufficient care for the maintenance of adequate accounting records was taken in accordance with the provisions of this Act for safeguarding the assets of the Corporation and for

preventing and detecting fraud and other irregularities;

(d) the annual accounts were prepared on a going concern basis;

(e) the vigilance administration referred to in clause (h) of sub-section (1) of section 8 of the Central Vigilance Commission Act, 2003 was in operation in the Corporation under the superintendence of the Central Vigilance Commission, and in addition, internal financial controls to be followed by the Corporation had been laid down and were operating effectively; and 45 of 2003.

(f) proper systems were devised to ensure compliance with the provisions of applicable laws and were operating effectively.

Explanation.—For the purposes of this sub-section, the expression “internal financial controls” means the policies and procedures adopted for ensuring the orderly and efficient conduct of the Corporation’s business, including adherence to its policies, safeguarding of its assets, prevention and detection of errors, accuracy and completeness of accounting records, and timely preparation of reliable financial information.

(3) The Board’s report and any annexures thereto under sub-section (1) shall be signed on behalf of the Board by two whole-time directors and one director other than a whole-time director.

Penalties.

24D. If the Chief Executive or the Managing Director in charge of finance or the head of the finance function of the Corporation or any other person of the Corporation charged by the Board with the duty of complying with the provisions of section 24A or section 24B or section 24C contravenes any of the said provisions, such Chief Executive or Managing Director or head of finance function or other person shall, for each section whose provisions have been contravened, be liable to pay penalty of a sum which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.’.

Substitution of section 25.

137. For section 25 of the principal Act, the following sections shall be substituted, namely:—

Appointment of auditors.

‘25. (1) The Corporation shall, at its first annual general meeting, appoint as many auditors (which may be individual or firm) as it deems fit, and such auditor shall hold office from the conclusion of that meeting till the conclusion of its sixth annual general meeting thereafter, and shall similarly appoint auditor for subsequent periods of five years at a time, and the manner and procedure of selection of auditors by the members at such a meeting shall be such as may be prescribed:

Provided that before such appointment is made, the written consent of the auditor to such appointment, and a certificate from the auditor that the appointment, if made, shall be in accordance with such conditions as may be prescribed, shall be obtained from the auditor:

Provided further that such certificate shall also declare that the auditor satisfies the criteria provided for eligibility for appointment as an auditor of a company under section 141 of the Companies Act.

(2) The Corporation shall not appoint an auditor for more than one term of five consecutive years:

Provided that an auditor who has completed the term of

appointment shall not be eligible for re-appointment or for fresh appointment as auditor for a period of five years from such completion:

Provided further that no audit firm shall be appointed as auditor for a period of five years which, if appointed, as on the date of its appointment, would have a common partner or partners with the audit firm whose term as auditor in the Corporation had expired in the financial year immediately preceding the financial year in which fresh appointment is to be made, or which is associated with the same network of audit firms as the audit firm whose term had expired as aforesaid:

Provided also that nothing contained in this sub-section shall prejudice the right of the Corporation to remove an auditor or the right of the auditor to resign from such office of the Corporation.

Explanation.—For the purposes of this sub-section, the expression “same network” includes firms operating or functioning under a common brand name or trade name, or under common control, or which are network firms as defined under any guidelines for networking issued by the Institute of Chartered Accountants of India, constituted under section 3 of the Chartered Accountants Act, 1949.

38 of 1949.

(3) Subject to the provisions of this Act, the Corporation may resolve in a general meeting to provide that—

(a) in the audit firm appointed by it, the auditing partner and his team shall be rotated at such intervals as may be resolved by members;

(b) the audit shall be conducted by more than one auditor.

(4) Any casual vacancy in the office of an auditor shall be filled by the Board within thirty days, but if such casual vacancy is as a result of the resignation of an auditor, such appointment shall also be approved by the Corporation in a general meeting convened within three months of the Board making recommendations in this behalf, and the auditor so appointed shall hold office till the conclusion of the next annual general meeting.

(5) Where at any annual general meeting, no auditor is appointed, the existing auditor shall continue to be the auditor of the Corporation.

(6) All appointments, including the filling of a casual vacancy of an auditor under this section, shall be made after taking into account the recommendations of the Audit Committee.

(7) The remuneration of the auditor shall be fixed in the general meeting or in such manner as may be determined therein.

(8) Until the first annual general meeting is held, auditors duly qualified to act as auditors of companies under the law for the time being in force relating to companies shall be appointed by the Board with the previous approval of the Central Government, and shall receive such remuneration from the Corporation as the Central Government may fix.

(9) Notwithstanding anything contained in sub-section (1), where an auditor has been appointed previous to the first annual general meeting, either under section 25 [as it stood before the coming into force of section 137 of the Finance Act, 2021] or thereafter under sub-section (8),

and the term specified for such auditor's appointment has not expired, and the auditor meets the criteria referred to in sub-section (1), such auditor shall continue till the expiry of the term so specified:

Provided that nothing contained in this sub-section or in section 25A shall prejudice the right of the Corporation to remove such auditor or the right of the auditor to resign from such office of the Corporation.

(10) An auditor appointed under sub-section (1) or sub-section (8) or sub-section (9) shall provide to the Corporation or its subsidiaries such other services as are approved by the Board, but shall not include any of the services, whether rendered directly or indirectly, that are enumerated in section 144 of the Companies Act:

Provided that an auditor who has been performing any non-audit services on or before the coming into force of section 137 of the Finance Act, 2021 shall comply with the provisions of this sub-section before the close of the first financial year in which the said section comes into force.

Explanation.—For the purposes of this section, the word “firm” shall include a limited liability partnership incorporated under the Limited Liability Partnership Act, 2008.

6 of 2009.

Removal and resignation of auditor.

25A. (1) The auditor appointed under section 25 may be removed from office before expiry of the term of appointment only by a special resolution:

Provided that before taking any action under this sub-section, an auditor proposed to be removed shall be given a reasonable opportunity of being heard, which shall include the right to represent in writing to the Corporation and, where the auditor requests that such representation be notified to members, to have a copy thereof sent to every member and in case a copy is not sent as aforesaid because it was received too late, to have the representation read out at the meeting, without prejudice to the right to be heard orally.

(2) The auditor who has resigned from the Corporation shall file within a period of thirty days from the date of resignation, a statement in the prescribed form with the Corporation, indicating the reasons and other facts as may be relevant with regard to the resignation.

(3) Without prejudice to any action under this Act or any other law, if the Central Government is satisfied, in consultation with the Comptroller and Auditor General of India, that any change of auditor is required, it may make an order that the auditor shall not function as such and may appoint another auditor in place of such auditor.

Powers and duties of auditors and auditor's report.

25B. (1) Every auditor of the Corporation shall have a right of access at all times to the books of account and vouchers of the Corporation, and shall be entitled to require from the officers of the Corporation such information and explanation as the auditor may consider necessary for the performance of his duties as auditor, and shall, amongst other matters, inquire into the following matters, namely:—

(a) whether loans and advances made by the Corporation on the basis of security have been properly secured;

(b) whether the terms on which loans and advances have been made are prejudicial to the interests of the Corporation or its members;

(c) whether transactions of the Corporation which are represented merely by book entries are prejudicial to its interests;

(d) whether so much of the assets of the Corporation as consist of shares, debentures and other securities have been sold at a price less than that at which they were purchased;

(e) whether loans and advances made by the Corporation have been shown as deposits;

(f) whether personal expenses have been charged to revenue account;

(g) where it is stated in the books and documents of the Corporation that any shares have been allotted for cash, whether cash has actually been received in respect of such allotment, and if no cash has actually been so received, whether the position as stated in the account books and the balance-sheet is correct, regular and not misleading:

Provided that the auditor shall also have the right of access to the records of all the subsidiaries and associate companies of the Corporation, in so far as they relate to consolidation of the Corporation's financial statements with those of such subsidiaries and associate companies.

(2) The auditor shall make a report to the members on the accounts examined by the auditor and on every financial statement which is required by or under law to be placed in general meeting, and such report shall, after taking into account applicable provisions of this Act and any other law for the time being in force, the standards referred to in section 24B, and matters that are required to be included in the audit report under the provisions of this Act or any other law for the time being in force, and to the best of the information and knowledge of the auditor, state that the said accounts and financial statements give a true and fair view of the state of the Corporation's affairs as at the end of its financial year and profit or loss and cash flow for the year.

(3) The auditor's report shall also state—

(a) whether the auditor has sought and obtained all the information and explanations which to the best of the auditor's knowledge and belief were necessary for the purpose of audit and if not, the details thereof and the effect of such information on the financial statements;

(b) whether, in the auditor's opinion, proper books of account as required by law have been kept by the Corporation so far as appears from the auditor's examination of those books and proper returns adequate for the purposes of audit have been received from branches not visited by the auditor;

(c) whether any report referred to in the proviso to sub-section (6) has been sent to the Corporation's auditor, and the manner in which the Corporation's auditor has dealt with it in preparing the auditor's report;

(d) whether the Corporation's balance-sheet and profit and loss account dealt within the report are in agreement with the books of account and returns;

(e) whether, in the auditor's opinion, the financial statements comply with applicable standards;

(f) the observations or comments of the auditor on financial transactions and matters which have any adverse effect on the functioning of the Corporation;

(g) whether any director is disqualified to be or remain a director under clause (i) of section 4A;

(h) any qualification, reservation or adverse remark relating to the maintenance of accounts and matters connected therewith;

(i) whether the Corporation has adequate internal financial controls with reference to financial statements in place and the operating effectiveness of such controls;

(j) such other matters as may be prescribed.

(4) Where any of the matters required to be included in the audit report under this section is answered in the negative or with a qualification, the report shall state the reasons therefor.

(5) All qualifications, observations or comments mentioned in there port of the auditor appointed for the Corporation, in respect of financial transactions or matters that have any adverse effect on the functioning of the Corporation, shall be read out in general meeting and shall be open to inspection by any member.

(6) In respect of a branch or an office of the Corporation, the accounts shall be audited either by the auditor appointed for the Corporation (herein referred to as Corporation's auditor) in this section or by any other person qualified for appointment as an auditor of the Corporation and appointed as such under section 25, or where the branch or office is situated in a country outside India, the accounts of the branch or office shall be audited either by the Corporation's auditor or by an accountant or by any other person duly qualified to act as an auditor of the accounts of the branch or office in accordance with the laws of that country, and the duties and powers of the Corporation's auditor with reference to the audit of the branch or office and the auditor thereof, if any, shall be such as may be prescribed:

Provided that the auditor for a branch or office shall prepare a report on the accounts of the branch or office, examined by such auditor and shall send it to the Corporation's auditor, who shall deal with it in the Corporation's auditor's report in such manner as the Corporation's auditor may consider necessary.

Internal auditor.

25C. (1) The Board shall, on the recommendation of the Audit Committee, appoint an internal auditor, who shall either be a chartered

accountant or a cost accountant, or such other professional as may be determined by the Board to conduct the internal audit of the functions and activities of the Corporation.

(2) The Audit Committee shall—

(a) recommend to the Board for the appointment, remuneration and terms of appointment of the internal auditor;

(b) in consultation with the internal auditor, formulate the scope, functioning, periodicity and methodology for conducting the internal audit;

(c) review and monitor the internal auditor's performance and effectiveness of audit process.

25D. Notwithstanding anything contained in sections 19C, 23A, 25, 25A and 25B, the Central Government may, at any time, appoint such auditor as it deems fit as a special auditor to examine and report on the accounts of the Corporation, and such auditor shall have the same rights of access to the books of account and vouchers of the Corporation and entitlement to require information and explanation from the officers of the Corporation as an auditor of the Corporation has under section 25B.'

Special auditor.

138. In section 26 of the principal Act,—

Amendment of section 26.

(i) for the words "The Corporation", the words "The Board" shall be substituted;

(ii) for the words "Central Government", the word "Board" shall be substituted.

139. In section 27 the principal Act, the words "and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Corporation in the next financial year" shall be omitted.

Amendment of section 27.

140. For section 28 of the principal Act, the following section shall be substituted, namely:—

Amendment of section 28.

"28. (I) If as a result of any investigation undertaken by the Board under section 26, any surplus emerges,—

Surplus from life insurance business, how to be utilised.

(a) for every financial year previous to the financial year for which the funds referred to in sub-section (2) of section 24 are to be maintained, and for any subsequent financial year for which members may exempt the maintenance of such funds,—

(I) ninety per cent., or such higher percentage as the Board may approve, of such surplus shall be allocated to or reserved for the life insurance policyholders of the Corporation; and

(II) such percentage of the remaining surplus as the Board may approve, shall be allocated to or reserved for members and may either be credited to a separate account maintained by the Corporation or be transferred to such reserve or reserves as the Board may specify;

(b) for every financial year other than that referred to in clause (a),—

(i) in respect of participating policyholders,—

(I) ninety per cent., or such higher percentage as the Board may approve, of surplus relating to such policyholders, shall be transferred to the participating policyholders fund, and shall be allocated to or reserved for the life insurance participating policyholders of the Corporation; and

(II) such percentage of the remaining surplus as the Board may approve, shall be allocated to or reserved for members and may either be credited to a separate account maintained by the Corporation or be transferred to such reserve or reserves as the Board may specify;

(ii) in respect of non-participating policyholders, one hundred per cent. of surplus relating to such policyholders shall be allocated to or reserved for members and may either be credited to a separate account maintained by the Corporation or be transferred to such reserve or reserves as the Board may specify.

(2) The remaining surplus referred to in sub-clause (ii) of clause (a) of sub-section (I) or in item (ii) of sub-clause (i) of clause (b) of sub-section (I), as the case may be, and the surplus referred to in sub-clause (ii) of clause (b) of sub-section (I), and the profits allocated to or reserved for the members under section 28A, shall be utilised for such purposes as the Board may approve, including for the purpose of declaration or payment of dividend, the issue of fully paid-up bonus shares to members and crediting any of the reserves that the Board may create for any purpose.

(3) The Corporation shall, with the approval of the Board, publish on its website its surplus distribution policy at least once in five years, or such shorter period not less than three years as the Board may deem fit, and such policy shall specify, among other things, the percentages referred to in sub-section (I).”.

Amendment of section 28A.

141. In section 28A of the principal Act, for the words “paid to the Central Government”, the words “allocated to or reserved for the members” shall be substituted.

Insertion of new sections 28B and 28C.

142. In the principal Act, after section 28A, the following sections shall be inserted, namely:—

Declaration of dividend.

“28B. (I) No dividend shall be declared or paid by the Corporation for any financial year except out of the surpluses and profits referred to in sub-section (2) of section 28 (after excluding any amount representing unrealised gains, notional gains or revaluation of assets and any change in carrying amount of an asset or of a liability on measurement of the asset or the liability at fair value) for such year arrived at after providing for depreciation, or for any previous financial year or years arrived at after providing for depreciation and remaining undistributed, or out of both the aforesaid surpluses and profits:

Provided that no dividend shall be declared or paid by the Corporation from its reserves other than free reserves:

Provided further that no dividend shall be declared or paid by the Corporation unless any losses carried over from previous years and any depreciation not provided for in previous years are set off against the surpluses and profits referred to in sub-section (2) of section 28 for the financial year for which the dividend is proposed to be declared or paid.

(2) The Board may, during any financial year or at any time during the period from the close of a financial year till the holding of the annual general meeting for that financial year, declare interim dividend out of the surpluses and profits referred to in sub-section (2) of section 28 of the financial year for which such interim dividend is sought to be declared, or out of the surpluses and profits referred to in sub-section (2) generated in the current financial year till the close of the quarter preceding the date of declaration of such interim dividend:

Provided that in case the Corporation has incurred loss during the current financial year up to the close of the quarter immediately preceding the date of declaration of interim dividend, such interim dividend shall not be declared at a rate higher than the average of the dividends declared by the Corporation during the immediately preceding three financial years.

(3) The amount of the dividend, including interim dividend, shall be deposited in a scheduled bank in a separate account within five days from the date of declaration of such dividend.

(4) No dividend shall be paid by the Corporation in respect of any share of the Corporation except to the member in whose name such share is entered on the register of members referred to in section 5C, or to his order, or to his banker, and shall be payable in cash and not in stock or other form of value:

Provided that nothing in this sub-section shall be deemed to prohibit the capitalisation of the surpluses and profits referred to in sub-section (2) of section 28 for the purpose of issuing fully paid-up bonus shares or paying up any amount for the time being unpaid on any share held by members:

Provided further that any dividend payable in cash may be paid by cheque or warrant or in any electronic mode to the member entitled to such payment.

28C. (1) Where a dividend has been declared by the Corporation but has not been paid or claimed within thirty days from the date of declaration to any member entitled to payment thereof, the Corporation shall, within seven days from the expiry of the said period of thirty days, transfer the total amount of dividend which remains unpaid or unclaimed to a special account to be opened by the Corporation in that behalf in any scheduled bank, to be called the Unpaid Dividend Account.

Unpaid
Dividend
Account.

(2) The Corporation shall, within a period of ninety days of making any transfer of an amount under sub-section (1) to the Unpaid Dividend Account, prepare a statement containing the name and last known address of, and the amount of the unpaid dividend payable to, each member entitled to such unpaid dividend, and shall place such statement on its website and on any other website as the Central Government may specify.

(3) If any default is made in transferring the total amount referred to in sub-section (1) or any part thereof to the Unpaid Dividend Account, the Corporation shall pay, from the date of such default, interest on so much of the amount as has not been transferred to the said account, at such rate as is specified in section 124 of the Companies Act, and the interest accruing on such amount shall ensure to the benefit of the members in proportion to the amount remaining unpaid to them.

(4) Any person claiming to be entitled to any money transferred under sub-section (1) to the Unpaid Dividend Account may apply to the Corporation for payment of the money claimed.

(5) The amount remaining unclaimed and unpaid for a period of seven years from the date it became due for payment in the Unpaid Dividend Account shall be transferred to the Investor Education and Protection Fund established under sub-section (1) of section 125 of the Companies Act and shall be deemed to be an amount credited to the said Fund under sub-section (2) of the said section.

(6) All shares in respect of which dividend has not been paid or claimed for seven consecutive years or more shall be transferred by the Corporation in the name of the Investor Education and Protection Fund along with a statement containing such details as may be prescribed:

Provided that every claimant of such shares shall be entitled to claim the transfer thereof from the said Fund in accordance with such procedure and on submission of such documents as may be prescribed.

Explanation.—For the removal of doubts, it is hereby clarified that in case any dividend is paid or claimed for any year during the said period of seven consecutive years, the share shall not be transferred to the Investor Education and Protection Fund.”.

Substitution of sections 46 and 47.

143. For sections 46 and 47 of the principal Act, the following sections shall be substituted, namely:—

Defects in constitution of Corporation or Committees or in appointment or nomination of directors not to invalidate acts or proceedings.

‘46. (1) No act or proceeding of the Corporation or of its Board or any Committee thereof shall be called in question on the ground merely of the existence of any vacancy or defect in the constitution of the Corporation or the Board or such Committee, as the case may be.

(2) No act done by an individual as a director shall be deemed to be invalid, notwithstanding that it was subsequently noticed that his appointment or nomination, as the case may be, was invalid by reason of any defect or disqualification or had terminated by virtue of any provision contained in this Act:

Provided that nothing in this sub-section shall be deemed to give validity to any act done by such individual as director after his appointment or nomination, as the case may be, has been noticed by the Corporation to be invalid or to have terminated.

Protection of action taken under this Act.

47. (1) No suit, prosecution or other legal proceeding shall lie against any director or employee of the Corporation for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

(2) A director who is not a whole-time director shall be held liable only in respect of such acts of omission or commission of the Corporation which had occurred with his knowledge, attributable

through Board processes, and with his consent or connivance or where he had not acted diligently.

Explanation.—For the purposes of this sub-section, the reference to “Board” shall include Committees of the Board.’.

144. In section 48 of the principal Act, in sub-section (2),—

Amendment of
section 48.

(i) in clause (a), for the word “members”, the word “directors” shall be substituted;

(ii) for clause (aa), the following clauses shall be substituted, namely:—

“(aa) the manner of disclosure of interest by a director under section 4B;

(ab) the conditions subject to which the Board may consent to related party transactions under section 4C;

(ac) the securities and instruments which may be issued under section 5;

(ad) the manner of reservation in favour of life insurance policyholders and allotment against such reservation, in relation to a public issue, under clause (a) of sub-section (9) of section 5;”;

(iii) after clause (h), the following clauses shall be inserted, namely:—

“(ha) the manner in which general meetings shall be held, and the business to be transacted and procedure to be followed thereat;

(hb) the quorum for a general meeting, and the manner of holding the meeting if it could not be held for want of quorum and was adjourned under section 23A;

(hc) the manner in which persons may attend a general meeting and exercise their vote;

(hd) the manner in which notices may be served on behalf of the Corporation upon members or other persons;

(he) the form and manner in which the financial statements referred to in sub-section (8) of section 24B may be issued, circulated or published;

(hf) matters that may be prescribed under clause (n) of sub-section (1) of section 24C;

(hg) the manner and procedure of selection and conditions of appointment of auditors under sub-section (1) of section 25;

(hh) the form in which an auditor who has resigned shall indicate the reasons and other facts relevant to the resignation under sub-section (2) of section 25A;

(hi) the matters to be prescribed under clause (j) of sub-section (3) of section 25B;

(hj) the duties and powers of the Corporation’s auditor with reference to the audit of a branch or office of the Corporation and the auditor thereof, under sub-section (6) of section 25B;

(*hk*) the details, procedure and documents under sub-section (6) of section 28C.”.

Amendment of section 49.

145. In the principal Act, in section 49,—

(*i*) in sub-section (1), for the word “Corporation”, the word “Board” shall be substituted;

(*ii*) in sub-section (2),—

(*a*) in clause (a), for the word “Corporation”, the word “Board” shall be substituted;

(*b*) clause (c) shall be omitted;

(*c*) in clause (e), for the word “Fund”, the words “fund or funds” shall be substituted;

(*d*) for clause (h), the following clause shall be substituted, namely:—

“(h) the manner in which meetings of the Board and its Committees shall be held, the business to be transacted and procedure to be followed thereat, and the quorum therefor;”;

(*e*) clause (i) shall be omitted;

(*f*) after clause (m), the following clauses shall be inserted, namely:—

“(n) the manner of election of directors under clause (f) of sub-section (2) of section 4;

(*o*) the form and manner of registers to be kept and maintained under sub-section (1) of section 5B;

(*p*) the manner of nomination by an individual registered member or joint holder of shares, the manner of variation or cancellation of such nomination, and the manner of nomination in favour of a minor, under section 5E;

(*q*) the manner in which and the conditions subject to which shares, including partly paid-up shares, may be issued, held, transferred and registered;

(*r*) the maintenance and operation of the funds and reserves under section 24;

(*s*) the form and manner in which the books and records referred to in section 24A may be kept;”;

(*iii*) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Any reference in the regulations as in force immediately before the coming into force of section 132 of the Finance Act, 2021 to “Investment Committee” shall be construed as a reference to the Investment Committee of the Board referred to in section 19A.”.

Insertion of new sections 50 and 51.

146. After section 49 of the principal Act, the following sections shall be inserted, namely:—

“50. Where this Act provides that the form or manner or period or details in respect of any declaration to be made or the particulars to be included in any register to be maintained shall be such as may be prescribed for a company under the Companies Act, such prescribed form or manner or period or details or particulars, as the case may be, shall apply subject to such modifications, exceptions and conditions that the Central Government may, by notification, specify.

Form, manner, etc., for companies to apply with modifications.

51. (J) If any difficulty arises in giving effect to the provisions of this Act as amended by Part III of Chapter VI of the Finance Act, 2021, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of Part III of Chapter VI of the Finance Act, 2021.

(2) Every order made under this section shall, as soon as may be after it is made, be laid on the table of each House of Parliament.”

PART IV

AMENDMENTS TO THE SECURITIES CONTRACTS (REGULATION) ACT, 1956

147. The provisions of this Part shall come into force on the 1st day of April, 2021.

Commencement of this Part.

42 of 1956.

148. In the Securities Contracts (Regulation) Act, 1956 (hereafter in this Part referred to as the principal Act), in section 2,—

Amendment of section 2.

(i) after clause (d), the following clause shall be inserted, namely:—

“(da) “pooled investment vehicle” means a fund established in India in the form of a trust or otherwise, such as mutual fund, alternative investment fund, collective investment scheme or a business trust as defined in sub-section (13A) of section 2 of the Income-tax Act, 1961 and registered with the Securities and Exchange Board of India, or such other fund, which raises or collects monies from investors and invests such funds in accordance with such regulations as may be made by the Securities and Exchange Board of India in this behalf;”;

43 of 1961.

(ii) in clause (h),—

(a) in sub-clause (i), for the words “other body corporate”, the words “or a pooled investment vehicle or other body corporate” shall be substituted;

(b) after sub-clause (id), the following sub-clause shall be inserted, namely:—

“(ida) units or any other instrument issued by any pooled investment vehicle;”.

149. After section 30A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 30B.

Special provisions related to pooled investment vehicle.

“30B. (1) Notwithstanding anything contained in the Indian Trust Act, 1882 or in any other law for the time being in force or in any judgment, decree or order of any Court, Tribunal or any other authority, a pooled investment vehicle, whether constituted as a trust or otherwise, and registered with the Securities and Exchange Board of India shall be eligible to borrow and issue debt securities in such manner and to such extent as may be specified under the regulations made by Securities and Exchange Board of India in this behalf.

2 of 1882.

(2) Every pooled investment vehicle referred to in sub-section (1) shall, subject to the provisions of the trust deed, be permitted to provide security interest to lenders in terms of the facility documents entered into by such pooled investment vehicle.

(3) Where any pooled investment vehicle referred to in sub-section (1) defaults in repayment of principal amount or payment of interest or any such amount due to the lender, the lender shall recover the defaulted amount and enforce security interest, if any, against the trust assets, by initiating proceedings against the trustee acting on behalf of such pooled investment vehicle in accordance with the terms and conditions specified in the facility documents:

Provided that on initiation of the proceedings against the trust assets, the trustee shall not be personally liable and his assets shall not be utilised towards recovery of such debt.

(4) The trust assets, which remain after recovery of defaulted amount, shall be remitted to the unit holders on proportionate basis.”.

PART V

AMENDMENT TO THE CENTRAL SALES TAX ACT, 1956

Amendment of Act 74 of 1956.

150. In the Central Sales Tax Act, 1956, in section 8, in sub-section (3), for clause (b), the following clause shall be substituted, namely:—

“(b) are goods of the class or classes specified in the certificate of registration of the registered dealer purchasing the goods as being intended for re-sale by him or subject to any rules made by the Central Government in this behalf, for use by him in the manufacture or processing for sale of goods specified under clause (d) of section 2;”.

PART VI

AMENDMENT TO THE ECONOMIC OFFENCES (INAPPLICABILITY OF LIMITATION) ACT, 1974

Commencement of this Part.

151. The provisions of this Part shall come into force on such date as the Central Government may, be notification in the official Gazette, appoint.

Amendment of Act 12 of 1974.

152. In the Economic Offences (Inapplicability of Limitation) Act, 1974, in the Schedule, after serial number 21 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:—

- | | |
|--|-------------|
| "22. The Prohibition of <i>Benami</i> Property Transactions Act, 1988; | 45 of 1988. |
| 23. The Central Goods and Services Tax Act, 2017; | 12 of 2017. |
| 24. The Integrated Goods and Services Tax Act, 2017; | 13 of 2017. |
| 25. The Union Territory Goods and Services Tax Act, 2017; and | 14 of 2017. |
| 26. The Goods and Services (Compensation to States) Act, 2017.”. | 15 of 2017. |

PART VII

AMENDMENTS TO THE PROHIBITION OF *BENAMI* PROPERTY TRANSACTION ACT, 1988

153. The provisions of this Part shall come into force on the 1st day of July, 2021. Commencement of this Part.
- 45 of 1988. 154. In the Prohibition of *Benami* Property Transactions Act, 1988 (hereinafter in this Part referred to as the principal Act), in section 2, in clause (I), for the words “appointed under”, the words “referred to in” shall be substituted. Amendment of section 2.
155. For section 7 of the principal Act, the following section shall be substituted, namely:— Substitution of section 7.
- 13 of 1976. “7. The competent authority authorised under sub-section (I) of section 5 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 shall be the Adjudicating Authority to exercise jurisdiction, powers and authority conferred by or under this Act.”. Adjudicating Authority.
156. Sections 8 to 17 of the principal Act, shall be omitted. Omission of sections 8 to 17.
157. In section 26 of the principal Act, in sub-section (7), after the proviso to the *Explanation*, the following proviso shall be inserted, namely:— Amendment of section 26.
- “Provided that where the time limit for passing order under this sub-section expires during the period beginning from the 1st day of July, 2021 and ending on the 29th day of September, 2021, the time limit for passing such order shall be extended to the 30th day of September, 2021.”.
158. In section 68 of the principal Act, in sub-section (2), clauses (b) and (c) shall be omitted. Amendment of section 68.

PART VIII

AMENDMENT TO THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

159. In the Securities and Exchange Board of India Act, 1992, in section 12, after sub-section (IB), the following sub-section shall be inserted with effect from the 1st day of April, 2021, namely:— Amendment of Act 15 of 1992.
- 43 of 1961. “(IC) No person shall sponsor or cause to be sponsored or carry on or cause to be carried on the activity of an alternative investment fund or a business trust as defined in clause (13A) of section 2 of the Income-tax Act, 1961, unless a certificate of registration is granted by the Board in accordance with the regulations made under this Act.”.

PART IX

AMENDMENT TO THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993

160. In the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, in section 2, in clause (g), after the words “from any person”, the words, brackets, letters and figures “or a pooled investment vehicle as defined in clause (da) of section 2 of the Securities Contracts (Regulation) Act, 1956,” shall be inserted with effect from the 1st day of April, 2021. Amendment of Act 51 of 1993.
- 42 of 1956.

PART X

AMENDMENT TO THE FINANCE ACT, 2001

Amendment of
Seventh Schedule.**161.** In the Seventh Schedule to the Finance Act, 2001,—

14 of 2001.

(a) for the brackets, words and figures “(See section 138)”, the brackets, words and figures “(See section 136)” shall be substituted;

(b) after tariff item 2403 99 90 and the entries relating thereto, the following tariff items and entries shall be inserted with effect from the 1st day of January, 2022, namely:—

“ 2404 11 00	--	containing tobacco	or	Kg.	25%
		reconstituted tobacco			
2404 19 00	--	Other		Kg.	25%.”.

PART XI

AMENDMENT TO THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002

Amendment of
Act 54 of 2002.**162.** In the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, in section 2, in sub-section (I) with effect from the 1st day of April, 2021—

(i) in clause (f),—

(a) for the words “any person who”, the words “any person who, or a pooled investment vehicle as defined in clause (da) of section 2 of the Securities Contracts (Regulation) Act, 1956 which,” shall be substituted;

42 of 1956.

(b) for the words “and includes a person who”, the words “and includes a person who, or a pooled investment vehicle which,” shall be substituted;

(ii) in clause (zd), in sub-clause (iv), for the words “the Board appointed by any company”, the words “the Board and appointed” shall be substituted.

PART XII

AMENDMENT TO THE UNIT TRUST OF INDIA
(TRANSFER OF UNDERTAKING AND REPEAL) ACT, 2002Amendment of
Act 58 of 2002.**163.** In the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002, in section 13, in sub-section (1), for the words, figures and letters “the 31st day of March, 2021”, the words, figures and letters “the 31st day of March, 2023” shall be substituted with effect from the 1st day of April, 2021.

PART XIII

AMENDMENTS TO THE INDUSTRIAL DEVELOPMENT BANK (TRANSFER OF
UNDERTAKING AND REPEAL) ACT, 2003Commencement of
this Part.**164.** The provisions of this Part shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.Amendment of
section 3.**165.** In the Industrial Development Bank (Transfer of Undertaking and Repeal) Act, 2003, in section 3, in sub-section (2),—

53 of 2003.

(i) in the opening paragraph, the words “in addition to the business which may be carried on and transacted by the Development Bank” shall be omitted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the provisions of clause (a) to the proviso, shall cease to be applicable immediately after the commencement of Part XIII of the Finance Act, 2021, and from such commencement, the Company shall be deemed to have obtained licence under section 22 of the Banking Regulation Act, 1949.”.

10 of 1949.

PART XIV

AMENDMENTS TO THE FINANCE (NO. 2) ACT, 2004

166. The provisions of this Part shall come into force and shall be deemed to have come into force on the 1st day of February, 2021.

Commencement of this Part.

23 of 2004.

167. In section 97 of the Finance (No. 2) Act, 2004 (hereafter in this Part referred to as the Principal Act),—

Amendment of section 97.

(i) in clause (13), in sub-clause (b), for the words “Mutual Fund;”, the following shall be substituted, namely:—

“Mutual Fund; or

(ba) sale or surrender or redemption of a unit of an equity oriented fund to an insurance company, on maturity or partial withdrawal, with respect to unit linked insurance policy issued by such insurance company on or after the 1st day of February, 2021;”;

(ii) after clause (13), the following clause shall be inserted, namely:—

“(13A) “unit linked insurance policy” shall have the meaning assigned to it in *Explanation* 3 of clause (10D) of section 10 of the Income-tax Act, 1961;”.

43 of 1961.

168. In section 98 of the Principal Act, in the Table, after serial number 5 and the entries relating thereto, the following shall be inserted, namely:—

Amendment of section 98.

“5A. Sale or surrender or redemption of a unit of [0.001] Seller” an equity oriented fund to an insurance company, per cent. on maturity or partial withdrawal, with respect to unit linked insurance policy issued by such insurance company on or after the first day of February, 2021.”.

169. In section 100 of the Principal Act, after the words “Mutual Fund” wherever they occur, the words “or insurance company” shall be inserted.

Amendment of section 100.

170. In section 101 of the Principal Act, after the words “Mutual Fund” at both places where they occur, the words “or insurance company” shall be inserted.

Amendment of section 101.

PART XV

AMENDMENTS TO THE FINANCE ACT, 2016

Amendment of Act
28 of 2016.

171. In the Finance Act, 2016,—

(a) the following amendments shall be made and shall be deemed to have been made with effect from the 1st day of April, 2020, namely:—

(i) in section 163, in sub-section (3), the following proviso shall be inserted, namely:—

“Provided that the consideration received or receivable for specified services and for e-commerce supply or services shall not include the consideration, which are taxable as royalty or fees for technical services in India under the Income-tax Act, read with the agreement notified by the Central Government under section 90 or section 90A of the said Act.”;

(ii) in section 164, in clause (cb), the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this clause, “online sale of goods” and “online provision of services” shall include one or more of the following online activities, namely:—

- (a) acceptance of offer for sale; or
- (b) placing of purchase order; or
- (c) acceptance of the purchase order; or
- (d) payment of consideration; or
- (e) supply of goods or provision of services, partly or wholly;’;

(iii) in section 165A, in sub-section (3),—

(A) in the opening portion, for the words ‘section, “specified circumstances” mean—’, the following shall be substituted, namely:—

‘section,—

(a) “specified circumstances” mean—’;

(B) after clause (a) as so amended, the following clause shall be inserted, namely:—

“(b) consideration received or receivable from e-commerce supply or services shall include—

(i) consideration for sale of goods irrespective of whether the e-commerce operator owns the goods, so, however, that it shall not include consideration for sale of such goods which are owned by a person resident in India or by a permanent establishment in India

of a person non-resident in India, if sale of such goods is effectively connected with such permanent establishment.

(ii) consideration for provision of services irrespective of whether service is provided or facilitated by the e-commerce operator, so, however, that it shall not include consideration for provision of services which are provided by a person resident in India or by permanent establishment in India of a person non-resident in India, if provision of such services is effectively connected with such permanent establishment.”;

(b) in section 191, in the proviso, after the word “refundable”, the words “without any interest” shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 2016.

PART XVI

AMENDMENTS TO THE DIRECT TAX *VIVAD SE VISHWAS* ACT, 2020

172. In the Direct Tax *Vivad se Vishwas* Act, 2020, the following amendments shall be made and shall be deemed to have been made with effect from the 17th day of March, 2020, namely:—

Amendment of
Act 3 of 2020.

(a) in section 2, in sub-section (I),—

(i) in clause (a), the following *Explanation* shall be inserted, namely:—

‘*Explanation.*—For the removal of doubts, it is hereby clarified that the expression “appellant” shall not include and shall be deemed never to have been included a person in whose case a writ petition or special leave petition or any other proceeding has been filed either by him or by the income-tax authority or by both before an appellate forum, arising out of an order of the Settlement Commission under Chapter XIX-A of the Income-tax Act, and such petition or appeal is either pending or is disposed of.’;

(ii) in clause (j), after the second proviso, the following *Explanation* shall be inserted, namely:—

‘*Explanation.*—For the removal of doubts, it is hereby clarified that the expression “disputed tax”, in relation to an assessment year or financial year, as the case may be, shall not include and shall be deemed never to have been included any sum payable either by way of tax, penalty or interest pursuant to an order passed by the Settlement Commission under Chapter XIX-A of the Income-tax Act.’;

(iii) in clause (o), the following *Explanation* shall be inserted, namely:—

Explanation.—For the removal of doubts, it is hereby clarified that the expression “tax arrear” shall not include and shall be deemed never to have been included any sum payable either by way of tax, penalty or interest pursuant to an order passed by the Settlement Commission under Chapter XIX-A of the Income-tax Act.’

PART XVII

AMENDMENTS TO THE TAXATION AND OTHER LAWS (RELAXATION AND AMENDMENT OF CERTAIN PROVISIONS) ACT, 2020

Amendment of Act
38 of 2020.

173. In the Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020, in section 4, with effect from the 1st day of April, 2021,—

(i) in clause (XIV), in sub-clause (a), for item (ii), the following shall be substituted, namely:—

(ii) after the long line, for clause (i), the following clause shall be substituted, namely:—

"(i) the amount of income-tax calculated on the income in respect of securities referred to in clause (a), if any, included in the total income,—

(A) at the rate of twenty per cent. in case of Foreign Institutional Investor;

(B) at the rate of ten per cent. in case of specified fund:

Provided that the amount of income-tax calculated on the income by way of interest referred to in section 194LD shall be at the rate of five per cent.;"';

(ii) in clause (XXIV), after the portion beginning with "(9) Notwithstanding anything contained in any other provision of this Act, assessment made" and ending with "the procedure laid down under this section", the following shall be inserted, namely:—

"(10) Notwithstanding anything contained in this section, the function of verification unit under this section may also be performed by a verification unit located in any other faceless centre set up under the provisions of this Act or under any scheme notified under the provisions of this Act; and the request for verification may also be assigned by the National Faceless Assessment Centre to such verification unit."

THE FIRST SCHEDULE

(See section 2)

PART I

INCOME-TAX

Paragraph A

(i) In the case of every individual other than the individual referred to in items (ii) and (iii) of this Paragraph or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 2,50,000 *Nil*;

(2) where the total income exceeds Rs. 2,50,000 but does not exceed Rs. 5,00,000 5 per cent. of the amount by which the total income exceeds Rs. 2,50,000;

(3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 Rs.12,500 *plus* 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;

(4) where the total income exceeds Rs. 10,00,000 Rs. 1,12,500 *plus* 30 per cent. of the amount by which the total income exceeds Rs.10,00,000.

(ii) In the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year,—

Rates of income-tax

(1) where the total income does not exceed Rs. 3,00,000 *Nil*;

(2) where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000 5 per cent. of the amount by which the total income exceeds Rs. 3,00,000;

(3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 Rs.10,000 *plus* 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;

(4) where the total income exceeds Rs. 10,00,000 Rs. 1,10,000 *plus* 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000.

(III) In the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year,—

Rates of income-tax

- (1) where the total income does not exceed Rs. 5,00,000 *Nil*;
- (2) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;
- (3) where the total income exceeds Rs. 10,00,000 Rs. 1,00,000 *plus* 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A or the provision of section 115BAC of the Income-tax Act, shall be increased by a surcharge for the purposes of the Union, calculated, in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act,—

(a) having a total income (including the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding fifty lakh rupees but not exceeding one crore rupees, at the rate of ten per cent. of such income-tax;

(b) having a total income (including the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding one crore rupees, but not exceeding two crore rupees, at the rate of fifteen per cent. of such income-tax;

(c) having a total income (excluding the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding two crore rupees but not exceeding five crore rupees, at the rate of twenty-five per cent. of such income-tax;

(d) having a total income (excluding the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding five crore rupees at the rate of thirty-seven per cent. of such income-tax; and

(e) having a total income (including the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding two crore rupees, but is not covered under clauses (c) and (d), shall be applicable at the rate of fifteen per cent. of such income-tax:

Provided that in case where the total income includes any income by way of dividend or income chargeable under section 111A and section 112A of the Income-tax Act, the rate of surcharge on the amount of income-tax computed in respect of that part of income shall not exceed fifteen per cent.:

Provided further that in the case of persons mentioned above having total income exceeding,—

(a) fifty lakh rupees but not exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of fifty lakh rupees by more than the amount of income that exceeds fifty lakh rupees;

(b) one crore rupees but does not exceed two crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees;

(c) two crore rupees but does not exceed five crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of two crore rupees by more than the amount of income that exceeds two crore rupees;

(d) five crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of five crore rupees by more than the amount of income that exceeds five crore rupees.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs.10,000 10 per cent. of the total income;

(2) where the total income exceeds Rs.10,000 but does not exceed Rs. 20,000 Rs.1,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 10,000;

(3) where the total income exceeds Rs. 20,000 Rs. 3,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Income-tax Act, shall, in the case of every co-operative society, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of twelve per cent. of such income-tax:

Provided that in the case of every co-operative society mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph C

In the case of every firm,—

Rate of income-tax

On the whole of the total income 30 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Income-tax Act, shall, in the case of every firm, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of twelve per cent. of such income-tax:

Provided that in the case of every firm mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 30 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Income-tax Act, shall, in the case of every local authority, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of twelve per cent. of such income-tax:

Provided that in the case of every local authority mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company,—

(i) where its total turnover or the gross receipt in the previous year 2018-19 does not exceed four hundred crore rupees; 25 per cent. of the total income;

(ii) other than that referred to in item (i) 30 per cent. of the total income.

II. In the case of a company other than a domestic company,—

(i) on so much of the total income as consists of,— 50 per cent.;

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976; or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian

concern after the 29th day of February, 1964 but before the 1st day of April, 1976, and where such agreement has, in either case, been approved by the Central Government;

(ii) on the balance, if any, of the total income 40 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Income-tax Act, shall, be increased by a surcharge for the purposes of the Union calculated,—

(i) in the case of every domestic company,—

(a) having a total income exceeding one crore rupees but not exceeding ten crore rupees, at the rate of seven per cent. of such income-tax; and

(b) having a total income exceeding ten crore rupees, at the rate of twelve per cent. of such income-tax;

(ii) in the case of every company other than a domestic company,—

(a) having a total income exceeding one crore rupees but not exceeding ten crore rupees, at the rate of two per cent. of such income-tax; and

(b) having a total income exceeding ten crore rupees, at the rate of five per cent. of such income-tax:

Provided that in the case of every company having a total income exceeding one crore rupees but not exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided further that in the case of every company having a total income exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of ten crore rupees by more than the amount of income that exceeds ten crore rupees.

PART II

RATES FOR DEDUCTION OF TAX AT SOURCE IN CERTAIN CASES

In every case in which under the provisions of sections 193, 194A, 194B, 194BB, 194D, 194LBA, 194LBB, 194LBC and 195 of the Income-tax Act, tax is to be deducted at the rates in force, deduction shall be made from the income subject to the deduction at the following rates:—

	Rate of income-tax
1. In the case of a person other than a company—	
(a) where the person is resident in India—	
(i) on income by way of interest other than “Interest on securities”	10 per cent.;
(ii) on income by way of winnings from lotteries, puzzles, card games and other games of any sort	30 per cent.;

(iii) on income by way of winnings from horse races	30 per cent.;
(iv) on income by way of insurance commission	5 per cent.;
(v) on income by way of interest payable on—	10 per cent.;
(A) any debentures or securities for money issued by or on behalf of any local authority or a corporation established by a Central, State or Provincial Act;	
(B) any debentures issued by a company where such debentures are listed on a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956 (42 of 1956) and any rules made thereunder;	
(C) any security of the Central or State Government;	
(vi) on any other income	10 per cent.;
(b) where the person is not resident in India—	
(i) in the case of a non-resident Indian—	
(A) on any investment income	20 per cent.;
(B) on income by way of long-term capital gains referred to in section 115E or sub-clause (iii) of clause (c) of sub-section (1) of section 112	10 per cent.;
(C) on income by way of long-term capital gains referred to in section 112A	10 per cent.;
(D) on other income by way of long-term capital gains [not being long-term capital gains referred to in clauses (33) and (36) of section 10] referred to in section 112A exceeding one lakh rupees	20 per cent.;
(E) on income by way of short-term capital gains referred to in section 111A	15 per cent.;
(F) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency (not being income by way of interest referred to in section 194LB or section 194LC)	20 per cent.;
(G) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the first proviso to	10 per cent.;

sub-section (IA) of section 115A of the Income-tax Act, to the Indian concern, or in respect of any computer software referred to in the second proviso to sub-section (IA) of section 115A of the Income-tax Act, to a person resident in India

- (H) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(i)(g)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy 10 per cent.;
- (I) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy 10 per cent.;
- (J) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort 30 per cent.;
- (K) on income by way of winnings from horse races 30 per cent.;
- (L) on the income by way of dividend 20 per cent.;
- (M) on the whole of the other income 30 per cent.;
- (ii) in the case of any other person—
- (A) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency (not being income by way of interest referred to in section 194LB or section 194LC) 20 per cent.;
- (B) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on 10 per cent.;

a subject referred to in the first proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern, in respect of any computer software referred to in the second proviso to sub-section (1A) of section 115A of the Income-tax Act, to a person resident in India

- (C) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(ii)(b)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy 10 per cent.;
- (D) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy 10 per cent.;
- (E) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort 30 per cent.;
- (F) on income by way of winnings from horse races 30 per cent.;
- (G) on income by way of short-term capital gains referred to in section 111A 15 per cent.;
- (H) on income by way of long-term capital gains referred to in sub-clause (iii) of clause (c) of sub-section (1) of section 112 10 per cent.;
- (I) on income by way of long-term capital gains referred to in section 112A exceeding one lakh rupees 10 per cent.;
- (J) on income by way of other long-term capital gains [not being long-term capital gains referred to in clauses (33) and (36) of section 10] 20 per cent.;
- (K) on income by way of dividend 20 per cent.;
- (L) on the whole of the other income 30 per cent.;

2. In the case of a company—

(a) where the company is a domestic company—

- (i) on income by way of interest other than “Interest on securities” 10 per cent.;
- (ii) on income by way of winnings from lotteries, puzzles, card games and other games of any sort 30 per cent.;
- (iii) on income by way of winnings from horse races 30 per cent.;
- (iv) on any other income 10 per cent.;

(b) where the company is not a domestic company—

- (i) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort 30 per cent.;
- (ii) on income by way of winnings from horse races 30 per cent.;
- (iii) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency (not being income by way of interest referred to in section 194LB or section 194LC) 20 per cent.;
- (iv) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1976 where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the first proviso to sub-section (IA) of section 115A of the Income-tax Act, to the Indian concern, or in respect of any computer software referred to in the second proviso to sub-section (IA) of section 115A of the Income-tax Act, to a person resident in India 10 per cent.;
- (v) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(iv)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in with that policy—

- (A) where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976 50 per cent.;

- (B) where the agreement is made after the 10 per cent.;
31st day of March, 1976
- (vi) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—
- (A) where the agreement is made after the 50 per cent.;
29th day of February, 1964 but before the
1st day of April, 1976
- (B) where the agreement is made after the 10 per cent.;
31st day of March, 1976
- (vii) on income by way of short-term capital gains referred to in section 111A 15 per cent.;
- (viii) on income by way of long-term capital gains referred to in sub-clause (iii) of clause (c) of sub-section (1) of section 112 10 per cent.;
- (ix) on income by way of long-term capital gains referred to in section 112A exceeding one lakh rupees 10 per cent.;
- (x) on income by way of other long-term capital gains [not being long-term capital gains referred to in clauses (33) and (36) of section 10] 20 per cent.;
- (xi) on income by way of dividend 20 per cent.;
- (xii) on any other income 40 per cent.

Explanation.— For the purposes of item 1(b)(i) of this Part, “investment income” and “non-resident Indian” shall have the meanings assigned to them in Chapter XII-A of the Income-tax Act.

Surcharge on income-tax

The amount of income-tax deducted in accordance with the provisions of—

(i) item 1 of this Part, shall be increased by a surcharge, for the purposes of the Union,—

(a) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, being a non-resident, calculated,—

I. at the rate of ten per cent. of such tax, where the income or the aggregate of such incomes (including the income by way of dividend or income under the provisions of sections 111A and 112A of the Income-tax Act) paid or likely to be paid and subject to the deduction exceeds fifty lakh rupees but does not exceed one crore rupees;

II. at the rate of fifteen per cent. of such tax, where the income or the aggregate of such incomes (including the income by way of dividend or income under the provisions of sections 111A and 112A of the Income-tax Act) paid or likely to be paid and subject to the deduction exceeds one crore rupees but does not exceed two crore rupees;

III. at the rate of twenty-five per cent. of such tax, where the income or the aggregate of such incomes (excluding the income by way of dividend or income under the provisions of sections 111A and 112A of the Income-tax Act) paid or likely to be paid and subject to the deduction exceeds two crore rupees but does not exceed five crore rupees;

IV. at the rate of thirty-seven per cent. of such tax, where the income or the aggregate of such incomes (excluding the income by way of dividend or income under the provisions of sections 111A and 112A of the Income-tax Act) paid or likely to be paid and subject to the deduction exceeds five crore rupees; and

V. at the rate of fifteen per cent. of such tax, where the income or the aggregate of such incomes (including the income by way of dividend or income under the provisions of sections 111A and 112A of the Income-tax Act) paid or likely to be paid and subject to the deduction exceeds two crore rupees, but is not covered under sub-clauses (III) and (IV):

Provided that in case where the total income includes any income by way of dividend or income chargeable under sections 111A and 112A of the Income-tax Act, the rate of surcharge on the amount of Income-tax deducted in respect of that part of income shall not exceed fifteen per cent.;

(b) in the case of every co-operative society or firm, being a non-resident, calculated at the rate of twelve per cent., where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees;

(ii) Item 2 of this Part shall be increased by a surcharge, for the purposes of the Union, in the case of every company other than a domestic company, calculated,—

(a) at the rate of two per cent. of such income-tax where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees but does not exceed ten crore rupees; and

(b) at the rate of five per cent. of such income-tax where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds ten crore rupees.

PART III

RATES FOR CHARGING INCOME-TAX IN CERTAIN CASES, DEDUCTING INCOME-TAX FROM INCOME CHARGEABLE UNDER THE HEAD "SALARIES" AND COMPUTING "ADVANCE TAX"

In cases in which income-tax has to be charged under sub-section (4) of section 172 of the Income-tax Act or sub-section (2) of section 174 or section 174A or section 175 or sub-section (2) of section 176 of the said Act or deducted from, or paid on, from income chargeable under the head "Salaries" under section 192 of the said Act or deducted under section 194P of the said Act or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed at the rate or rates in force, such income-tax or, as the case may be, "advance tax" [not being "advance tax" in respect of any income chargeable to tax under Chapter XII or Chapter XII-A or income chargeable

to tax under section 115JB or section 115JC or Chapter XII-FA or Chapter XII-FB or sub-section (IA) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act at the rates as specified in that Chapter or section or surcharge, wherever applicable, on such “advance tax” in respect of any income chargeable to tax under section 115A or section 115AB or section 115AC or section 115ACA or section 115AD or section 115B or section 115BA or section 115BAA or section 115BAB or section 115BAD or section 115BB or section 115BBA or section 115BBC or section 115BBD or section 115BBE or section 115BBF or section 115BBG or section 115E or section 115JB or section 115JC] shall be charged, deducted or computed at the following rate or rates:—

Paragraph A

(I) In the case of every individual other than the individual referred to in items (ii) and (iii) of this Paragraph or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

Rates of income-tax

- | | |
|---|--|
| (1) where the total income does not exceed Rs. 2,50,000 | <i>Nil</i> ; |
| (2) where the total income exceeds Rs. 2,50,000 but does not exceed Rs. 5,00,000 | 5 per cent. of the amount by which the total income exceeds Rs. 2,50,000; |
| (3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 | Rs. 12,500 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000; |
| (4) where the total income exceeds Rs. 10,00,000 | Rs. 1,12,500 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000. |

(II) In the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year,—

Rates of income-tax

- | | |
|---|--|
| (1) where the total income does not exceed Rs. 3,00,000 | <i>Nil</i> ; |
| (2) where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000 | 5 per cent. of the amount by which the total income exceeds Rs. 3,00,000; |
| (3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 | Rs. 10,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000; |
| (4) where the total income exceeds Rs. 10,00,000 | Rs. 1,10,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000. |

(III) In the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year,—

Rates of income-tax

- | | |
|---|--------------|
| (1) where the total income does not exceed Rs. 5,00,000 | <i>Nil</i> ; |
|---|--------------|

(2) where the total income exceeds 20 per cent. of the amount by which the Rs. 5,00,000 but does not exceed total income exceeds Rs. 5,00,000; Rs. 10,00,000

(3) where the total income exceeds Rs. 1,00,000 *plus* 30 per cent. of the Rs.10,00,000 amount by which the total income exceeds Rs. 10,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Income-tax Act or the provisions of section 115BAC of the Income-tax Act, shall be increased by a surcharge for the purposes of the Union, calculated, in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act,—

(a) having a total income (including the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding fifty lakh rupees but not exceeding one crore rupees, at the rate of ten per cent. of such income-tax; and

(b) having a total income (including the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding one crore rupees but not exceeding two crore rupees, at the rate of fifteen per cent. of such income-tax;

(c) having a total income (excluding the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding two crore rupees but not exceeding five crore rupees, at the rate of twenty-five per cent. of such income-tax; and

(d) having a total income (excluding the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding five crore rupees, at the rate of thirty-seven per cent. of such income-tax;

(e) having a total income (including the income by way of dividend or income under the provisions of section 111A and section 112A of the Income-tax Act) exceeding two crore rupees, but is not covered under clauses (c) and (d), shall be applicable at the rate of fifteen per cent. of such income-tax:

Provided that in case where the total income includes any income by way of dividend or income chargeable under section 111A and section 112A of the Income-tax Act, the rate of surcharge on the amount of Income-tax computed in respect of that part of income shall not exceed fifteen per cent.:

Provided further that in the case of persons mentioned above having total income exceeding,—

(a) fifty lakh rupees but not exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of fifty lakh rupees by more than the amount of income that exceeds fifty lakh rupees;

(b) one crore rupees but does not exceed two crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees;

(c) two crore rupees but does not exceed five crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total

amount payable as income-tax and surcharge on a total income of two crore rupees by more than the amount of income that exceeds two crore rupees;

(d) five crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of five crore rupees by more than the amount of income that exceeds five crore rupees;

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs.10,000 10 per cent. of the total income;

(2) where the total income exceeds Rs.10,000 but does not exceed Rs. 20,000 Rs. 1,000 *plus* 20 per cent. of the amount by which the total income exceeds Rs. 10,000;

(3) where the total income exceeds Rs. 20,000 Rs. 3,000 *plus* 30 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Income-tax Act, shall, in the case of every co-operative society, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of twelve per cent. of such income-tax:

Provided that in the case of every co-operative society mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph C

In the case of every firm,—

Rate of income-tax

On the whole of the total income 30 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Income-tax Act, shall, in the case of every firm, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of twelve per cent. of such income-tax:

Provided that in the case of every firm mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 30 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Income-tax Act, shall, in the case of every local authority, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of twelve per cent. of such income-tax:

Provided that in the case of every local authority mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company,—

(i) where its total turnover or 25 per cent. of the total income;
the gross receipt in the previous
year 2019-2020 does not exceed
four hundred crore rupees

(ii) other than that referred to 30 per cent. of the total income.
in item (i)

II. In the case of a company other than a domestic company,—

(i) on so much of the total income 50 per cent. ;
as consists of,—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976; or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved 50 per cent. ;
by the Central Government

(ii) on the balance, if any, of the total income 40 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112 or section 112A of the Income-tax Act, shall, be increased by a surcharge for the purposes of the Union, calculated,—

(i) in the case of every domestic company,—

(a) having a total income exceeding one crore rupees but not exceeding ten crore rupees, at the rate of seven per cent. of such income-tax; and

(b) having a total income exceeding ten crore rupees, at the rate of twelve per cent. of such income-tax;

(ii) in the case of every company other than a domestic company,—

(a) having a total income exceeding one crore rupees but not exceeding ten crore rupees, at the rate of two per cent. of such income-tax; and

(b) having a total income exceeding ten crore rupees, at the rate of five per cent. of such income-tax:

Provided that in the case of every company having a total income exceeding one crore rupees but not exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided further that in the case of every company having a total income exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of ten crore rupees by more than the amount of income that exceeds ten crore rupees.

PART IV

[See section 2(13)(c)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

Rule 1.—Agricultural income of the nature referred to in sub-clause (a) of clause (IA) of section 2 of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the head “Income from other sources” and the provisions of sections 57 to 59 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of section 58 shall apply subject to the modification that the reference to section 40A therein shall be construed as not including a reference to sub-sections (3), (3A) and (4) of section 40A.

Rule 2.—Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (IA) of section 2 of the Income-tax Act [other than income derived from any building required as a dwelling-house by the receiver of the rent or revenue of the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c)] shall be computed as if it were income chargeable to income-tax under that Act under the head “Profits and gains of business or profession” and the provisions of sections 30, 31, 32, 36, 37, 38, 40, 40A [other than sub-sections (3), (3A) and (4) thereof], 41, 43, 43A, 43B and 43C of the Income-tax Act shall, so far as may be, apply accordingly.

Rule 3.—Agricultural income of the nature referred to in sub-clause (c) of clause (IA) of section 2 of the Income-tax Act, being income derived from any building required as a dwelling-house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c) shall be computed as if it were income chargeable to income-tax under that Act under the head “Income from house

property” and the provisions of sections 23 to 27 of that Act shall, so far as may be, apply accordingly.

Rule 4.—Notwithstanding anything contained in any other provisions of these rules, in a case—

(a) where the assessee derives income from sale of tea grown and manufactured by him in India, such income shall be computed in accordance with rule 8 of the Income-tax Rules, 1962, and sixty per cent. of such income shall be regarded as the agricultural income of the assessee;

(b) where the assessee derives income from sale of centrifuged latex or cenex or latex based crepes (such as pale latex crepe) or brown crepes (such as estate brown crepe, re-milled crepe, smoked blanket crepe or flat bark crepe) or technically specified block rubbers manufactured or processed by him from rubber plants grown by him in India, such income shall be computed in accordance with rule 7A of the Income-tax Rules, 1962, and sixty-five per cent. of such income shall be regarded as the agricultural income of the assessee;

(c) where the assessee derives income from sale of coffee grown and manufactured by him in India, such income shall be computed in accordance with rule 7B of the Income-tax Rules, 1962, and sixty per cent. or seventy-five per cent., as the case may be, of such income shall be regarded as the agricultural income of the assessee.

Rule 5.—Where the assessee is a member of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) but has any agricultural income then, the agricultural income or loss of the association or body shall be computed in accordance with these rules and the share of the assessee in the agricultural income or loss so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 6.—Where the result of the computation for the previous year in respect of any source of agricultural income is a loss, such loss shall be set off against the income of the assessee, if any, for that previous year from any other source of agricultural income:

Provided that where the assessee is a member of an association of persons or a body of individuals and the share of the assessee in the agricultural income of the association or body, as the case may be, is a loss, such loss shall not be set off against any income of the assessee from any other source of agricultural income.

Rule 7.—Any sum payable by the assessee on account of any tax levied by the State Government on the agricultural income shall be deducted in computing the agricultural income.

Rule 8.—(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2021, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 2013 or the 1st day of April, 2014 or the 1st day of April, 2015 or the 1st day of April, 2016 or the 1st day of April, 2017 or the 1st day of April, 2018 or the 1st day of April, 2019, or the 1st day of April, 2020, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2013, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2014 or the 1st day of

April, 2015 or the 1st day of April, 2016 or the 1st day of April, 2017 or the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2014, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2015 or the 1st day of April, 2016 or the 1st day of April, 2017 or the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2015, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2016 or the 1st day of April, 2017 or the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2016, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2017 or the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2017, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2018, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2019 or the 1st day of April, 2020,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2019, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2020,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2020,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2021.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2022, or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 2014 or the 1st day of April, 2015 or the 1st day of April, 2016 or the 1st day of April, 2017 or the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020 or the 1st day of April, 2021, is a loss, then, for the purposes of sub-section (10) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2014, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2015 or the

1st day of April, 2016 or the 1st day of April, 2017 or the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020 or the 1st day of April, 2021,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2015, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2016 or the 1st day of April, 2017 or the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020 or the 1st day of April, 2021,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2016, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2017 or the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020 or the 1st day of April, 2021,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2017, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2018 or the 1st day of April, 2019 or the 1st day of April, 2020 or the 1st day of April, 2021,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2018, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2019 or the 1st day of April, 2020 or the 1st day of April, 2021,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2019, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the or the 1st day of April, 2020 or the 1st day of April, 2021,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2020, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2021,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2021,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2022.

(3) Where any person deriving any agricultural income from any source has been succeeded in such capacity by another person, otherwise than by inheritance, nothing in sub-rule (1) or sub-rule (2) shall entitle any person, other than the person incurring the loss, to have it set off under sub-rule (1) or, as the case may be, sub-rule (2).

(4) Notwithstanding anything contained in this rule, no loss which has not been determined by the Assessing Officer under the provisions of these rules or the rules contained in the First Schedule to the Finance Act, 2013 (17 of 2013) or the First Schedule to the Finance (No. 2) Act, 2014 (25 of 2014) or the First Schedule to the Finance Act, 2015 (20 of 2015) or the First Schedule to the Finance Act, 2016 (28 of 2016) or the First Schedule to the Finance Act, 2017 (7 of 2017) or the First Schedule to the Finance Act, 2018 (13 of 2018) or the First Schedule of the Finance (No. 2) Act, 2019 (23 of 2019) or the First Schedule of the Finance Act, 2020 (12 of 2020) shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

Rule 9.—Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be ignored and the net agricultural income shall be deemed to be *nil*.

Rule 10.—The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of section 288A relating to rounding off of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural income of the assessee as they apply in relation to the assessment of the total income.

Rule 11.—For the purposes of computing the net agricultural income of the assessee, the Assessing Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

THE SECOND SCHEDULE

[See section 104(i)]

In the First Schedule to the Customs Tariff Act,—

(1) in Chapter 28, for the entry in column (4) occurring against tariff item 2803 00 10, the entry “7.5%” shall be substituted;

(2) in Chapter 39, for the entry in column (4) occurring against all the tariff items of heading 3925, the entry “15%” shall be substituted;

(3) in Chapter 70, for the entry in column (4) occurring against all the tariff items of heading 7007, the entry “15%” shall be substituted;

(4) in Chapter 71, for the entry in column (4) occurring against tariff item 7104 90 90, the entry “15%” shall be substituted;

(5) in Chapter 84,—

(i) for the entry in column (4) occurring against tariff item 8414 30 00, the entry “15%” shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of sub-heading 8414 40, the entry “15%” shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of sub-heading 8414 80, the entry “15%” shall be substituted;

(6) in Chapter 85,—

(i) for the entry in column (4) occurring against all the tariff items of sub-heading 8501 10, the entry “15%” shall be substituted;

(ii) for the entry in column (4) occurring against tariff item 8501 20 00, the entry “15%” shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of sub-headings 8501 31, 8501 32, 8501 33, 8501 34, 8501 40, 8501 51, 8501 52 and 8501 53, the entry “15%” shall be substituted;

(iv) for the entry in column (4) occurring against tariff item 8504 90 90, the entry “15%” shall be substituted;

(v) for the entry in column (4) occurring against tariff items 8512 90 00, 8536 41 00 and 8536 49 00, the entry “15%” shall be substituted;

(vi) for the entry in column (4) occurring against all the tariff items of heading 8537, the entry “15%” shall be substituted;

(vii) for the entry in column (4) occurring against tariff item 8544 30 00, the entry “15%” shall be substituted;

(7) in Chapter 90,—

(i) for the entry in column (4) occurring against tariff item 9031 80 00, the entry “15%” shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of sub-heading 9032 89, the entry “15%” shall be substituted;

(8) in Chapter 91, for the entry in column (4) occurring against tariff item 9104 00 00, the entry “15%” shall be substituted.

THE THIRD SCHEDULE

[See section 104(ii)]

In the First Schedule to the Customs Tariff Act, in Chapter 27, for heading 2709, tariff items 2709 10 00 and 2709 20 00 and the entries relating thereto, the following shall be substituted with effect from the 1st day of April, 2021, namely:—

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

“2709 PETROLEUM OILS AND OILS OBTAINED
FROM BITUMINOUS MINERALS, CRUDE

2709 00 --*Petroleum oils and oils obtained from
bituminous minerals, crude*

2709 00 10 --- Petroleum crude

2709 00 90 --- Other

kg.

5%

—

kg.

5%

—”.

THE FOURTH SCHEDULE

[See section 104 (iii)]

In the First Schedule to the Customs Tariff Act,—

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(1) in Chapter 2, in the Note—

(i) after clause (a), the following clause shall be inserted, namely:—

“(b) edible, non-living insects (heading 0410);”;

(ii) the existing clauses (b) and (c) shall respectively be re-lettered as clauses (c) and (d);

(2) in Chapter 3,—

(i) after Note 2, the following Note shall be inserted, namely:—

“3. Headings 0305 to 0308 do not cover flours, meals and pellets, fit for human consumption (heading 0309).”;

(ii) in heading 0302, for the entry in column (2),—

(a) occurring after tariff item 0302 29 00 and the entries relating thereto, the following entry shall be substituted, namely:—

“ - Tunas (of the genus *Thunnus*), skipjack tuna (stripe-bellied bonito) (*Katsuwonuspelamis*), excluding edible fish offal of sub-headings 0302 91 to 0302 99;”;

(b) occurring against tariff item 0302 33 00, the following entry shall be substituted, namely:—

“- - Skipjack tuna (stripe-bellied bonito) (*Katsuwonuspelamis*)”;

(c) occurring against tariff item 0302 55 00, the following entry shall be substituted, namely:—

“- - Alaska Pollock (*Theragrachalcogramma*)”;

(iii) in heading 0303, for the entry in column (2),—

(a) occurring after tariff item 0303 39 00 and the entries relating thereto, the following entry shall be substituted, namely:—

“ - Tunas (of the genus *Thunnus*), skipjack tuna (stripe-bellied bonito) (*Katsuwonuspelamis*), excluding edible fish offal of sub-headings 0303 91 to 0303 99;”;

(b) occurring against tariff item 0303 43 00, the following entry shall be substituted, namely:—

“- - Skipjack tuna (stripe-bellied bonito) (*Katsuwonuspelamis*)”;

- (c) occurring against tariff item 0303 67 00, the following entry shall be substituted, namely:—
“- - Alaska Pollock (*Theragra chalcogramma*)”;
- (iv) in heading 0304, for the entry in column (2),—
- (a) occurring against tariff item 0304 75 00, the following entry shall be substituted, namely:—
“- - Alaska Pollock (*Theragra chalcogramma*)”;
- (b) occurring against tariff item 0304 87 00, the following entry shall be substituted, namely:—
“- - Tunas (of the genus *Thunnus*), skipjack tuna (stripe-bellied bonito) (*Katsuwonus pelamis*)”;
- (c) occurring against tariff item 0304 94 00, the following entry shall be substituted, namely:—
“- - Alaska Pollock (*Theragra chalcogramma*)”;
- (d) occurring against tariff item 0304 95 00, the following entry shall be substituted, namely:—
“- Fish of the families (*Bregmacerotidae*, *Euclichthyidae*, *Gadidae*, *Macrouridae*, *Melanonidae*, *Merlucciidae*, *Moridae* and *Muraenolepididae*,) other than Alaska Pollock (*Theragra chalcogramma*)”;
- (v) in heading 0305,—
- (a) for the entry in column (2) occurring against the heading 0305, the following entry shall be substituted, namely:—
“FISH, DRIED, SALTED OR IN BRINE; SMOKED FISH, WHETHER OR NOT COOKED BEFORE OR DURING THE SMOKING PROCESS”;
- (b) tariff item 0305 10 00 and the entries relating thereto shall be omitted;
- (vi) in heading 0306, for the entry in column (2),—
- (a) occurring against the heading 0306, the following entry shall be substituted, namely:—
“CRUSTACEANS, WHETHER IN SHELL OR NOT, LIVE, FRESH, CHILLED, FROZEN, DRIED, SALTED OR IN BRINE; SMOKED CRUSTACEANS, WHETHER IN SHELL OR NOT, WHETHER OR NOT COOKED BEFORE OR DURING THE SMOKING PROCESS; CRUSTACEANS, IN SHELL, COOKED BY STEAMING OR BY BOILING IN WATER, WHETHER OR NOT CHILLED, FROZEN, DRIED, SALTED OR IN BRINE”;
- (b) occurring against tariff item 0306 19 00, the following entry shall be substituted, namely:—
“- - Other”;
- (c) occurring against tariff item 0306 39 00, the following entry shall be substituted, namely:—
“- - Other”;
- (d) occurring against tariff item 0306 99 00, the following entry shall be substituted, namely:—
“- - Other”;
- (vii) in heading 0307, for the entry in column (2),—
- (a) occurring against the heading 0307, the following entry shall be substituted, namely:—
“MOLLUSCS, WHETHER IN SHELL OR NOT, LIVE, FRESH, CHILLED, FROZEN, DRIED, SALTED OR IN BRINE; SMOKED MOLLUSCS, WHETHER IN SHELL OR NOT, WHETHER OR NOT COOKED BEFORE OR DURING THE SMOKING PROCESS”;

(b) occurring after tariff item 0307 19 00 and the entries relating thereto, the following entry shall be substituted, namely:—

“- Scallops and other molluscs of the family *Pectinidae*”;

(c) occurring after tariff item 0307 88 00 and the entries relating thereto, the following entry shall be substituted, namely:—

“- Other”;

(viii) in heading 0308, for the entry in column (2), occurring against the heading 0308, the following entry shall be substituted, namely:—

“AQUATIC INVERTEBRATES OTHER THAN CRUSTACEANS AND MOLLUSCS, LIVE, FRESH, CHILLED, FROZEN, DRIED, SALTED OR IN BRINE; SMOKED AQUATIC INVERTEBRATES OTHER THAN CRUSTACEANS AND MOLLUSCS, WHETHER OR NOT COOKED BEFORE OR DURING THE SMOKING PROCESS”;

(ix) after tariff item 0308 90 00 and the entries relating thereto, the following shall be inserted, namely:—

“0309	FLOURS, MEALS AND PELLETS OF FISH, CRUSTACEANS, MOLLUSCS AND OTHER AQUATIC INVERTEBRATES, FIT FOR HUMAN CONSUMPTION			
0309 10	- <i>Of fish:</i>			
0309 10 10	--- Fresh or chilled	kg.	30%	-
0309 10 20	--- Frozen	kg.	30%	-
0309 10 30	--- Salted, in brine, dried or smoked	kg.	30%	-
0309 10 90	--- Other	kg.	30%	-
0309 90	- <i>Other:</i>			
	--- <i>Of crustaceans, fresh or chilled:</i>			
0309 90 11	---- Vannamei shrimp (<i>Litopenaeus vannamei</i>)	kg.	30%	-
0309 90 12	---- Indian white shrimp (<i>Fenneropenaeus indicus</i>)	kg.	30%	-
0309 90 13	---- Black tiger shrimp (<i>Penaeus monodon</i>)	kg.	30%	-
0309 90 14	---- Flower shrimp (<i>Penaeus semisulcatus</i>)	kg.	30%	-
0309 90 19	---- Other	kg.	30%	-
	--- <i>Of crustaceans, frozen:</i>			
0309 90 21	---- Vannamei shrimp (<i>Litopenaeus vannamei</i>)	kg.	30%	-
0309 90 22	---- Indian white shrimp (<i>Fenneropenaeus indicus</i>)	kg.	30%	-
0309 90 23	---- Black tiger shrimp (<i>Penaeus monodon</i>)	kg.	30%	-
0309 90 24	---- Flower shrimp (<i>Penaeus semisulcatus</i>)	kg.	30%	-
0309 90 29	---- Other	kg.	30%	-
	--- <i>Of crustaceans, salted, in brine, dried or smoked:</i>			
0309 90 31	---- Vannamei shrimp (<i>Litopenaeus vannamei</i>)	kg.	30%	-
0309 90 32	---- Indian white shrimp (<i>Fenneropenaeus indicus</i>)	kg.	30%	-
0309 90 33	---- Black tiger shrimp (<i>Penaeus monodon</i>)	kg.	30%	-
0309 90 34	---- Flower shrimp (<i>Penaeus semisulcatus</i>)	kg.	30%	-
0309 90 39	---- Other	kg.	30%	-
0309 90 40	--- <i>Of crustaceans, other</i>	kg.	30%	-
0309 90 50	--- <i>Of molluscs, fresh or chilled</i>	kg.	30%	-
0309 90 60	--- <i>Of molluscs, frozen</i>	kg.	30%	-
0309 90 70	--- <i>Of molluscs, salted, in brine, dried or smoked</i>	kg.	30%	-
0309 90 80	--- <i>Of molluscs, other</i>	kg.	30%	-
0309 90 90	--- Other	kg.	30%	-”;

(3) in Chapter 4,—

(i) after Note 1, the following Note shall be inserted, namely:—

“2. For the purposes of heading 0403, yogurt may be concentrated or flavoured and may contain added sugar or other sweetening matter, fruit, nuts, cocoa, chocolate, spices, coffee or coffee extracts, plants, parts of plants, cereals or bakers’ wares, provided that any added substance is not used for the purpose of replacing, in whole or in part, any milk constituent, and the product retains the essential character of yogurt.”;

(ii) the existing Notes 2 and 3 shall respectively be re-numbered as Notes 3 and 4;

(iii) for existing Note 4, the following Notes shall be substituted, namely:—

“5. This Chapter does not cover:

(a) non-living insects, unfit for human consumption (heading 0511);

(b) products obtained from whey, containing by weight more than 95% lactose, expressed as anhydrous lactose, calculated on the dry matter (heading 1702);

(c) products obtained from milk by replacing one or more of its natural constituents (for example, butyric fats) by another substance (for example, oleic fats) (heading 1901 or 2106); or

(d) Albumins (including concentrates of two or more whey proteins, containing by weight more than 80% whey proteins, calculated on the dry matter) (heading 3502) or globulins (heading 3504).

6. For the purposes of heading 0410, the term “insects” means edible non-living insects, whole or in parts, fresh, chilled, frozen, dried, smoked, salted or in brine, as well as flours and meals of insects, fit for human consumption. However, it does not cover edible non-living insects otherwise prepared or preserved (generally Section IV).”;

(iv) in heading 0403,—

(a) for the entry in column (2) occurring against the heading 0403, the following entry shall be substituted, namely:—

“YOGURT; BUTTERMILK, CURDLED MILK AND CREAM, KEPHIR AND OTHER FERMENTED OR ACIDIFIED MILK AND CREAM, WHETHER OR NOT CONCENTRATED OR CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER OR FLAVOURED OR CONTAINING ADDED FRUIT, NUTS OR COCOA”;

(b) for tariff item 0403 10 00 and the entries relating thereto, the following shall be substituted, namely:—

“0403 20 00	- Yogurt	kg.	30%	-”;
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(v) for heading 0410, sub-heading 0410 00, tariff items 0410 00 10 to 0410 00 90 and the entries relating thereto, the following shall be substituted, namely:—

“0410	INSECTS AND OTHER EDIBLE PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED			
0410 10	- <i>Insects</i> :			
0410 10 10	- - - Fresh, chilled or frozen	kg.	30%	-
0410 10 20	- - - Salted, in brine, dried or smoked	kg.	30%	-
0410 10 90	- - - Other	kg.	30%	-
0410 90	- <i>Other</i> :			

0410 90 10	- - - Of wild animals	kg.	30%	-
0410 90 20	- - - Turtle eggs and Salanganes' nests ("birds' nests")	kg.	30%	-
0410 90 90	- - - Other	kg.	30%	-";

(4) in Chapter 7,—

(i) after Note 4, the following Note shall be inserted, namely:—

"5. Heading 0711 applies to vegetables which have been treated solely to ensure their provisional preservation during transport or storage prior to use (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), provided they remain unsuitable for immediate consumption in that state.";

(ii) in heading 0704, for the entry in column (2) occurring against tariff item 0704 10 00, the following entry shall be substituted, namely:—

"- Cauliflowers and broccoli";

(iii) in heading 0709, after tariff item 0709 51 00 and the entries relating thereto, the following shall be inserted, namely:—

"0709 52 00	- - Mushrooms of the genus <i>Boletus</i>	kg.	30%	20%
0709 53 00	- - Mushrooms of the genus <i>Cantharellus</i>	kg.	30%	20%
0709 54 00	- - Shiitake (<i>Lentinus edodes</i>)	kg.	30%	20%
0709 55 00	- - Matsutake (<i>Tricholoma matsutake</i> , <i>Tricholoma magnivelare</i> , <i>Tricholoma</i> <i>anatolicum</i> , <i>Tricholoma dulciolens</i> , <i>Tricholoma</i> <i>caligatum</i>)	kg.	30%	20%
0709 56 00	- - Truffles (<i>Tuber spp.</i>)	kg.	30%	20%";

(iv) in heading 0711, for the entry in column (2) occurring against the heading 0711, the following entry shall be substituted, namely:—

"VEGETABLES PROVISIONALLY PRESERVED, BUT UNSUITABLE IN THAT STATE FOR IMMEDIATE CONSUMPTION";

(v) in heading 0712, after tariff item 0712 33 00 and the entries relating thereto, the following shall be inserted, namely:—

"0712 34 00	- - Shiitake (<i>Lentinus edodes</i>)	kg.	30%	20%";
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(5) in Chapter 8,—

(i) after Note 3, the following Note shall be inserted, namely:—

"4. Heading 0812 applies to fruit and nuts which have been treated solely to ensure their provisional preservation during transport or storage prior to use (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), provided they remain unsuitable for immediate consumption in that state.";

(ii) in heading 0802, for tariff item 0802 90 00 and the entries relating thereto, the following shall be substituted, namely:—

“- *Other*:

0802 91 00	-- Pine nuts, in shell	kg.	100%	90%
0802 92 00	-- Pine nuts, shelled	kg.	100%	90%
0802 99 00	-- Other	kg.	100%	90%”;

(iii) in heading 0805, for the entry in column (2) occurring against tariff item 0805 40 00, the following entry shall be substituted, namely:—

“- Grapefruit and pomelos”;

(iv) in heading 0812, for the entry in column (2) occurring against the heading 0812, the following entry shall be substituted, namely:—

“FRUIT AND NUTS PROVISIONALLY PRESERVED, BUT UNSUITABLE IN THAT STATE FOR IMMEDIATE CONSUMPTION”;

(6) in Chapter 10, in Note 1, for clause (b), the following clause shall be substituted, namely:—

“(b) This Chapter does not cover grains which have been hulled or otherwise worked. However, rice, husked, milled, polished, glazed, parboiled or broken remains classified in heading 1006. Similarly, quinoa from which the pericarp has been wholly or partly removed in order to separate the saponin, but which has not undergone any other processes, remains classified in heading 1008.”;

(7) in Chapter 12, in heading 1211, after tariff item 1211 50 00 and the entries relating thereto, the following shall be inserted, namely:—

“1211 60 00 - Bark of African cherry (*Prunus africana*) kg. 30% -”;

(8) in Section III, for the Section heading, the following Section heading shall be substituted, namely:—

“ANIMAL, VEGETABLE OR MICROBIAL FATS AND OILS AND THEIR CLEAVAGE PRODUCTS; PREPARED EDIBLE FATS; ANIMAL OR VEGETABLE WAXES”;

(9) in Chapter 15,—

(i) for the Chapter heading, the following Chapter heading shall be substituted, namely:—

“*Animal, vegetable or microbial fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes*”;

(ii) for Sub-heading Note, the following Sub-heading Notes shall be substituted, namely:—

“Sub-heading Notes:

1. For the purposes of sub-heading 1509 30, virgin olive oil has a free acidity expressed as oleic acid not exceeding 2.0 g/ 100 g and can be distinguished from the other virgin olive oil categories according to the characteristics indicated in the Codex Alimentarius Standard 33-1981.

2. For the purposes of sub-headings 1514 11 and 1514 19, the expression "low erucic acid rape or colza oil" means the fixed oil which has an erucic acid content of less than 2% by weight.”;

(iii) in heading 1509, for tariff item 1509 10 00 and the entries relating thereto, the following shall be substituted, namely:—

“1509 20 00	- Extra virgin olive oil	kg.	45%	35%
1509 30 00	- Virgin olive oil	kg.	45%	35%
1509 40 00	- Other virgin olive oils	kg.	45%	35%”;

(iv) for heading 1510, sub-heading 1510 00, tariff items 1510 00 10 to 1510 00 99 and the entries relating thereto, the following shall be substituted, namely:—

“1510	OTHER OILS AND THEIR FRACTIONS, OBTAINED SOLELY FROM OLIVES, WHETHER OR NOT REFINED, BUT NOT CHEMICALLY MODIFIED, INCLUDING BLENDS OF THESE OILS OR FRACTIONS WITH OILS OR FRACTIONS OF HEADING 1509			
1510 10 00	- Crude olive pomace oil	kg.	45%	35%
1510 90	- <i>Other:</i>			
1510 90 10	- - - Refined olive pomace oil	kg.	45%	35%
1510 90 90	- - - Other	kg.	45%	35%”;

(v) in heading 1515,—

(a) in the entry in column (2) occurring against the heading 1515, for the words “VEGETABLE FATS” the words “VEGETABLE OR MICROBIAL FATS” shall be substituted;

(b) after tariff item 1515 50 99 and the entries relating thereto, the following shall be inserted, namely:—

“1515 60 00	- Microbial fats and oils and their fractions	kg.	100%	90%”;
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(vi) in heading 1516,—

(a) in the entry in column (2) occurring against the heading 1516, for the words “ OR VEGETABLE FATS” the words “, VEGETABLE OR MICROBIAL FATS” shall be substituted;

(b) after tariff item 1516 20 99 and the entries relating thereto, the following shall be inserted, namely:—

“1516 30 00	- Microbial fats and oils and their fractions	kg.	30%	-”;
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(vii) in heading 1517, for the entry in column (2) occurring against the heading 1517, the following entry shall be substituted, namely:—

“MARGARINE; EDIBLE MIXTURES OR PREPARATIONS OF ANIMAL, VEGETABLE OR MICROBIAL FATS OR OILS OR OF FRACTIONS OF DIFFERENT FATS OR OILS OF THIS CHAPTER, OTHER THAN EDIBLE FATS AND OILS OR THEIR FRACTIONS OF HEADING 1516”;

(viii) in heading 1518,—

(a) for the entry in column (2) occurring against the heading 1518, the following entry shall be substituted, namely:—

“ANIMAL, VEGETABLE OR MICROBIAL FATS AND OILS AND THEIR FRACTIONS, BOILED, OXIDISED, DEHYDRATED, SULPHURISED, BLOWN, POLYMERISED BY HEAT IN VACUUM OR IN INERT GAS OR OTHERWISE CHEMICALLY MODIFIED, EXCLUDING THOSE OF HEADING 1516; INEDIBLE MIXTURES OR PREPARATIONS OF ANIMAL, VEGETABLE OR MICROBIAL FATS OR OILS OR OF FRACTIONS OF DIFFERENT FATS OR OILS OF THIS CHAPTER, NOT ELSEWHERE SPECIFIED OR INCLUDED”;

(b) sub-heading 1518 00 and the entries relating thereto shall be omitted;

(10) in Section IV, for the Section heading, the following Section heading shall be substituted, namely:—

“PREPARED FOODSTUFFS; BEVERAGES, SPIRITS AND VINEGAR; TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES; PRODUCTS, WHETHER OR NOT CONTAINING NICOTINE, INTENDED FOR INHALATION WITHOUT COMBUSTION; OTHER NICOTINE CONTAINING PRODUCTS INTENDED FOR THE INTAKE OF NICOTINE INTO THE HUMAN BODY”;

(11) in Chapter 16,—

(i) for the Chapter heading, the following Chapter heading shall be substituted, namely:—

“Preparations of meat, of fish, crustaceans, molluscs or other aquatic invertebrates, or of insects”;

(ii) for Note 1, the following Note shall be substituted, namely:—

“1. This Chapter does not cover meat, meat offal, fish, crustaceans, molluscs or other aquatic invertebrates, as well as insects, prepared or preserved by the processes specified in Chapter 2 or 3, Note 6 to Chapter 4 or in heading 0504.”;

(iii) in Note 2, for the words “blood, fish”, the words “blood, insects, fish” shall be substituted;

(iv) in Sub-heading Note 1,—

(a) for the words “preparations of meat, meat offal or blood”, the words “preparations of meat, meat offal, blood or insects” shall be substituted;

(b) for the words “visible pieces of meat or meat offal”, the words “visible pieces of meat or meat offal or insects” shall be substituted;

(v) for the entry in column (2) occurring against tariff item 1601 00 00, the following entry shall be substituted, namely:—

“sausages and similar products, of meat, meat offal, blood or insects; food preparations based on these products”;

(vi) in heading 1602, for the entry in column (2) occurring against the heading 1602, the following entry shall be substituted, namely:—

“OTHER PREPARED OR PRESERVED MEAT, MEAT OFFAL, BLOOD OR INSECTS”;

(vii) in heading 1604, for the entry in column (2) occurring against sub-heading 1604 14, the following entry shall be substituted, namely:—

“- - *Tunas, skipjack tuna and bonito (Sarda spp.)*.”;

(12) in Chapter 18, for Note 1, the following Note shall be substituted, namely:—

“1. This Chapter does not cover:

(a) food preparations containing more than 20 % by weight of sausage, meat, meat offal, blood, insects, fish or crustaceans, molluscs or other aquatic invertebrates, or any combination thereof (Chapter 16);

(b) preparations of headings 0403, 1901, 1902, 1904, 1905, 2105, 2202, 2208, 3003 or 3004.”;

(13) in Chapter 19, in Note 1, in clause (a), for the words “blood, fish”, the words “blood, insects, fish” shall be substituted;

(14) in Chapter 20,—

(i) in Note 1,—

(a) for clause (b), the following clauses shall be substituted, namely:—

“(b) vegetable fats and oils (Chapter 15);

(c) food preparations containing more than 20 % by weight of sausage, meat, meat offal, blood, insects, fish or crustaceans, molluscs or other aquatic invertebrates, or any combination thereof (Chapter 16);”;

(b) the existing clauses (c) and (d) shall respectively be re-lettered as clauses (d) and (e);

(ii) in heading 2008, for the entry in column (2) occurring against tariff item 2008 93 00, the following entry shall be substituted, namely:—

“- - Cranberries (*Vaccinium macrocarpon*, *Vaccinium oxycoccos*); lingonberries (*Vaccinium vitis-idaea*)”;

(iii) in heading 2009, for the entry in column (2),—

(a) occurring against the heading 2009, the following entry shall be substituted, namely:—

“FRUIT OR NUT JUICES (INCLUDING GRAPE MUST AND COCONUT WATER) AND VEGETABLE JUICES, UNFERMENTED AND NOT CONTAINING ADDED SPIRIT, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER”;

(b) occurring after tariff item 2009 19 00 and the entries relating thereto, the following entry shall be substituted, namely:—

“- Grapefruit juice; pomelo juice.”;

(c) occurring after tariff item 2009 79 00 and the entries relating thereto, the following entry shall be substituted, namely:—

“- Juice of any other single fruit, nut or vegetable .”;

(d) occurring against tariff item 2009 81 00, the following entry shall be substituted, namely:—

“- - Cranberry (*Vaccinium macrocarpon*, *Vaccinium oxycoccos*) juice; lingonberry (*Vaccinium vitis-idaea*) juice”;

(15) in Chapter 21, in Note 1,—

(a) after clause (e), the following clause shall be inserted, namely:—

“(f) products of heading 2404;”;

(b) the existing clauses (f) and (g) shall respectively be re-lettered as clauses (g) and (h);

(16) in Chapter 22, in heading 2202, in the entry in column (2) occurring against the heading 2202, for the words “INCLUDING FRUIT OR”, the words “INCLUDING FRUIT, NUT OR” shall be substituted;

(17) in Chapter 23, in heading 2306, in the entry in column (2) occurring against the heading 2306, for the words “VEGETABLE FATS”, the words “VEGETABLE OR MICROBIAL FATS” shall be substituted;

(18) in Chapter 24,—

(i) for the Chapter heading, the following Chapter heading shall be substituted, namely:—

“Tobacco and manufactured tobacco substitutes; products, whether or not containing nicotine, intended for inhalation without combustion; other nicotine containing products intended for the intake of nicotine into the human body”;

(ii) for the Note, the following Notes shall be substituted, namely:—

“Notes:

1. This Chapter does not cover medicinal cigarettes (Chapter 30);

2. Any products classifiable in heading 2404 and any other heading of the Chapter are to be classified in heading 2404.

3. For the purposes of heading 2404, the expression “inhalation without combustion” means inhalation through heated delivery or other means, without combustion.”;

(iii) after tariff item 2403 99 90 and the entries relating thereto, the following shall be inserted, namely:—

“2404	PRODUCTS CONTAINING TOBACCO, RECONSTITUTED TOBACCO, NICOTINE, OR TOBACCO OR NICOTINE SUBSTITUTES, INTENDED FOR INHALATION WITHOUT COMBUSTION; OTHER NICOTINE CONTAINING PRODUCTS INTENDED FOR THE INTAKE OF NICOTINE INTO THE HUMAN BODY			
	<i>- Products intended for inhalation without combustion:</i>			
2404 11 00	-- Containing tobacco or reconstituted tobacco	kg.	30%	-
2404 12 00	-- Other, containing nicotine	kg.	30%	-
2404 19 00	-- Other	kg.	30%	-
	<i>--Other:</i>			
2404 91 00	-- For oral application	kg.	30%	-
2404 92 00	-- For transdermal application	kg.	30%	-
2404 99 00	-- Other	kg.	30%	-”;

(19) in Chapter 25,—

(i) in Note 2, after clause (d), the following clause shall be inserted, namely:—

“(e) dolomite ramming mix (heading 3816);”;

(ii) the existing clauses (e), (f), (g), (h) and (ij) shall respectively be re-lettered as clauses (f), (g), (h), (ij) and (k);

(iii) in heading 2518,—

(a) in the entry in column (2) occurring against the heading 2518, the words “DOLOMITE RAMMING MIX” shall be omitted;

(b) tariff item 2518 30 00 and the entries relating thereto shall be omitted;

(20) in Chapter 27, in sub-heading Note 5, for the words “animal or vegetable fats”, the words “animal, vegetable or microbial fats” shall be substituted;

(21) in Section VI, after Note 3, the following Note shall be inserted, namely:—

“4. Where a product answers to a description in one or more of the headings in Section VI by virtue of being described by name or function and also to heading 3827, then it is classifiable in a heading that references the product by name or function and not under heading 3827.”;

(22) in Chapter 28,—

(i) in heading 2844, for tariff item 2844 40 00 and the entries relating thereto, the following shall be substituted, namely:—

“- Radioactive elements and isotopes and compounds other than those of sub-heading 2844 10, 2844 20 or 2844 30; alloys, dispersions (including cermets), ceramic products and mixtures containing these elements, isotopes or compounds; radioactive residues:

2844 41 00	-- Tritium and its compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing tritium or its compounds	kg.	10%	-
2844 42 00	-- Actinium-225, actinium-227, californium-253, curium-240, curium-241, curium-242, curium-243, curium-244, einsteinium-253, einsteinium-254, gadolinium-148, polonium-208, polonium-209, polonium-210, radium-223, uranium-230 or uranium-232, and their compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing these elements or compounds	kg.	10%	-
2844 43 00	-- Other radioactive elements and isotopes and compounds; other alloys, dispersions (including cermets), ceramic products and mixtures containing these elements, isotopes or compounds	kg.	10%	-
2844 44 00	-- Radioactive residues	kg.	10%	-”;

(ii) in heading 2845, after tariff item 2845 10 00 and the entries relating thereto, the following shall be inserted, namely:—

“2845 20 00	- Boron enriched in boron-10 and its compounds	kg.	10%	-
2845 30 00	- Lithium enriched in lithium-6 and its compounds	kg.	10%	-
2845 40 00	- Helium-3	kg.	10%	-”;

(23) in Chapter 29,—

(i) in Note 1, in clause (g), after the words “odoriferous substance”, the words “or an emetic” shall be inserted;

(ii) in Note 4, for the portion beginning with the words “For the purposes” and ending with the words and figures “heading 2905 to 2920”, the following shall be substituted, namely:—

‘For the purposes of headings 2911, 2912, 2914, 2918 and 2922, “oxygen function”, the characteristic organic oxygen-containing group of those respective headings, is restricted to the oxygen-functions referred to in headings 2905 to 2920.’;

(iii) in heading 2903, for tariff items 2903 29 00 to 2903 31 00, sub-heading 2903 39, tariff items 2903 39 11 to 2903 76 30, the following shall be substituted, namely:—

“2903 29 00	-- Other - Saturated fluorinated derivatives of acyclic hydrocarbons:	kg.	10%	-
2903 41 00	-- Trifluoromethane (HFC-23)	kg.	10%	-

2903 42 00	-- Difluoromethane (HFC-32)	kg.	10%	-
2903 43 00	-- Fluoromethane (HFC-41), 1,2-difluoroethane (HFC-152) and 1,1-difluoroethane (HFC-152a)	kg.	10%	-
2903 44 00	-- Pentafluoroethane (HFC-125), 1,1,1-trifluoroethane (HFC-143a) and 1,1,2-trifluoroethane (HFC-143)	kg.	10%	-
2903 45 00	-- 1,1,1,2-Tetrafluoroethane (HFC-134a) and 1,1,2,2-tetrafluoroethane (HFC-134)	kg.	10%	-
2903 46 00	-- 1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea), 1,1,1,2,2,3-hexafluoropropane (HFC-236cb), 1,1,1,2,3,3-hexafluoropropane (HFC-236ea) and 1,1,1,3,3,3-hexafluoropropane (HFC-236fa)	kg.	10%	-
2903 47 00	-- 1,1,1,3,3-Pentafluoropropane (HFC-245fa) and 1,1,2,2,3-pentafluoropropane (HFC-245ca)	kg.	10%	-
2903 48 00	-- 1,1,1,3,3-Pentafluorobutane (HFC-365mfc) and 1,1,1,2,2,3,4,5,5,5-decafluoropentane (HFC-43-10mee)	kg.	10%	-
2903 49 00	-- Other - <i>Unsaturated fluorinated derivatives of acyclic hydrocarbons:</i>	kg.	10%	-
2903 51	-- 2,3,3,3-Tetrafluoropropene (HFO-1234yf), 1,3,3,3-tetrafluoropropene (HFO-1234ze) and (<i>z</i>)-1,1,1,4,4,4-hexafluoro-2-butene (HFO-1336mzz)	kg.	10%	-
2903 59	-- <i>Other:</i>			
2903 59 10	--- 1,1,3,3,3-pentafluoro-2-(trifluoromethyl)prop-1-ene [Perfluoroisobutene (PFIB)]	kg.	10%	-
2903 59 90	--- Other - <i>Brominated or iodinated derivatives of acyclic hydrocarbons:</i>	kg.	10%	-
2903 61 00	-- Methyl bromide (bromomethane)	kg.	10%	-
2903 62 00	-- Ethylene dibromide (ISO) (1,2-dibromoethane)	kg.	10%	-
2903 69 00	-- Other - <i>Halogenated derivatives of acyclic hydrocarbons containing two or more different halogen:</i>	kg.	10%	-
2903 71 00	-- Chlorodifluoromethane (HCFC-22)	kg.	10%	-
2903 72 00	-- Dichlorotrifluoroethanes (HCFC-123)	kg.	10%	-

2903 73 00	-- Dichlorofluoroethanes (HCFC-141, 141b)	kg.	10%	-
2903 74 00	-- Chlorodifluoroethanes (HCFC-142, 142b)	kg.	10%	-
2903 75 00	-- Dichloropentafluoropropanes (HCFC-225, 225ca, 225cb)	kg.	10%	-
2903 76	-- <i>Bromochlorodifluoromethane (Halon-1211), bromotrifluoromethane (Halon-1301) and dibromotetrafluoroethanes (Halon-2402):</i>			
2903 76 10	--- Bromochlorodifluoromethane (Halon-1211)	kg.	10%	-
2903 76 20	--- Bromotrifluoromethane (Halon-1301)	kg.	10%	-
2903 76 30	--- Dibromotetrafluoroethanes (Halon-2402)	kg.	10%	-";

(iv) in heading 2909, in the entry in column (2) occurring against the heading 2909, for the words "ETHER PEROXIDES", the words "ETHER PEROXIDES, ACETAL AND HEMIACETAL PEROXIDES" shall be substituted;

(v) in heading 2930,—

(a) after the entry in column (2) occurring against the heading 2930, the following shall be inserted, namely:—

"2930 10 00	- 2-(N,N-Dimethylamino) ethanethiol	kg.	10%	-";
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(b) tariff item 2930 90 92 and the entries relating thereto shall be omitted;

(c) tariff item 2930 90 94 and the entries relating thereto shall be omitted;

(vi) for heading 2931, sub-heading 2931 10, tariff items 2931 10 10 to 2931 39 00, sub-heading 2931 90, tariff items 2931 90 10 and 2931 90 90 and the entries relating thereto, the following shall be substituted, namely:—

"2931 OTHER ORGANO-INORGANIC COMPOUNDS

2931 10 - *Tetramethyl lead and tetraethyl lead:*

2931 10 10	--- Tetramethyl lead	kg.	10%	-
2931 10 90	--- Tetraethyl lead	kg.	10%	-
2931 20 00	- Tributyltin compounds	kg.	10%	-

- *Non-halogenated organo-phosphorous derivatives:*

2931 41 00	-- Dimethyl methylphosphonate	kg.	10%	-
2931 42 00	-- Dimethyl propylphosphonate	kg.	10%	-
2931 43 00	-- Diethyl ethylphosphonate	kg.	10%	-
2931 44 00	-- Methylphosphonic acid	kg.	10%	-
2931 45 00	-- Salt of methylphosphonic acid and (aminoiminomethyl)urea (1 : 1)	kg.	10%	-
2931 46 00	-- 2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide	kg.	10%	-
2931 47 00	-- (5-Ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl) methyl methyl methylphosphonate	kg.	10%	-
2931 48 00	-- 3,9-Dimethyl-2,4,8,10-tetraoxa-3,9-diphosphaspiro[5.5] undecane 3,9-dioxide	kg.	10%	-

2933 33 11	----	Alfentanil (INN) and its salt	kg.	10%	-
2933 33 12	----	Anileridine (INN) and its salt	kg.	10%	-
2933 33 13	----	Bezitramide (INN) and its salt	kg.	10%	-
2933 33 14	----	Bromazepam (INN) and its salt	kg.	10%	-
2933 33 15	----	Carfentanil (INN) and its salt	kg.	10%	-
2933 33 16	----	Difenoxin (INN) and its salt	kg.	10%	-
2933 33 17	----	Diphenoxylate (INN) and its salt	kg.	10%	-
2933 33 18	----	Dipipanone (INN) and its salt	kg.	10%	-
	---	<i>Fentanyl (INN), ketobemidone (INN), methylphenidate (INN), pentazocine (INN), pethidine (INN), pethidine (INN) intermediate A, phencyclidine (INN) (PCP), phenoperidine (INN); salts thereof</i>			
2933 33 21	----	Fentanyl (INN) and its salt	kg.	10%	-
2933 33 22	----	Ketobemidone (INN) and its salt	kg.	10%	-
2933 33 23	----	Methylphenidate (INN) and its salt	kg.	10%	-
2933 33 24	----	Pentazocine (INN) and its salt	kg.	10%	-
2933 33 25	----	Pethidine (INN) and its salt	kg.	10%	-
2933 33 26	----	Pethidine (INN) intermediate A and its salt	kg.	10%	-
2933 33 27	----	Phencyclidine (INN) (PCP) and its salt	kg.	10%	-
2933 33 28	----	Phenoperidine (INN) and its salt	kg.	10%	-
	---	<i>Pipradrol (INN), piritramide (INN), propiram (INN), remifentanil (INN) and trimeperidine (INN); salts thereof:</i>			
2933 33 31	----	Pipradrol (INN) and its salt	kg.	10%	-
2933 33 32	----	Piritramide (INN) and its salt	kg.	10%	-
2933 33 33	----	Propiram (INN) and its salt	kg.	10%	-
2933 33 34	----	Remifentanil (INN) and its salt	kg.	10%	-
2933 33 35	----	Trimeperidine (INN) and its salt	kg.	10%	-
2933 34 00	--	Other fentanyls and their derivatives	kg.	10%	-
2933 35 00	--	3-Quinuclidinol	kg.	10%	-
2933 36 00	--	4-Anilino-N-phenethylpiperidine (ANPP)	kg.	10%	-
2933 37 00	--	N-Phenethyl-4-piperidone (NPP)	kg.	10%	-";

(b) tariff items 2933 39 20 and 2933 39 30 and the entries relating thereto shall be omitted;

(ix) in heading 2934, after tariff item 2934 91 00 and the entries relating thereto, the following shall be inserted, namely:—

“2934 92 00 -- Other fentanyls and their derivatives kg. 10% -”;

(x) in heading 2936, for the entry in column (2) occurring against tariff item 2936 24 00, the following entry shall be substituted, namely:—

“- - D- or DL-Pantothenic acid (Vitamin B5) and its derivatives”;

(xi) in heading 2939,—

(a) for sub-headings and tariff items from 2939 30 00 to 2939 49 00 and the entries relating thereto, the following shall be substituted, namely:—

“2939 30 00	- Caffeine and its salts	kg.	10%	10%
	- <i>Alkaloids of ephedra and their derivatives; salts thereof:</i>			
2939 41 00	-- Ephedrine and its salts	kg.	10%	10%
2939 42 00	-- Pseudoephedrine (INN) and its salts	kg.	10%	10%
2939 43 00	-- Cathine (INN) and its salts	kg.	10%	10%
2939 44 00	-- Norephedrine and its salts	kg.	10%	-

2939 45 00	-- Levometamfetamine, metamfetamine (INN), metamfetamine racemate and their salts	kg.	10%	10%
2939 49 00	-- Other	kg.	10%	10%”;

(b) for tariff items 2939 69 00 and 2939 71 00, sub-heading 2939 79, tariff items 2939 79 10 and 2939 79 90 and the entries relating thereto, the following shall be substituted, namely:—

“2939 69 00	-- Other - <i>Other, of vegetal origin:</i>	kg.	10%	-
2939 72 00	-- Cocaine, ecgonine; salts, esters and other derivatives thereof	kg.	10%	-
2939 79 00	-- Other	kg.	10%	-”;

(24) in Chapter 30,—

(i) in Note 1,—

(a) for clause (b), the following clause shall be substituted, namely:—

“(b) products, such as tablets, chewing gum or patches (transdermal systems), containing nicotine and intended to assist tobacco use cessation (heading 2404);”;

(b) in clause (g), the word “or” shall be omitted;

(c) in clause (h), for the brackets, word and figures “(heading 3502).”, the brackets, words and figures “(heading 3502); or” shall be substituted;

(d) after clause (h), the following clause shall be inserted, namely:—

“(ij) diagnostic reagents of heading 3822.”;

(ii) in Note 4, for clause (e), the following clause shall be substituted, namely:—

“(e) placebos and blinded (or double-blinded) clinical trial kits for use in recognised clinical trials, put up in measured doses, even if they might contain active medicaments;”;

(iii) in heading 3002,—

(a) in the entry in column (2) occurring against the heading 3002, for the words “SIMILAR PRODUCTS”, the words “ETHER SIMILAR PRODUCTS; CELL CULTURES, WHETHER OR NOT MODIFIED” shall be substituted;

(b) tariff item 3002 11 00 and the entries relating thereto shall be omitted;

(c) for sub-heading 3002 13, tariff item 3002 13 10, sub-heading 3002 14, tariff items 3002 14 10 to 3002 19 00, sub-heading 3002 20, tariff items 3002 20 11 to 3002 30 00, sub-heading 3002 90, tariff items 3002 90 10 to 3002 90 90 and the entries relating thereto, the following shall be substituted, namely:—

“3002 13 00	-- Immunological products, unmixed, not put up in measured doses or in forms or packings for retail sale	kg.	10%	10%
3002 14 00	-- Immunological products, mixed, not put up in measured doses or in forms or packings for retail sale	kg.	10%	10%
3002 15 00	-- Immunological products, put up in measured doses or in forms or packings for retail sale	kg.	10%	10%
3002 41	- <i>Vaccines, toxins, cultures of micro-organisms (excluding yeasts) and similar products:</i> -- <i>Vaccines for human medicine:</i>			

	--- <i>Single vaccines for:</i>			
3002 41 11	---- Cholera and typhoid	kg.	10%	10%
3002 41 12	---- Hepatitis	kg.	10%	10%
3002 41 13	---- Tetanus	kg.	10%	10%
3002 41 14	---- Polio	kg.	10%	10%
3002 41 15	---- Tuberculosis	kg.	10%	10%
3002 41 16	---- Rabies	kg.	10%	10%
3002 41 17	---- Japanese encephalitis	kg.	10%	10%
3002 41 18	---- Whooping cough (pertussis)	kg.	10%	10%
3002 41 19	---- Other	kg.	10%	10%
	--- <i>Mixed vaccines for:</i>			
3002 41 21	---- Diphtheria, pertussis and tetanus (DPT)	kg.	10%	10%
3002 41 22	---- Diphtheria and tetanus (DT)	kg.	10%	10%
3002 41 23	---- Measles, mumps and rubella (MMR)	kg.	10%	10%
3002 41 24	---- Typhoid-paratyphoid (TAB)	kg.	10%	10%
3002 41 25	---- Typhoid-paratyphoid-cholera (TABC)	kg.	10%	10%
3002 41 29	---- Other	kg.	10%	10%
3002 42 00	-- Vaccines for veterinary medicine	kg.	10%	10%
3002 49	-- Other			
3002 49 10	--- Cultures of micro-organisms (excluding yeast)	kg.	10%	10%
3002 49 20	--- Toxins	kg.	10%	10%
3002 49 90	--- Other	kg.	10%	10%
	- <i>Cell cultures, whether or not modified:</i>			
3002 51 00	-- Cell therapy products	kg.	10%	10%
3002 59 00	-- Other	kg.	10%	10%
3002 90	- <i>Other:</i>			
3002 90 10	--- Human blood	kg.	10%	10%
3002 90 20	--- Animal blood prepared for therapeutic, prophylactic or diagnostic uses	kg.	10%	10%
3002 90 90	--- Other	kg.	10%	10%”;

(iv) in heading 3006,—

(a) tariff item 3006 20 00 and the entries relating thereto shall be omitted;

(b) after tariff item 3006 92 00 and the entries relating thereto, the following shall be inserted, namely:—

“3006 93 00	-- Placebos and blinded (or double-blinded) clinical trial kits for a recognised clinical trial, put up in measured doses”	kg.	10%	-”;
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(25) in Chapter 32, in heading 3204, after tariff item 3204 17 90 and the entries relating thereto, the following shall be inserted, namely:—

“3204 18 00	-- Carotenoid colouring matters and preparations based thereon	kg.	10%	-”;
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(26) in Chapter 34,—

(i) in Note 1, for clause (a), the following clause shall be substituted, namely:—

“(a) edible mixtures or preparations of animal, vegetable or microbial fats or oils of a kind used as mould release preparations (heading 1517);”;

(ii) in heading 3402, for the entry in column (2) occurring after heading 3402 and the entry relating thereto, sub-heading 3402 11, tariff items 3402 11 10 to 3402 19 00, sub-heading 3402 20, tariff items 3402 20 10 to 3402 20 90 and the entries relating thereto, the following shall be substituted, namely:—

<i>“- Anionic organic surface active agents, whether or not put up for retail sale:</i>				
3402 31 00	-- Linear alkylbenzene sulphonic acids and their salts	kg.	10%	10%
3402 39 00	-- Other	kg.	10%	10%
<i>- Other organic surface active agents, whether or not put up for retail sale:</i>				
3402 41 00	-- Cationic	kg.	10%	10%
3402 42 00	-- Non-ionic	kg.	10%	10%
3402 49 00	-- Other	kg.	10%	10%
3402 50 00	- Preparations put up for retail sale	kg.	10%	-”;

(27) in Chapter 36, for heading 3603, sub-heading 3603 00, tariff items 3603 00 11 to 3603 00 59 and the entries relating thereto, the following shall be substituted, namely:—

“3603	SAFETY FUSES; DETONATING CORDS; PERCUSSION OR DETONATING CAPS; IGNITERS; ELECTRIC DETONATORS			
3603 10 00	- Safety fuses	kg.	10%	-
3603 20 00	- Detonating cords	kg.	10%	-
3603 30 00	- Percussion caps	kg.	10%	-
3603 40 00	- Detonating caps	kg.	10%	-
3603 50 00	- Igniters	kg.	10%	-
3603 60 00	- Electric detonators	kg.	10%	-”;

(28) in Chapter 37, in Note 2, for the words “photosensitive surfaces”, the words “photosensitive, including thermosensitive, surfaces” shall be substituted;

(29) in Chapter 38,—

(i) in Note 1,—

(a) after clause (b), the following clause shall be inserted, namely:—

“(c) products of heading 2404;”;

(b) the existing clauses (c), (d) and (e) shall respectively be re-lettered as clauses (d), (e), and (f);

(ii) in Note 4, for clause (a), the following clause shall be substituted, namely:—

“(a) individual materials or articles segregated from the waste, for example wastes of plastics, rubber, wood, paper, textiles, glass or metals, electrical and electronic waste and scrap (including spent batteries) which fall in their appropriate headings of the Nomenclature;”;

(iii) in Note 7, for the words “vegetable fats”, the words “vegetable or microbial fats” shall be substituted;

(iv) for Sub-heading Note 1, the following Sub-heading Note shall be substituted, namely:—

“1. Sub-headings 3808 52 and 3808 59 cover only goods of heading 3808, containing one or more of the following substances: alachlor (ISO); aldicarb (ISO); aldrin (ISO); azinphos-methyl (ISO); binapacryl (ISO); camphechlor (ISO) (toxaphene); captafol (ISO); carbofuran (ISO); chlordane (ISO); chlordimeform (ISO); chlorobenzilate (ISO); DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2,2-bis (p-chlorophenyl) ethane); dieldrin (ISO, INN); 4,6-dinitro-o-cresol (DNOC (ISO)) or its salts; dinoseb (ISO), its salts or its esters; endosulfan (ISO); ethylene dibromide (ISO) (1,2-dibromoethane); ethylene dichloride (ISO) (1,2-dichloroethane); fluoroacetamide (ISO); heptachlor (ISO); hexachlorobenzene (ISO); 1,2,3,4,5,6-hexachlorocyclohexane (HCH (ISO)), including lindane (ISO, INN); mercury compounds; methamidophos (ISO); monocrotophos (ISO); oxirane (ethylene oxide); parathion (ISO); parathion-methyl (ISO) (methyl-parathion); pentachlorophenol (ISO), its salts or its esters; perfluorooctane sulphonic acid and its salts; perfluorooctane sulphonamides; perfluorooctane sulphonyl fluoride; phosphamidon (ISO); 2,4,5-T (ISO) (2,4,5-trichlorophenoxyacetic acid), its salts or its esters; tributyltin compounds; trichlorfon (ISO).”;

(v) for Sub-heading Note 3, the following Sub-heading Note shall be substituted, namely:—

“3. Sub-headings 3824 81 to 3824 89 cover only mixtures and preparations containing one or more of the following substances: oxirane (ethylene oxide); polybrominated biphenyls (PBBs); polychlorinated biphenyls (PCBs); polychlorinated terphenyls (PCTs); tris (2,3-dibromopropyl) phosphate; aldrin (ISO); camphechlor (ISO) (toxaphene); chlordane (ISO); chlordecone (ISO); DDT (ISO) (clofenotane (INN); 1,1,1-trichloro-2,2-bis (p-chlorophenyl)ethane); dieldrin (ISO, INN); endosulfan (ISO); endrin (ISO); heptachlor (ISO); mirex (ISO); 1,2,3,4,5,6-hexachlorocyclohexane (HCH (ISO)), including lindane (ISO, INN); pentachlorobenzene (ISO); hexachlorobenzene (ISO); perfluorooctane sulphonic acid, its salts; perfluorooctane sulphonamides; perfluorooctane sulphonyl fluoride; tetra-, penta-, hexa-, hepta- or octabromodiphenyl ethers; short-chain chlorinated paraffins.

Short-chain chlorinated paraffins are mixtures of compounds, with a chlorination degree of more than 48% by weight, with the following molecular formula: $C_xH_{(2x-y+2)}Cl_y$, where $x=10-13$ and $y=1-13$.”;

(vi) for the entry in column (2) occurring against tariff item 3816 00 00, the following entry shall be substituted, namely:—

“refractory cements, mortars, concretes and similar compositions, including dolomite ramming mix, other than products of heading 3801”;

(vii) for heading 3822, sub-heading 3822 00, tariff items 3822 00 11 to 3822 00 90 and the entries relating thereto, the following shall be substituted, namely:—

“3822 DIAGNOSTIC OR LABORATORY
REAGENTS ON A BACKING, PREPARED
DIAGNOSTIC OR LABORATORY
REAGENTS WHETHER OR NOT ON A
BACKING, WHETHER OR NOT PUT UP IN
THE FORM OF KITS, OTHER THAN THOSE
OF HEADING 3006; CERTIFIED REFERENCE
MATERIALS
- *Diagnostic or laboratory reagents on a backing,
prepared diagnostic or laboratory reagents
whether or not on a backing, whether or not put
up in the form of kits:*

3822 11 00	- - For malaria	kg.	10%	-
3822 12 00	- - For Zika and other diseases transmitted by mosquitoes of the genus Aedes	kg.	10%	-

3822 13 00	-- For blood-grouping	kg.	10%	-
3822 19	-- <i>Other:</i>			
3822 19 10	--- Pregnancy test kit	kg.	10%	-
3822 19 90	--- Other	kg.	10%	-
3822 90	- <i>Other:</i>			
3822 90 10	--- Certified reference materials	kg.	30%	-
3822 90 90	--- Other	kg.	30%	-";

(viii) in heading 3824,—

(a) for tariff items 3824 60 90 to 3824 79 00 and the entries relating thereto, the following shall be substituted, namely:—

"3824 60 90	--- Other	kg.	30%	-";
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(b) in the entry in column (2) occurring against tariff item 3824 88 00, for the words "hexa, hepta-", the words "hexa-, hepta-" shall be substituted;

(c) after tariff item 3824 88 00 and the entries relating thereto, the following shall be inserted, namely:—

"3824 89 00	-- Containing short-chain chlorinated paraffins	kg.	10%	-";
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(d) after tariff item 3824 91 00 and the entries relating thereto, the following shall be inserted, namely:—

"3824 92 00	-- Polyglycol esters of methylphosphonic acid	kg.	10%	-";
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(ix) after tariff item 3826 00 00 and the entries relating thereto, the following shall be inserted, namely:—

"3827	MIXTURES CONTAINING HALOGENATED DERIVATIVES OF METHANE, ETHANE OR PROPANE, NOT ELSEWHERE SPECIFIED OR INCLUDED - <i>Containing chlorofluorocarbons (CFCs), whether or not containing hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs); containing hydrobromofluorocarbons (HBFCs); containing carbon tetrachloride; containing 1,1,1-trichloroethane (methyl chloroform):</i>			
3827 11 00	-- Containing chlorofluorocarbons (CFCs), whether or not containing hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs)	kg.	10%	-
3827 12 00	-- Containing hydrobromofluorocarbons (HBFCs)	kg.	10%	-
3827 13 00	-- Containing carbon tetrachloride	kg.	10%	-
3827 14 00	-- Containing 1,1,1-trichloroethane (methyl chloroform)	kg.	10%	-
3827 20 00	- Containing bromochlorodifluoromethane (Halon-1211), bromotrifluoromethane (Halon-1301) or dibromotetrafluoroethanes (Halon-2402) - <i>Containing hydrochlorofluorocarbons (HCFCs), whether or not containing perfluorocarbons</i>	kg.	10%	-

<i>(PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs):</i>				
3827 31 00	-- Containing substances of sub-headings 2903 41 to 2903 48	kg.	10%	-
3827 32 00	-- Other, containing substances of sub-headings 2903 71 to 2903 75	kg.	10%	-
3827 39 00	-- Other	kg.	10%	-
3827 40 00	- Containing methyl bromide (bromomethane) or bromochloromethane	kg.	10%	-
<i>- Containing trifluoromethane (HFC-23) or perfluorocarbons (PFCs) but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs):</i>				
3827 51 00	-- Containing trifluoromethane (HFC-23)	kg.	10%	-
3827 59 00	-- Other	kg.	10%	-
<i>- Containing other hydrofluorocarbons (HFCs) but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs):</i>				
3827 61 00	-- Containing 15% or more by mass of 1,1,1-trifluoroethane (HFC-143a)	kg.	10%	-
3827 62 00	-- Other, not included in the sub-heading above, containing 55% or more by mass of pentafluoroethane (HFC-125) but not containing unsaturated fluorinated derivatives of acyclic hydrocarbons (HFOs)	kg.	10%	-
3827 63 00	-- Other, not included in the sub-headings above, containing 40% or more by mass of pentafluoroethane (HFC-125)	kg.	10%	-
3827 64 00	-- Other, not included in the sub-headings above, containing 30% or more by mass of 1,1,1,2-tetrafluoroethane (HFC-134a) but not containing unsaturated fluorinated derivatives of acyclic hydrocarbons (HFOs)	kg.	10%	-
3827 65 00	-- Other, not included in the sub-headings above, containing 20% or more by mass of difluoromethane (HFC-32) and 20% or more by mass of pentafluoroethane (HFC-125)	kg.	10%	-
3827 68 00	-- Other, not included in the sub-headings above, containing substances of sub-headings 2903 41 to 2903 48	kg.	10%	-
3827 69 00	-- Other	kg.	10%	-
3827 90 00	- Other	kg.	10%	-";

(30) in Section VII, for Note 2, the following Note shall be substituted, namely:—

“2. Except for the goods of heading 3918 or 3919, plastics, rubber, and articles thereof, printed with motifs, characters or pictorial representations, which are not merely subsidiary to the primary use of the goods, fall in Chapter 49.”;

(31) in Chapter 39,—

(i) in Note 2, in clause (x), for the words “lamps and lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(ii) in heading 3907, for sub-heading 3907 20, tariff items 3907 20 10 and 3907 20 90 and the entries relating thereto, the following shall be substituted, namely:—

“ - *Other polyethers:*

3907 21 00	-- Bis(polyoxyethylene) methylphosphonate	kg.	10%	-
3907 29	-- <i>Other:</i>			
3907 29 10	--- Poly(ether alcohols)	kg.	10%	-
3907 29 90	--- Other	kg.	10%	-”;

(iii) in heading 3911, after tariff item 3911 10 90 and the entries relating thereto, the following shall be inserted, namely:—

“3911 20 00	- Poly (1,3-phenylene methylphosphonate)	kg.	10%	-”;
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(32) in Chapter 40, in heading 4015, for tariff items 4015 11 00 and the entries relating thereto, the following shall be substituted, namely:—

“4015 12 00	-- Of a kind used for medical, surgical, dental or veterinary purposes	pa	10%	-”;
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(33) in Chapter 42, in Note 2, in clause (k), for the words “lamps and lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(34) in Chapter 44,—

(i) in Note 1, in clause (o), for the words “lamps and lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(ii) after Sub-heading Note 1, the following Sub-heading Notes shall be inserted, namely:—

‘2. For the purposes of sub-heading 4401 32, the expression “wood briquettes” means by products such as cutter shavings, saw dust or chips, of the mechanical wood processing industry, furniture making or other wood transformation activities, which have been agglomerated either directly by compression or by addition of a binder in a proportion not exceeding 3% by weight. Such briquettes are in the form of cubiform, polyhedral or cylindrical units with the minimum cross-sectional dimension greater than 25 mm;

3. For the purposes of sub-heading 4407 13, “S-P-F” refers to wood sourced from mixed stands of spruce, pine and fir where the proportion of each species varies and is unknown.

4. For the purposes of sub-heading 4407 14, “Hem-fir” refers to wood sourced from mixed stands of Western hemlock and fir where the proportion of each species varies and is unknown.’;

(iii) in heading 4401,—

(a) in the entry in column (2) occurring after the tariff item 4401 22 00, for the words “agglomerated, in logs”, the words “agglomerated in logs” shall be substituted;

(b) after tariff item 4401 31 00 and the entries relating thereto, the following shall be inserted, namely:—

“4401 32 00	-- Wood briquettes	mt	5%	-”;
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(c) for the tariff item 4401 40 00 and the entries relating thereto, the following shall be substituted, namely:—

“- *Sawdust and wood waste and scrap, not agglomerated:*

4401 41 00	-- Sawdust	mt	5%
4401 49 00	-- Other	mt	5%

(iv) in heading 4402, for sub-heading 4402 90, tariff items 4402 90 10 and 4402 90 90 and the entries relating thereto, the following shall be substituted, namely:—

“4402 20	-	<i>Of shell or nut:</i>			
4402 20 10	- - -	Of coconut shell	mt	5%	-
4402 20 90	- - -	Other	mt	5%	-
4402 90 00	-	Other	mt	5%	-”;

(v) in heading 4403,—

(a) for the entry in column (2) occurring against sub-heading 4403 21, the following shall be substituted, namely:—

“- - *Of pine (Pinus spp.), of which the smallest cross-sectional dimension is 15 cm or more:*”;

(b) for the entry in column (2) occurring against sub-heading 4403 23, the following shall be substituted, namely:—

“- - *Of fir (Abies spp.) and spruce (Picea spp.), of which the smallest cross-sectional dimension is 15 cm or more:*”;

(c) for the entry in column (2) occurring against sub-heading 4403 25, the following shall be substituted, namely:—

“- - *Other, of which the smallest cross-sectional dimension is 15 cm or more:*”;

(d) for sub-heading 4403 49, tariff items 4403 49 10 and 4403 49 90 and the entries relating thereto, the following shall be substituted, namely:—

“4403 42 00	- -	Teak	m ³	5%	-
4403 49 00	- -	Other	m ³	5%	-”;

(e) for the entry in column (2) occurring against tariff item 4403 93 00, the following entry shall be substituted, namely:—

“- - *Of beech (Fagus spp.), of which the smallest cross-sectional dimension is 15 cm or more:*”;

(f) for the entry in column (2) occurring against tariff item 4403 95 00, the following entry shall be substituted, namely:—

“- - *Of birch (Betula spp.), of which the smallest cross-sectional dimension is 15 cm or more:*”;

(vi) in heading 4407,—

(a) after tariff item 4407 12 00 and the entries relating thereto, the following shall be inserted, namely:—

“4407 13 00	- -	<i>Of S-P-F (spruce (Picea spp.), pine (Pinus spp.) and fir (Abies spp.))</i>	m ³	10%	-
4407 14 00	- -	<i>Of Hem-fir (Western hemlock (Tsugaheterophylla) and fir (Abies spp.))</i>	m ³	10%	-”;

(b) after tariff item 4407 22 00 and the entries relating thereto, the following shall be inserted, namely:—

“4407 23 00	- -	Teak	m ³	10%	-”;
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(c) for sub-heading 4407 29, tariff items 4407 29 10 and 4407 29 90 and the entries relating thereto, the following shall be substituted, namely:—

“4407 29 00	- -	Other	m ³	10%	-”;
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(vii) in heading 4412, for the tariff items 4412 39 90 and 4412 94 00, sub-headings 4412 99, tariff items 4412 99 10 to 4412 99 90 and the entries relating thereto, the following shall be substituted, namely:—

“4412 39 90	- - - Other - <i>Laminated veneered lumber (LVL):</i>	m ³	10%	-
4412 41 00	- - With at least one outer ply of tropical wood	m ³	10%	-
4412 42 00	- - Other, with at least one outer ply of non-coniferous wood	m ³	10%	-
4412 49 00	- - Other, with both outer plies of coniferous wood - <i>Blockboard, laminboard and battenboard:</i>	m ³	10%	-
4412 51 00	- - With at least one outer ply of tropical wood	m ³	10%	-
4412 52 00	- - Other, with at least one outer ply of non-coniferous wood	m ³	10%	-
4412 59 00	- - Other, with both outer plies of coniferous wood - <i>Other:</i>	m ³	10%	-
4412 91	- - <i>With at least one outer ply of tropical wood:</i>			
4412 91 10	- - - Decorative plywood	m ³	10%	-
4412 91 20	- - - Tea chest panel or shooks, packed in sets	m ³	10%	-
4412 91 30	- - - Marine and aircraft plywood	m ³	10%	-
4412 91 40	- - - Cuttings and trimmings of plywood of which not exceeding 5cm	m ³	10%	-
4412 91 90	- - - Other	m ³	10%	-
4412 92	- - <i>Other, with at least one outer ply of non-coniferous wood:</i>			
4412 92 10	- - - Decorative plywood	m ³	10%	-
4412 92 20	- - - Tea chest panel or shooks, packed in sets	m ³	10%	-
4412 92 30	- - - Marine and aircraft plywood	m ³	10%	-
4412 92 40	- - - Cuttings and trimmings of plywood of which not exceeding 5cm	m ³	10%	-
4412 92 90	- - - Other	m ³	10%	-
4412 99	- - <i>Other, with both outer plies of coniferous wood:</i>			
4412 99 10	- - - Decorative plywood	m ³	10%	-
4412 99 20	- - - Tea chest panel or shooks, packed in sets	m ³	10%	-
4412 99 30	- - - Marine and aircraft plywood	m ³	10%	-
4412 99 40	- - - Cuttings and trimmings of plywood of which not exceeding 5cm	m ³	10%	-
4412 99 90	- - - Other	m ³	10%	-”;

(viii) for tariff item 4414 00 00 and the entries relating thereto, the following shall be substituted, namely:—

“4414	WOODEN FRAMES FOR PAINTINGS, PHOTOGRAPHS, MIRRORS OR SIMILAR OBJECTS			
4414 10 00	- Of tropical wood	kg.	10%	-
4414 90 00	- Other	kg.	10%	-”;

(ix) in heading 4418,—

(a) for tariff item 4418 10 00, sub-heading 4418 20 and tariff items 4418 20 10 to 4418 20 90 and the entries relating thereto, the following shall be substituted, namely:—

“- *Windows, French-windows and their frames:*

4418 11 00	- - Of tropical wood	kg.	10%	-
4418 19 00	- - Other	kg.	10%	-
	- <i>Doors and their frames and thresholds:</i>			
4418 21	- - <i>Of tropical wood:</i>			
4418 21 10	- - - Flush doors	kg.	10%	-

4418 21 20	--- Frames and thresholds of flush doors	kg.	10%	-
4418 21 90	--- Other	kg.	10%	-
4418 29	-- <i>Other:</i>			
4418 29 10	--- Flush doors	kg.	10%	-
4418 29 20	--- Frames and thresholds of flush doors	kg.	10%	-
4418 29 90	--- Other	kg.	10%	-
4418 30 00	- Posts and beams other than products of sub-headings 4418 81 to 4418 89	kg.	10%	-";

(b) tariff item 4418 60 00 and the entries relating thereto shall be omitted;

(c) after tariff item 4418 79 00 and the entries relating thereto, the following shall be inserted, namely:—

“- *Engineered structural timber products:*

4418 81 00	-- Glue-laminated timber (glulam)	kg.	10%	-
4418 82 00	-- Cross-laminated timber (CLT or X-lam)	kg.	10%	-
4418 83 00	-- I beams	kg.	10%	-
4418 89 00	-- Other	kg.	10%	-";

(d) after tariff item 4418 91 00 and the entries relating thereto, the following shall be inserted, namely:—

“4418 92 00 -- Cellular wood panels kg. 10% -";

(x) after tariff item 4419 19 00 and the entries relating thereto, the following shall be inserted, namely:—

“4419 20 00 - of tropical wood kg. 10% -";

(xi) for tariff item 4420 10 00 and the entries relating thereto, the following shall be substituted, namely:—

“- *Statuettes and other ornaments:*

4420 11 00	-- Of tropical wood	kg.	10%	-
4420 19 00	-- Other	kg.	10%	-";

(xii) after tariff item 4421 10 00 and the entries relating thereto, the following shall be inserted, namely:—

“4421 20 00 - Coffins kg. 10% -";

(35) in Chapter 46, in Note 2, in clause (e), for the words “lamps and lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(36) in Chapter 48,—

(i) in Note 2, for clause (q), the following clause shall be substituted, namely:—

“(q) articles of Chapter 96 (for example, buttons, sanitary towels (pads) and tampons, napkins (diapers) and napkin liners).”;

(ii) in Note 4, for the word “apply”, the word “applies” shall be substituted;

(iii) in Note 5,—

(a) for the words, figures and letters “For paper or paperboard weighing not more than 150 g/m².”, the following shall be substituted, namely:—

“(A) For paper or paperboard weighing not more than 150 g/m² .”;

(b) for the words, figures and letters “For papers or paperboard weighing more than 150 g/m²:”, the following shall be substituted, namely:—

“(B) For paper or paperboard weighing more than 150 g/m²:”;

(c) for the brackets and words “(including tea-bag paper) or felt paper of paperboard, occurring at the end, the brackets and words “(including tea-bag paper) or felt paper or paperboard” shall be substituted;

(iv) in Note 12, for the word “incidental”, the word “subsidiary” shall be substituted;

(37) in Chapter 49, in heading 4905, for tariff items 4905 10 00 and 4905 91 00, sub-heading 4905 99, tariff items 4905 99 10 and 4905 99 90 and the entries relating thereto, the following shall be substituted, namely:—

“4905 20 00	- In book form	kg.	Free	-
4905 90	- <i>Other:</i>			
4905 90 10	- - - Geographical, hydrological, astronomical maps or charts	kg.	Free	-
4905 90 20	- - - Globe	kg.	Free	-
4905 90 90	- - - Other	kg.	Free	-”;

(38) in section XI,—

(i) in Note 1,—

(a) in clause (s), for the words “lamps and lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(b) in clause (u), the words “for babies” shall be omitted;

(ii) after Note 14, the following Note shall be inserted, namely:—

“15. Subject to Note 1 of Section XI, textiles, garments and other textile articles, incorporating chemical, mechanical or electronic components for additional functionality, whether incorporated as built-in components or within the fibre or fabric, are classified in their respective headings in Section XI provided that they retain the essential character of the goods of this section.”;

(39) in Chapter 55, in heading 5501, for tariff item 5501 10 00 and the entries relating thereto, the following shall be substituted, namely:—

“ - *Of nylon or other polyamides:*

5501 11 00	- - Of aramids	kg.	20%	-
5501 19 00	- - Other	kg.	20%	-”;

(40) in Chapter 56, in Note 1, in clause (f), the words “for babies” shall be omitted;

(41) in Chapter 57, for heading 5703, sub-heading 5703 10, tariff items 5703 10 10 to 5703 10 90, sub-heading 5703 20, tariff items 5703 20 10 to 5703 20 90, sub-heading 5703 30, tariff items 5703 30 10 to 5703 30 90, sub-heading 5703 90, tariff items 5703 90 10 to 5703 90 90 and the entries relating thereto, the following shall be substituted, namely:—

“5703 CARPETS AND OTHER TEXTILE FLOOR COVERINGS (INCLUDING TURF), TUFTED, WHETHER OR NOT MADE UP

5703 10	- <i>Of wool or fine animal hair:</i>			
5703 10 10	--- Carpets	m ²	25%	-
5703 10 20	--- Mats and matting	m ²	25%	-
5703 10 90	--- Other	m ²	25%	-
	- <i>Of nylon or other polyamides:</i>			
5703 21 00	-- Turf	m ²	25% or Rs. 70 per sq. metre, whichever is higher	-
5703 29	-- <i>Other:</i>			
5703 29 10	--- Carpets, carpeting and rugs	m ²	25% or Rs. 70 per sq. metre, whichever is higher	-
5703 29 20	--- 100% polyamide tufted velour, cut pile or loop pile carpet mats with jute, rubber latex or PU foam backing	m ²	25% or Rs. 70 per sq. metre, whichever is higher	-
5703 29 90	--- Other	m ²	25% or Rs. 70 per sq. metre, whichever is higher	-
	- <i>Of other man-made textile materials:</i>			
5703 31 00	-- Turf	m ²	25% or Rs. 55 per sq. metre, whichever is higher	-
5703 39	-- <i>Other:</i>			
5703 39 10	--- Carpets, carpeting and rugs	m ²	25% or Rs. 55 per sq. metre, whichever is higher	-
5703 39 20	--- 100% polypropylene carpet mats with jute, rubber, latex or PU foam backing	m ²	25% or Rs. 55 per sq. metre, whichever is higher	-
5703 39 90	--- Other	m ²	25% or Rs. 55 per sq. metre, whichever is higher	-
5703 90	- <i>Of other textile materials:</i>			
5703 90 10	--- Carpets and other floor coverings, of cotton, other than durries	m ²	25%	-
5703 90 20	--- Carpets and floor coverings of coir	m ²	25%	-
5703 90 90	--- Other	m ²	25%	—”;

(42) in Chapter 58, for heading 5802, tariff item 5802 11 00, sub-heading 5802 19, tariff items 5802 19 10 to 5802 19 90 and the entries relating thereto, the following shall be substituted, namely:—

“5802	TERRY TOWELLING AND SIMILAR WOVEN TERRY FABRICS, OTHER THAN NARROW FABRICS OF HEADING 5806			
	TUFTED TEXTILE FABRICS, OTHER THAN PRODUCTS OF HEADING 5703			
5802 10	- <i>Terry towelling and similar woven terry fabrics, of cotton:</i>			
5802 10 10	--- Unbleached	m ²	25%	-
5802 10 20	--- Bleached	m ²	25% or Rs. 60 per sq. metre, whichever is higher	-

5802 10 30	- - - Piece dyed	m ²	25% or Rs. 60 per sq. metre, whichever is higher	-
5802 10 40	- - - Yarn dyed	m ²	25% or Rs. 60 per sq. metre, whichever is higher	-
5802 10 50	- - - Printed	m ²	25% or Rs. 60 per sq. metre, whichever is higher	-
5802 10 60	- - - Of Handloom	m ²	25% or Rs. 60 per sq. metre, whichever is higher	-
5802 10 90	- - - Other	m ²	25% or Rs. 60 per sq. metre, whichever is higher	-";

(43) in Chapter 59,—

(i) after Note 2, the following Note shall be inserted, namely:—

‘3. For the purposes of heading 5903, “textile fabrics laminated with plastics” means products made by the assembly of one or more layers of fabrics with one or more sheets or film of plastics which are combined by any process that bonds the layers together, whether or not the sheets or film of plastics are visible to the naked eye in the cross-section.’;

(ii) the existing Notes 3, 4, 5, 6 and 7 shall respectively be re-numbered as Notes 4, 5, 6, 7 and 8 and in Note 8 as so re-numbered, in clause (a), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) filtering or straining cloth of a kind used in oil presses or the like, of textile material or of human hair;”;

(iii) in heading 5911,—

(a) in the entry in column (2) occurring against heading 5911, for the word and figure “Note 7”, the word and figure “Note 8” shall be substituted;

(b) for the entry in column (2) occurring against tariff item 5911 40 00, the following shall be substituted, namely:—

“- Filtering or straining cloth of a kind used in oil presses or the like, including that of human hair”;

(44) in Chapter 61,—

(i) for Note 4, the following Note shall be substituted, namely:—

‘4. Headings 6105 and 6106 do not cover garments with pockets below the waist, with a ribbed waistband or other means of tightening at the bottom of the garment, or garments having an average of less than 10 stitches per linear centimetre in each direction counted on an area measuring at least 10 cm × 10 cm. Heading 6105 does not cover sleeveless garments.

“Shirts” and “shirt-blouses” are garments designed to cover the upper part of the body, having long or short sleeves and a full or partial opening starting at the neckline. “Blouses” are loose-fitting garments also designed to cover the upper part of the body but may be sleeveless and with or without an opening at the neckline. “Shirts”, “shirt-blouses” and “blouses” may also have a collar.’;

(ii) in heading 6116, for the entry in column (2) occurring against tariff item 6116 10 00, the following entry shall be substituted, namely:—

“6116 10 00 - Impregnated, coated, covered or laminated with plastics or rubber”;

(45) in Chapter 62,—

(i) after Note 3, the following Note shall be inserted, namely:—

‘4. Headings 6205 and 6206 do not cover garments with pockets below the waist, with a ribbed waistband or other means of tightening at the bottom of the garment. Heading 6205 does not cover sleeveless garments.

“Shirts” and “shirt-blouses” are garments designed to cover the upper part of the body, having long or short sleeves and a full or partial opening starting at the neckline. “Blouses” are loose-fitting garments also designed to cover the upper part of the body but may be sleeveless and with or without an opening at the neckline. “Shirts”, “shirt-blouses” and “blouses” may also have a collar.’;

(ii) the existing Notes 4, 5, 6, 7, 8 and 9 shall respectively be re-numbered as Notes 5, 6, 7, 8, 9 and 10;

(iii) for heading 6201, tariff item 6201 11 00, sub-heading 6201 12, tariff items 6201 12 10 and 6201 12 90, sub-heading 6201 13, tariff items 6201 13 10 and 6201 13 90, sub-heading 6201 19, tariff item 6201 19 10 to 6201 93 00, sub-heading 6201 99, tariff items 6201 99 10 and 6201 99 90 and the entries relating thereto, the following shall be substituted, namely:—

“6201		MEN’S OR BOYS’ OVERCOATS, CAR-COATS, CAPES, CLOAKS, ANORAKS (INCLUDING SKI-JACKETS), WIND-CHEATERS, WIND-JACKETS AND SIMILAR ARTICLES, OTHER THAN THOSE OF HEADING 6203			
6201 20	-	<i>Of wool or fine animal hair:</i>			
6201 20 10	---	Overcoats, raincoats, car-coats, capes, cloaks and similar articles	u	25% or Rs. 385 per piece, whichever is higher	-
6201 20 90	---	Other	u	25% or Rs.220 per piece, whichever is higher	-
6201 30	-	<i>Of cotton:</i>			
6201 30 10	---	Overcoats, raincoats, car-coats, capes, cloaks and similar articles	u	25% or Rs. 385 per piece, whichever is higher	-
6201 30 90	---	Other	u	25% or Rs. 210 per piece, whichever is higher	-
6201 40	-	<i>Of man-made fibres:</i>			
6201 40 10	---	Overcoats, raincoats, car-coats, capes, cloaks and similar articles	u	25% or Rs. 320 per piece, whichever is higher	-

6201 40 90	- - -	Other	u	25% or Rs.180 per piece, whichever is higher	-
6201 90	-	<i>Of other textile materials:</i>			
6201 90 10	- - -	Overcoats, raincoats, car-coats, capes, cloaks and similar articles	u	25%	-
6201 90 90	- - -	Other	u	25%	-";

(iv) for heading 6202, sub-heading 6202 11, tariff items 6202 11 10 to 6202 13 00, sub-heading 6202 19, tariff items 6202 19 10 to 6202 19 90, sub-heading 6202 91, tariff items 6202 91 10 and 6202 91 90, sub-heading 6202 92, tariff items 6202 92 10 and 6202 92 90, sub-heading 6202 93, tariff items 6202 93 10 and 6202 93 90, sub-heading 6202 99, tariff items 6202 99 11 to 6202 99 90 and the entries relating thereto, the following shall be substituted, namely:—

"6202		WOMEN'S OR GIRLS' OVERCOATS, CAR-COATS, CAPES, CLOAKS, ANORAKS (INCLUDING SKI-JACKETS), WIND-CHEATERS, WIND-JACKETS AND SIMILAR ARTICLES, OTHER THAN THOSE OF HEADING 6204			
6202 20	-	<i>Of wool or fine animal hair:</i>			
6202 20 10	- - -	Overcoats, raincoats, car-coats, capes, cloaks and similar articles	u	25% or Rs. 385 per piece, whichever is higher	-
6202 20 90	- - -	Other	u	25% or Rs.220 per piece, whichever is higher	-
6202 30	-	<i>Of cotton:</i>			
6202 30 10	- - -	Overcoats, raincoats, car-coats, capes, cloaks and similar articles	u	25% or Rs. 210 per piece, whichever is higher	-
6202 30 90	- - -	Other	u	25% or Rs. 160 per piece, whichever is higher	-
6202 40	-	<i>Of man-made fibres:</i>			
6202 40 10	- - -	Overcoats, raincoats, car-coats, capes, cloaks and similar articles	u	25% or Rs. 385 per	-

					piece, whichever is higher
6202 40 90	- - -	Other	u	25% or Rs. 220 per piece, whichever is higher	-
6202 90	-	<i>Of other textile materials:</i>			
6202 90 10	- - -	Overcoats, raincoats, car-coats, capes, cloaks and similar articles	u	25%	-
6202 90 90	- - -	Other	u	25%	-";

(v) in heading 6210, for the entry in column (2),—

(a) occurring against sub-heading 6210 20, the following entry shall be substituted, namely:—

“- Other garments, of the type described in heading 6201”;

(b) occurring against sub-heading 6210 30, the following entry shall be substituted, namely:—

“- Other garments, of the type described in heading 6202”;

(46) in Chapter 63, in heading 6306, for the entry in column (2),—

(a) occurring against heading 6306, the following shall be substituted, namely:—

“TARPAULINS, AWNINGS AND SUNBLINDS; TENTS (INCLUDING TEMPORARY CANOPIES AND SIMILAR ARTICLES); SAILS FOR BOATS, SAILBOARDS OR LANDCRAFT; CAMPING GOODS”;

(b) occurring after tariff item 6306 19 90, the following entry shall be substituted, namely:—

“- Tents (including temporary canopies and similar articles):”;

(47) in Chapter 68,—

(i) in Note 1, in clause (k), for the words “lamps and lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(ii) in heading 6802, for the words “largest surface area”, the words “largest face” shall be substituted;

(iii) in heading 6812, sub-heading 6812 92, tariff items 6812 92 11 to 6812 93 00 and the entries relating thereto shall be omitted;

(iv) in heading 6815,—

(a) for sub-heading 6815 10, tariff items 6815 10 10 to 6815 10 90 and the entries relating thereto, the following shall be substituted, namely:—

“- Carbon fibres; articles of carbon fibres for non-electrical uses; other articles of graphite or other carbon for non-electrical uses:

6815 11 00	- - Carbon fibres	kg.	10%	-
6815 12 00	- - Fabrics of carbon fibres	kg.	10%	-
6815 13 00	- - Other articles of carbon fibres	kg.	10%	-
6815 19 00	- - Other	kg.	10%	-";

(b) for the entry in column (2) occurring against tariff item 6815 91 00, the following entry shall be substituted, namely:—

“- - Containing magnesite, magnesia in the form of periclase, dolomite including in the form of dolime, or chromite”;

(48) in Chapter 69,—

(i) for Note 1, the following Note shall be substituted, namely:—

“1. This Chapter applies only to ceramic products which have been fired after shaping:

(a) headings 6904 to 6914 apply only to such products other than those classifiable in headings 6901 to 6903;

(b) articles heated to temperatures less than 800°C for purposes such as curing of resins, accelerating hydration reactions, or for the removal of water or other volatile components, are not considered to be fired. Such articles are excluded from Chapter 69; and

(c) Ceramic articles are obtained by firing inorganic, non-metallic materials which have been prepared and shaped previously at, in general, room temperature. Raw materials comprise, *inter alia*, clays, siliceous materials including fused silica, materials with a high melting point, such as oxides, carbides, nitrides, graphite or other carbon, and in some cases binders such as refractory clays or phosphates.”;

(ii) in Note 2, in clause (ij), for the words “lamps and lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(iii) in heading 6903,—

(a) in the entry in column (2) occurring against heading 6903, for the words “SHEATHS AND RODS”, the words “SHEATHS, RODS AND SLIDGE GATES” shall be substituted;

(b) for sub-heading 6903 10, tariff items 6903 10 10 and 6903 10 90 and the entries relating thereto, the following shall be substituted, namely:—

“6903 10 00 - Containing, by weight, more than 50 % of free carbon mt 10% -”;

(49) in Chapter 70,—

(a) in Note 1,—

(i) after clause (c), the following clauses shall be inserted, namely:—

“(d) front windscreens (windshields), rear windows and other windows, framed, for vehicles of Chapters 86 to 88;

(e) front windscreens (windshields), rear windows and other windows, whether or not framed, incorporating heating devices or other electrical or electronic devices, for vehicles of Chapters 86 to 88;”;

(ii) the existing clauses (d), (e), (f) and (g) shall respectively be re-lettered as (f), (g), (h) and (ij), and in clause (g) as so re-lettered, for the words, “lamps or lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(b) in heading 7001,—

(i) for the entry in column (2) occurring against heading 7001, the following shall be substituted, namely:—

“CULLET AND OTHER WASTE AND SCRAP OF GLASS, EXCLUDING GLASS FROM CATHODE RAY TUBES OR OTHER ACTIVATED GLASS OF HEADING 8549; GLASS IN THE MASS”;

(ii) for the entry in column (2) occurring against sub-heading 7001 00, the following shall be substituted, namely:—

“- *Cullet and other waste and scrap of glass, excluding glass from cathode ray tubes or other activated glass of heading 8549; glass in the mass*”;

(c) in heading 7011, in the entries in column (2) occurring against the heading 7011, for the words “ELECTRIC LAMPS”, the words “ELECTRIC LAMPS AND LIGHT SOURCES” shall be substituted;

(d) for heading 7019, tariff items 7019 11 00 to 7019 59 00, sub-heading 7019 90, tariff items 7019 90 10 and 7019 90 90 and the entries relating thereto, the following shall be substituted, namely:—

“7019	GLASS FIBRES (INCLUDING GLASS WOOL) AND ARTICLES THEREOF (FOR EXAMPLE, YARN, ROVINGS, WOVEN FABRICS)			
	- <i>Slivers, rovings, yarn and chopped strands and mats thereof:</i>			
701911 00	-- Chopped strands, of a length of not more than 50 mm	kg.	10%	-
7019 12 00	-- Rovings	kg.	10%	-
7019 13 00	-- Other yarn, slivers	kg.	10%	-
7019 14 00	-- Mechanically bonded mats	kg.	10%	-
7019 15 00	-- Chemically bonded mats	kg.	10%	-
7019 19 00	-- Other	kg.	10%	-
	- <i>Mechanically bonded fabrics:</i>			
7019 61 00	-- Closed woven fabrics of rovings	kg.	10%	-
7019 62 00	-- Other closed fabrics of rovings	kg.	10%	-
7019 63 00	-- Closed woven fabrics, plain weave, of yarns, not coated or laminated	kg.	10%	-
7019 64 00	-- Closed woven fabrics, plain weave, of yarns, coated or laminated	kg.	10%	-
7019 65 00	-- Open woven fabrics of a width not exceeding 30 cm	kg.	10%	-
7019 66 00	-- Open woven fabrics of a width exceeding 30 cm	kg.	10%	-
7019 69 00	-- Other	kg.	10%	-
	- <i>Chemically bonded fabrics:</i>			
7019 71 00	-- Veils (thin sheets)	kg.	10%	-
7019 72 00	-- Other closed fabrics	kg.	10%	-
7019 73 00	-- Other open fabrics	kg.	10%	-
7019 80 00	- Glass wool and articles of glass wool	kg.	10%	-
7019 90 00	- Other	kg.	10%	-”;

(50) in Chapter 71,—

(i) in heading 7104, for sub-heading 7104 20, tariff items 7104 20 10 and 7104 20 90, sub-heading 7104 90, tariff items 7104 90 10 and 7104 90 90 and the entries relating thereto, the following shall be substituted, namely:—

“- *Other, unworked or simply sawn or roughly shaped:*

7104 21 00	-- Diamonds	c/k	10%	-
7104 29 00	-- Other	kg.	10%	-
	- <i>Other:</i>			
7104 91 00	-- Diamonds	c/k	10%	-
7104 99 00	-- Other	kg.	15%	-”;

(ii) in heading 7112, in the entry in column (2) occurring against heading 7112, after the words “RECOVERY OF PRECIOUS METAL”, the words “RECOVERY OF PRECIOUS METAL OTHER THAN GOODS OF HEADING 8549” shall be substituted;

(51) in Section XV,—

(i) in Note 1, in clause (k), for the words “lamps and lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(ii) in Note 2, for clause (a), the following clause shall be substituted, namely:—

“(a) articles of heading 7307, 7312, 7315, 7317 or 7318 and similar articles of other base metal, other than articles specially designed for use exclusively in implants in medical, surgical, dental or veterinary sciences (heading 9021);”;

(iii) in Note 7, for the words “Interpretative Rules”, the words “General Interpretative Rules” shall be substituted;

(iv) in Note 8, for clause (a), the following clause shall be substituted, namely:—

“(a) Waste and scrap:

(i) all metal waste and scrap;

(ii) metal goods definitely not usable as such because of breakage, cutting-up, wear or other reasons.”;

(v) after Note 8, the following Note shall be inserted, namely:—

‘9. For the purposes of Chapters 74 to 76 and 78 to 81, the following expressions shall have the meanings hereby assigned to them:

(a) Bars and rods

Rolled, extruded, drawn or forged products, not in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including “flattened circles” and “modified rectangles”, of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including “modified rectangular”) cross-section exceeds one-tenth of the width. The expression also covers cast or sintered products, of the same forms and dimensions, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

Wire-bars and billets of Chapter 74 with their ends tapered or otherwise worked simply to facilitate their entry into machines for converting them into, for example, drawing stock (wire-rod) or tubes, are however to be taken to be unwrought copper of heading 7403. This provision applies *mutatis mutandis* to the products of Chapter 81.

(b) Profiles

Rolled, extruded, drawn, forged or formed products, coiled or not, of a uniform cross-section along their whole length, which do not conform to any of the definitions of bars, rods, wire, plates, sheets, strip, foil, tubes or pipes. The expression also covers cast or sintered products, of the same forms, which have been subsequently worked after production (otherwise than by simple trimming or de-scaling), provided that they have not thereby assumed the character of articles or products of other headings.

(c) Wire

Rolled, extruded or drawn products, in coils, which have a uniform solid cross-section along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons (including “flattened circles” and “modified rectangles”, of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel). Products with a rectangular (including square), triangular or polygonal cross-section may have corners rounded along their whole length. The thickness of such products which have a rectangular (including “modified rectangular”) cross-section exceeds one-tenth of the width.

(d) Plates, sheets, strip and foil

Flat-surfaced products (other than the unwrought products of heading 8001), coiled or not, of solid rectangular (other than square) cross-section with or without rounded corners (including “modified rectangles” of which two opposite sides are convex arcs, the other two sides being straight, of equal length and parallel) of a uniform thickness, which are:

- of rectangular (including square) shape with a thickness not exceeding one-tenth of the width;

- of a shape other than rectangular or square, of any size, provided that they do not assume the character of articles or products of other headings.

Headings for plates, sheets, strip, and foil apply, *inter alia*, to plates, sheets, strip, and foil with patterns (for example, grooves, ribs, chequers, tears, buttons, lozenges) and to such products which have been perforated, corrugated, polished or coated, provided that they do not thereby assume the character of articles or products of other headings.

(e) Tubes and pipes

Hollow products, coiled or not, which have a uniform cross-section with only one enclosed void along their whole length in the shape of circles, ovals, rectangles (including squares), equilateral triangles or regular convex polygons, and which have a uniform wall thickness. Products with a rectangular (including square), equilateral triangular or regular convex polygonal cross-section, which may have corners rounded along their whole length, are also to be considered as tubes and pipes provided the inner and outer cross-sections are concentric and have the same form and orientation. Tubes and pipes of the foregoing cross-sections may be polished, coated, bent, threaded, drilled, waisted, expanded, cone-shaped or fitted with flanges, collars or rings.’;

(52) in Chapter 74,—

(i) in the Note, clauses (d), (e), (f), (g) and (h) shall be omitted;

(ii) for heading 7419, sub-heading 7419 10, tariff items 7419 10 10 to 7419 91 00, sub-heading 7419 99, tariff items 7419 99 10 to 7419 99 90 and the entries relating thereto, the following shall be substituted, namely:—

“7419	OTHER ARTICLES OF COPPER				
7419 20 00	- Cast, moulded, stamped or forged, but not further worked	kg.	10%	-	
7419 80	- <i>Other:</i>				
7419 80 10	--- Reservoirs, tanks, vats and similar containers	kg.	10%	-	
7419 80 20	--- Articles of copper alloys electro-plated with nickel-silver	kg.	10%	-	
7419 80 30	--- Articles of brass	kg.	10%	-	
7419 80 40	--- Copper worked articles	kg.	10%	-	
7419 80 50	--- Copper chain	kg.	10%	-	
7419 80 90	--- Other articles of copper	kg.	10%	-”;	

(53) in Chapter 75,—

(i) the Note shall be omitted;

(ii) for the words, figure, brackets and letter “Chapter Note 1 (c)”, the words, figures, brackets and letter “Note 9 (c) to Section XV” shall be substituted;

(54) in Chapter 76,—

(i) the Note shall be omitted;

(ii) in sub-heading Note 2, for the words, figure, brackets and letter “Chapter Note 1 (c)”, the words, figures, brackets and letter “Note 9 (c) to Section XV” shall be substituted;

(55) in Chapter 78, the Note shall be omitted;

(56) in Chapter 79, the Note shall be omitted;

(57) in Chapter 80, the Note shall be omitted;

(58) in Chapter 81,—

(i) Sub-heading Note shall be omitted;

(ii) in heading 8103, for tariff item 8103 90 00 and the entries relating thereto, the following shall be substituted, namely:—

“ - Other:

8103 91 00	-- Crucibles	kg.	10%	-	
8103 99 00	-- Other	kg.	10%	-”;	

(iii) in heading 8106, for sub-heading 8106 00, tariff items 8106 00 10 to 8106 00 90 and the entries relating thereto, the following shall be substituted, namely:—

“8106 BISMUTH AND ARTICLES THEREOF,
INCLUDING WASTE AND SCRAP

8106 10 - *Containing more than 99.99 % of bismuth, by weight:*

8106 10 10	--- Bismuth, unwrought	kg.	5%	-	
8106 10 20	--- Article of bismuth	kg.	5%	-	
8106 10 90	--- Other	kg.	10%	-	
8106 90	- <i>Other:</i>				
8106 90 10	--- Waste and scrap of bismuth and bismuth alloys	kg.	5%	-	
8106 90 90	--- Other	kg.	10%	-”;	

(iv) heading 8107, tariff items 8107 20 00 and 8107 30 00, sub-heading 8107 90, tariff items 8107 90 10 and 8107 90 90 and the entries relating thereto shall be omitted;

(v) for heading 8109, tariff items 8109 20 00 to 8109 90 00 and the entries relating thereto, the following shall be substituted, namely:—

	<i>“- Unwrought zirconium; powders:</i>			
8109 21 00	- - Containing less than 1 part hafnium to 500 parts zirconium by weight	kg.	10%	-
8109 29 00	- - Other	kg.	10%	-
	<i>- Waste and scrap:</i>			
8109 31 00	- - Containing less than 1 part hafnium to 500 parts zirconium by weight	kg.	10%	-
8109 39 00	- - Other	kg.	10%	-
	<i>- Other:</i>			
8109 91 00	- - Containing less than 1 part hafnium to 500 parts zirconium by weight	kg.	10%	-
8109 99 00	- - Other	kg.	10%	-”;

(vi) in heading 8112,—

(a) for the entry in column (2) occurring against heading 8112, the following entry shall be substituted, namely:—

“BERYLLIUM, CHROMIUM, HAFNIUM, RHENIUM, THALLIUM, CADMIUM, GERMANIUM, VANADIUM, GALLIUM, INDIUM AND NIOBIUM (COLUMBIUM), ARTICLES OF THESE METALS, INCLUDING WASTE AND SCRAP”;

(b) after tariff item 8112 29 00 and the entries relating thereto, the following shall be inserted, namely:—

	<i>“- Hafnium:</i>			
8112 31	<i>- - Unwrought; waste and scrap; powders:</i>			
8112 31 10	- - - Unwrought	kg.	10%	-
8112 31 20	- - - Waste and scrap	kg.	10%	-
8112 31 30	- - - Powders	kg.	10%	-
8112 39 00	- - Other	kg.	10%	-
	<i>- Rhenium:</i>			
8112 41	- - Unwrought; waste and scrap; powders	kg.	10%	-
8112 41 10	- - - Unwrought	kg.	10%	-
8112 41 20	- - - Waste and scrap	kg.	10%	-
8112 41 30	- - - Powders	kg.	10%	-
8112 49 00	- - Other	kg.	10%	-”;

(c) after tariff item 8112 59 00 and the entries relating thereto, the following shall be inserted, namely:—

“- Cadmium:

8112 61 00 - - Waste and scrap	kg.	10%	-”;
8112 69 00 - - Other	kg.	10%	-”;

(59) in Section XVI,—

(i) in Note 2, in clause (b), for the portion beginning with the word “However” and ending with the words and figures “in heading 8517”, the following shall be substituted, namely:—

“However, parts which are equally suitable for use principally with the goods of headings 8517 and 8525 to 8528 are to be classified in heading 8517, and parts which are suitable for use solely or principally with the goods of heading 8524 are to be classified in heading 8529”;

(ii) after Note 5, the following Note shall be inserted, namely:—

‘6. (a) Throughout the Nomenclature, the expression “electrical and electronic waste and scrap” means electrical and electronic assemblies, printed circuit boards and electrical or electronic articles that—

(i) have been rendered unusable for their original purposes by breakage, cutting-up or other processes or are economically unsuitable for repair, refurbishment or renovation to render them fit for their original purposes; and

(ii) are packaged or shipped in a manner not intended to protect individual articles from damage during transportation, loading and unloading operations;

(b) mixed consignments of “electrical and electronic waste and scrap” and other waste and scrap are to be classified in heading 8549;

(c) this Section does not cover municipal waste as defined in Note 4 to Chapter 38.’;

(60) in Chapter 84,—

(i) for Note 2, the following Note shall be substituted, namely:—

“2. Subject to the operation of Note 3 to Section XVI and subject to Note 9 to this Chapter, a machine or appliance which answers to a description in one or more of the headings 8401 to 8424, or heading 8486 and at the same time to a description in one or more of the headings 8425 to 8480 is to be classified under the appropriate heading of the former group or under heading 8486, as the case may be, and not the latter group.

(a) heading 8419 does not, however, cover:

(i) germination plant, incubators or brooders (heading 8436);

(ii) grain dampening machines (heading 8437);

(iii) diffusing apparatus for sugar juice extraction (heading 8438);

(iv) machinery for the heat-treatment of textile yarns, fabrics or made up textile articles (heading 8451); or

(v) machinery or plant, designed for a mechanical operation, in which a change of temperature, even if necessary, is subsidiary.

(b) heading 8422 does not cover:

(i) sewing machines for closing bags or similar containers (heading 8452); or

(ii) office machinery of heading 8472.

(c) heading 8424 does not cover:

(ix) in heading 8421, after tariff item 8421 31 00 and the entries relating thereto, the following shall be inserted, namely:—

“8421 32 00	-- Catalytic converters or particulate filters, whether or not combined, for purifying or filtering exhaust gases from internal combustion engines	u	15%	-”;
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(x) in heading 8428, after tariff item 8428 60 00 and the entries relating thereto, the following shall be inserted, namely:—

“8428 70 00	- Industrial robots	u	7.5%	-”;
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(xi) in heading 8438, in the entry in column (2) occurring against heading 8438, for the words “VEGETABLE FATS” the words “VEGETABLE OR MICROBIAL FATS” shall be substituted;

(xii) for heading 8462 and the entries relating to, the following heading, sub-headings, tariff item and entries shall be substituted, namely:—

“8462	MACHINE-TOOLS (INCLUDING PRESSES) FOR WORKING METAL BY FORGING, HAMMERING OR DIE FORGING (EXCLUDING ROLLING MILLS); MACHINE-TOOLS (INCLUDING PRESSES, SLITTING LINES AND CUT-TO-LENGTH LINES) FOR WORKING METAL BY BENDING, FOLDING, STRAIGHTENING, FLATTENING, SHEARING, PUNCHING, NOTCHING OR NIBBLING (EXCLUDING DRAW-BENCHES); PRESSES FOR WORKING METAL OR METAL CARBIDES, NOT SPECIFIED ABOVE - <i>Hot forming machines for forging, die forging (including presses) and hot hammers:</i>			
8462 11 00	-- Closed die forging machines	u	7.5%	-
8462 19 00	-- Other	u	7.5%	-
	- Bending, folding, straightening or flattening machines (including press brakes) for flat products:			
8462 22 00	-- Profile forming machines	u	7.5%	-
8462 23 00	-- Numerically controlled press brakes	u	7.5%	-
8462 24 00	-- Numerically controlled panel benders	u	7.5%	-
8462 25 00	-- Numerically controlled roll forming machines	u	7.5%	-
8462 26 00	-- Other numerically controlled bending, folding, straightening or flattening machines	u	7.5%	-
8462 29 00	-- Other	u	7.5%	-
	- <i>Slitting lines, cut-to-length lines and other shearing machines (excluding presses) for flat products, other than combined punching and shearing machines:</i>			
8462 32 00	-- Slitting lines and cut-to-length lines	u	7.5%	-
8462 33 00	-- Numerically controlled shearing machines	u	7.5%	-

8462 39 00	-- Other	u	7.5%	-
	<i>- Punching, notching or nibbling machines (excluding presses) for flat products including combined punching and shearing machines:</i>			
8462 42 00	-- Numerically controlled	u	7.5%	-
8462 49 00	-- Other	u	7.5%	-
	<i>- Machines for working tube, pipe, hollow section and bar (excluding presses):</i>			
8462 51 00	-- Numerically controlled	u	7.5%	-
8462 59 00	-- Other	u	7.5%	-
	<i>- Cold metal working presses:</i>			
8462 61 00	-- Hydraulic presses	u	7.5%	-
8462 62 00	-- Mechanical presses	u	7.5%	-
8462 63 00	-- Servo-presses	u	7.5%	-
8462 69 00	-- Other	u	7.5%	-
8462 90 00	- Other	u	7.5%	-";

(xiii) in heading 8479,—

(a) for the entry in column (2) occurring against sub-heading 8479 20, the following entry shall be substituted, namely:—

“- Machinery for the extraction or preparation of animal or fixed vegetable or microbial fats or oils”;

(b) after tariff item 8479 82 00 and the entries relating thereto, the following shall be inserted, namely:—

“8479 83 00	-- Cold isostatic presses	u	7.5%	-";
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(xiv) in heading 8482, for tariff item 8482 40 00, sub-heading 8482 50, tariff items 8482 50 11 to 8482 50 23 and the entries relating thereto, the following shall be substituted, namely:—

“8482 40 00	- Needle roller bearings, including cage and needle roller assemblies	u	7.5%	-
8482 50 00	- Other cylindrical roller bearings, including cage and roller assemblies	u	7.5%	-";

(xv) after tariff item 8484 90 00 and the entries relating thereto, the following shall be inserted, namely:—

“8485	MACHINES FOR ADDITIVE MANUFACTURING			
8485 10 00	- By metal deposit	u	7.5%	-
8485 20 00	- By plastics or rubber deposit	u	7.5%	-
8485 30 00	- By plaster, cement, ceramics or glass deposit	u	7.5%	-
8485 80 00	- Other	u	7.5%	-
8485 90 00	- Parts	u	7.5%	-";

(xvi) in heading 8486, in the entry in column (2),—

(a) occurring against heading 8486, for the word, figure, brackets and letter “Note 9 (c)”, the word, figures, brackets and letter “Note 11 (c)” shall be substituted;

(b) occurring against tariff item 8486 40 00, for the word, figure, brackets and letter “Note 9 (c)”, the word, figures, brackets and letter “Note 11 (c)” shall be substituted;

(61) in Chapter 85,—

(i) after Note 4, the following Note shall be inserted, namely:—

‘5. For the purposes of heading 8517, the term “smartphones” means telephones for cellular networks, equipped with a mobile operating system designed to perform the functions of an automatic data processing machine such as downloading and running multiple applications simultaneously, including third-party applications, and whether or not integrating other features such as digital cameras and navigational aid systems.’;

(ii) the existing Note 5 shall be re-numbered as Note 6 thereof, and after Note 6 as so re-numbered, the following Note shall be inserted, namely:—

‘7. For the purposes of heading 8524, “flat panel display modules” refer to devices or apparatus for the display of information, equipped at a minimum with a display screen, which are designed to be incorporated into articles of other headings prior to use. Display screens for flat panel display modules include, but are not limited to, those which are flat, curved, flexible, foldable or stretchable in form. Flat panel display modules may incorporate additional elements, including those necessary for receiving video signals and the allocation of those signals to pixels on the display. However, heading 8524 does not include display modules which are equipped with components for converting video signals (e.g., a scaler IC, decoder IC or application processor) or have otherwise assumed the character of goods of other headings.

For the classification of flat panel display modules defined in this Note, heading 8524 shall take precedence over any other heading in the Nomenclature.’;

(iii) the existing Notes 6 and 7 shall respectively be re-numbered as Notes 8 and 9;

(iv) the existing Note 8 shall be re-numbered as Note 10 thereof, and—

(a) the existing Note 10 shall be omitted;

(b) after Note 10 as so re-numbered, the following Note shall be inserted, namely:—

‘11. For the purposes of heading 8539, the expression “light-emitting diode (LED) light sources” covers—

(a) “Light-emitting diode (LED) modules” which are electrical light sources based on light-emitting diodes (LED) arranged in electrical circuits and containing further elements like electrical, mechanical, thermal or optical elements. They also contain discrete active elements, discrete passive elements, or articles of heading 8536 or 8542 for the purposes of providing power supply or power control. Light-emitting diode (LED) modules do not have a cap designed to allow easy installation or replacement in a luminaire and ensure mechanical and electrical contact.

(b) “Light-emitting diode (LED) lamps” which are electrical light sources containing one or more LED modules containing further elements like electrical, mechanical, thermal or optical elements. The distinction between light-emitting diode (LED) modules and light-emitting diode (LED) lamps is that lamps have a cap designed to allow easy installation or replacement in a luminaire and ensure mechanical and electrical contact.’;

(v) the existing Note 9 shall be re-numbered as Note 12 thereof and in Note 12 as so re-numbered,—

(a) for the clause (a), the following clause shall be substituted, namely:—

(a) (i) “Semiconductor devices” are semiconductor devices, the operation of which depends on variations in resistivity on the application of an electric field or semiconductor-based transducers.

Semiconductor devices may also include assembly of plural elements, whether or not equipped with active and passive device ancillary functions.

“Semiconductor-based transducers” are, for the purposes of this definition, semiconductor-based sensors, semiconductor-based actuators, semiconductor-based resonators and semiconductor-based oscillators, which are types of discrete semiconductor-based devices, which perform an intrinsic function, which are able to convert any kind of physical or chemical phenomena or an action into an electrical signal or an electrical signal into any type of physical phenomenon or an action.

All the elements in semiconductor-based transducers are indivisibly combined, and may also include necessary materials indivisibly attached, that enable their construction or function.

The following expressions mean,—

(1) “Semiconductor-based” means built or manufactured on a semiconductor substrate or made of semiconductor materials, manufactured by semiconductor technology, in which the semiconductor substrate or material plays a critical and unreplaceable role of transducer function and performance, and the operation of which is based on semiconductor properties including physical, electrical, chemical and optical properties.

(2) “Physical or chemical phenomena” relate to phenomena, such as pressure, acoustic waves, acceleration, vibration, movement, orientation, strain, magnetic field strength, electric field strength, light, radioactivity, humidity, flow, chemicals concentration, etc.

(3) “Semiconductor-based sensor” is a type of semiconductor device, which consists of microelectronic or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of detecting physical or chemical quantities and converting these into electric signals caused by resulting variations in electric properties or displacement of a mechanical structure.

(4) “Semiconductor-based actuator” is a type of semiconductor device, which consists of microelectronic or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of converting electric signals into physical movement.

(5) “Semiconductor-based resonator” is a type of semiconductor device, which consists of microelectronic or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures in response to an external input.

(6) “Semiconductor-based oscillator” is a type of semiconductor device, which consists of microelectronic or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures.

(ii) “Light-emitting diodes (LED)” are semiconductor devices based on semiconductor materials which convert electrical energy into visible, infra-red or ultra-violet rays, whether or not electrically connected among each other and whether or not combined with protective diodes. Light-emitting diodes (LED) of heading 85.41 do not incorporate elements for the purposes of providing power supply or power control;”;

(b) in clause (b), in sub-clause (iv), in sub-paragraph (3), for item (a), the following item shall be substituted, namely:—

(a) “Silicon-based sensors” consist of microelectronic or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of detecting physical or chemical phenomena and transducing these into electric signals, caused by resulting variations in electric properties or displacement of a mechanical structure.

“Physical or chemical phenomena” relates to phenomena, such as pressure, acoustic waves, acceleration, vibration, movement, orientation, strain, magnetic field strength, electric field strength, light, radioactivity, humidity, flow, chemicals concentration, etc.’;

(vi) for Sub-heading Note, the following Sub-heading Notes shall be substituted, namely:—

‘Sub-heading Notes:

1. Sub-heading 8525 81 covers only high-speed television cameras, digital cameras and video camera recorders having one or more of the following characteristics:—

- writing speed exceeding 0.5 mm per microsecond;
- time resolution 50 nanoseconds or less;
- frame rate exceeding 225,000 frames per second.

2. In respect of sub-heading 8525 82, radiation-hardened or radiation-tolerant television cameras, digital cameras and video camera recorders are designed or shielded to enable operation in a high-radiation environment. These cameras are designed to withstand a total radiation dose of at least 50×10^3 Gy(silicon) (5×10^6 RAD (silicon)), without operational degradation.

3. Sub-heading 8525 83 covers night vision television cameras, digital cameras and video camera recorders which use a photocathode to convert available light to electrons, which can be amplified and converted to yield a visible image. This sub-heading excludes thermal imaging cameras (generally sub-heading 8525 89).

4. Sub-heading 8527 12 covers only cassette-players with built-in amplifier, without built-in loudspeaker, capable of operating without an external source of electric power and the dimensions of which do not exceed 170 mm x 100 mm x 45 mm.

5. For the purposes of sub-headings 8549 11 to 8549 19, “spent primary cells, spent primary batteries and spent electric accumulators” are those which are neither usable as such because of breakage, cutting-up, wear or other reasons, nor capable of being recharged.’;

(vii) in heading 8501,—

(a) for the entry in column (2) occurring after tariff item 8501 20 00 and the entries relating thereto, the following entry shall be substituted, namely:—

“- *Other DC motors; DC generators, other than photovoltaic generators* :”;

(b) for the entry in column (2) occurring after tariff item 8501 53 90 and the entries relating thereto, the following entry shall be substituted, namely :—

“- *AC generators (alternators), other than photovoltaic generators* :”;

(c) after tariff item 8501 64 80 and the entries relating thereto, the following shall be inserted, namely:—

“- *Photovoltaic DC generators*:

8501 71 00	- - Of an output not exceeding 50 W	u	10%	-
8501 72 00	- - Of an output exceeding 50 W	u	10%	-
8501 80 00	- Photovoltaic AC generators	u	10%	-”;

(viii) in heading 8507, tariff item 8507 40 00 and the entries relating thereto shall be omitted;

(ix) in heading 8514,—

(a) for tariff item 8514 10 00 and the entries relating thereto, the following shall be substituted, namely:—

“- *Resistance heated furnaces and ovens:*

8514 11 00	-- Hot isostatic presses	u	7.5%	-
8514 19 00	-- Other	u	7.5%	-”;

(b) for sub-heading 8514 30, tariff items 8514 30 10 and 8514 30 90 and the entries relating thereto, the following shall be substituted, namely:—

“- *Other furnaces and ovens:*

8514 31 00	-- Electron beam furnaces	u	7.5%	-
8514 32 00	-- Plasma and vacuum arc furnaces	u	7.5%	-
8514 39 00	-- Other	u	7.5%	-”;

(x) in heading 8517,—

(a) in the entry in column (2) occurring against the heading 8517, for the words “including TELEPHONES”, the words “including SMARTPHONES AND OTHER TELEPHONES” shall be substituted;

(b) in the entry in column (2) occurring after the heading 8517 and the entry relating thereto, for the words “including telephones”, the words “including smartphones and other telephones” shall be substituted;

(c) for sub-heading 8517 12, tariff items 8517 12 11 to 8517 12 90 and the entries relating thereto, the following shall be substituted, namely:—

“8517 13 00	-- Smartphones	u	20%	-
8517 14 00	-- Other telephones for cellular networks or for other wireless networks	u	20%	-”;

(d) for sub-heading 8517 70, tariff items 8517 70 10 and 8517 70 90 and the entries relating thereto, the following shall be substituted, namely :—

“- *Parts:*

8517 71 00	-- Aerials and aerial reflectors of all kinds; parts suitable for use therewith	u	20%	-
8517 79	-- <i>Other:</i>			
8517 79 10	--- Populated, loaded or stuffed printed circuit boards	u	20%	-
8517 79 90	--- Other	u	15%	-”;

(xi) in heading 8519, tariff item 8519 50 00 and the entries relating thereto shall be omitted;

(xii) after tariff item 8523 80 90, the following shall be inserted, namely :—

“8524	FLAT PANEL DISPLAY MODULES, WHETHER OR NOT INCORPORATING TOUCH-SENSITIVE SCREENS - <i>Without drivers or control circuits:</i>			
8524 11 00	-- Of liquid crystals			
8524 12 00	-- Of organic light-emitting diodes (OLED)	u	15%	-
8524 19 00	-- Other	u	15%	-

- *Other:*

8524 91 00	- - Of liquid crystals	u	15%	-
8524 92 00	- - Of organic light-emitting diodes (OLED)	u	15%	-
8524 99 00	- - Other	u	15%	-";

(xiii) in heading 8525, for sub-heading 8525 80, tariff items 8525 80 10 to 8528 80 90 and the entries relating thereto, the following shall be substituted, namely:—

“- *Television cameras, digital cameras and video camera recorders:*

8525 81 00	- - High-speed goods as specified in sub-heading Note 1 to this Chapter	u	20%	-
8525 82 00	- - Other, radiation-hardened or radiation-tolerant goods as specified in sub-heading Note 2 to this Chapter	u	20%	-
8525 83 00	- - Other, night vision goods as specified in sub-heading Note 3 to this Chapter	u	20%	-
8525 89 00	- - Other	u	20%	-";

(xiv) in heading 8529,—

(a) in the entry in column (2) occurring against the heading 8529, for the figures “8525”, the figures “8524” shall be substituted;

(b) tariff item 8529 90 30 and the entries relating thereto shall be omitted;

(xv) in heading 8539,—

(a) in the entry in column (2) occurring against the heading 8539, for the words and brackets “LIGHT-EMITTING DIODE (LED) LAMPS”, the words and brackets “LIGHT-EMITTING DIODE (LED) LIGHT SOURCES” shall be substituted;

(b) for tariff item 8539 50 00 and the entries relating thereto, the following shall be substituted, namely:—

“- *Light-emitting diode (LED) light sources:*

8539 51 00	- - Light-emitting diode (LED) modules	u	20%	-
8539 52 00	- - Light-emitting diode (LED) lamps	u	20%	-";

(xvi) in heading 8541,—

(a) for the entry in column (2) occurring against the heading 8541, the following entry shall be substituted, namely:—

“SEMICONDUCTOR DEVICES (FOR EXAMPLE, DIODES, TRANSISTORS, SEMICONDUCTOR BASED TRANSDUCERS); PHOTSENSITIVE SEMICONDUCTOR DEVICES, INCLUDING PHOTOVOLTAIC CELLS WHETHER OR NOT ASSEMBLED IN MODULES OR MADE UP INTO PANELS; LIGHT-EMITTING DIODES (LED), WHETHER OR NOT ASSEMBLED WITH OTHER LIGHT-EMITTING DIODES (LED); MOUNTED PIEZO-ELECTRIC CRYSTALS”;

(b) for sub-heading 8541 40, tariff items 8541 40 11 to 8541 50 00 and the entries relating thereto, the following shall be substituted, namely:—

“- *Photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light-emitting diodes (LED):*

8541 41 00	- - Light-emitting diodes (LED)	u	free	-
8541 42 00	- - Photovoltaic cells not assembled in modules or made up into panels	u	20%	-
8541 43 00	- - Photovoltaic cells assembled in modules or made up into panels	u	20%	-
8541 49 00	- - Other	u	20%	-
	- <i>Other semiconductor devices:</i>			
8541 51 00	- - Semiconductor-based transducers	u	20%	-
8541 59 00	- - Other	u	20%	-”;

(xvii) in heading 8543, after tariff item 8543 30 00 and the entries relating thereto, the following shall be inserted, namely:—

“8543 40 00	- Electronic cigarettes and similar personal electric vaporising devices	u	7.5%	-”;
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(xviii) for heading 8548, sub-heading 8548 10, tariff items 8548 10 10 to 8548 90 00 and the entries relating thereto, the following shall be substituted, namely:—

“8548 00 00	electrical parts of machinery or apparatus, not specified or included elsewhere in this chapter	u	10%	-
8549	ELECTRICAL AND ELECTRONIC WASTE AND SCRAP - <i>Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators:</i>			
8549 11 00	- - Waste and scrap of lead-acid accumulators; spent lead-acid accumulators	kg.	10%	-
8549 12 00	- - Other, containing lead, cadmium or mercury	kg.	10%	-
8549 13 00	- - Sorted by chemical type and not containing lead, cadmium or mercury	kg.	10%	-
8549 14 00	- - Unsorted and not containing lead, cadmium or mercury	kg.	10%	-
8549 19 00	- - Other - <i>Of a kind used principally for the recovery of precious metal:</i>	kg.	10%	-
8549 21 00	- - Containing primary cells, primary batteries, electric accumulators, mercury-switches, glass from cathode ray tubes or other activated glass, or electrical or electronic components containing cadmium, mercury, lead or polychlorinated biphenyls (PCBs)	kg.	10%	-
8549 29 00	- - Other	kg.	10%	-
	- <i>Other electrical and electronic assemblies and printed circuit boards:</i>			
8549 31 00	- - Containing primary cells, primary batteries, electric accumulators, mercury-switches, glass from cathode ray	kg.	10%	-

	tubes or other activated glass, or electrical or electronic components containing cadmium, mercury, lead or polychlorinated biphenyls (PCBs)			
8549 39 00	- - Other	kg.	10%	-
	- <i>Other:</i>			
8549 91 00	- - Containing primary cells, primary batteries, electric accumulators, mercury-switches, glass from cathode ray tubes or other activated glass, or electrical or electronic components containing cadmium, mercury, lead or polychlorinated biphenyls (PCBs)	kg.	10%	-
8549 99 00	- - Other	kg.	10%	-";

(62) in section XVII, in Note 1, in clause (k), for the words "lamps or lighting fittings", the words "luminaires and lighting fittings and parts thereof" shall be substituted;

(63) in Chapter 87,—

(i) after Note 4, the following shall be inserted, namely:—

"Sub-heading Note:

1. Sub-heading 8708 22 covers :

(a) front windcreens (windshields), rear windows and other windows, framed; and

(b) front windcreens (windshields), rear windows and other windows, whether or not framed, incorporating heating devices or other electrical or electronic devices,

when suitable for use solely or principally with the motor vehicles of headings 8701 to 8705.;"

(ii) in heading 8701, for sub-heading 8701 20, tariff items 8701 20 10 and 8701 20 90 and the entries relating thereto, the following shall be substituted, namely:—

"- *Road tractors for semi-trailers:*

8701 21 00	- - With only compression-ignition internal combustion piston engine (diesel or semi-diesel)	u	10%	-
8701 22 00	- - With both compression-ignition internal combustion piston engine (diesel or semi-diesel) and electric motor as motors for propulsion	u	10%	-
8701 23 00	- - With both spark-ignition internal combustion piston engine and electric motor as motors for propulsion	u	10%	-
8701 24 00	- - With only electric motor for propulsion	u	10%	-
8701 29 00	- - Other	u	10%	-";

(iii) in heading 8702, in the entry in column (2) occurring against sub-heading 8702 30, the word "reciprocating" shall be omitted;

(iv) in heading 8703, in the entry in column (2),—

(a) occurring after tariff item 8703 10 90 and the entries relating thereto, the word "reciprocating" shall be omitted;

(b) occurring against sub-heading 8703 40, the word "reciprocating" shall be omitted;

(c) occurring against sub-heading 8703 60, the word "reciprocating" shall be omitted;

(v) in heading 8704, for tariff item 8704 10 90, sub-heading 8704 21, tariff items 8704 21 10 to 8704 21 90, sub-heading 8704 22, tariff items 8704 22 11 to 8704 22 90, sub-heading 8704 23, tariff items 8704 23 11 to 8704 23 90, sub-heading 8704 31, tariff items 8704 31 10 to 8704 31 90, sub-heading 8704 32, tariff items 8704 32 11 to 8704 32 90 and the entries relating thereto, the following shall be substituted, namely:—

<i>“- Other, with only compression-ignition internal combustion piston engine (diesel or semi-diesel):</i>				
8704 21 00	-- g.v.w. not exceeding 5 tonnes	u	40%	-
8704 22 00	-- g.v.w. exceeding 5 tonnes but not exceeding 20 tonnes	u	40%	-
8704 23 00	-- g.v.w. exceeding 20 tonnes	u	40%	-
<i>- Other, with only spark-ignition internal combustion piston engine:</i>				
8704 31 00	-- g.v.w. not exceeding 5 tonnes	u	40%	-
8704 32 00	-- g.v.w. exceeding 5 tonnes	u	40%	-
<i>- Other, with both compression-ignition internal combustion piston engine (diesel or semi-diesel) and electric motor as motors for propulsion:</i>				
8704 41 00	-- g.v.w. not exceeding 5 tonnes	u	40%	-
8704 42 00	-- g.v.w. exceeding 5 tonnes but not exceeding 20 tonnes	u	40%	-
8704 43 00	-- g.v.w. exceeding 20 tonnes	u	40%	-
<i>- Other, with both spark-ignition internal combustion piston engine and electric motor as motors for propulsion:</i>				
8704 51 00	-- g.v.w. not exceeding 5 tonnes	u	40%	-
8704 52 00	-- g.v.w. exceeding 5 tonnes	u	40%	-
8704 60 00	- Other with only electric motor for propulsion	u	40%	-”;

(vi) in heading 8708, after tariff item 8708 21 00 and the entries relating thereto, the following shall be inserted, namely:—

“8708 22 00	-- Front windscreens (windshields), rear windows and other windows specified in Sub-heading Note 1 to this Chapter	kg.	15%	-”;
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(vii) in heading 8711, in the entry in column (2),—

- (a) occurring against sub-heading 8711 10, the word “reciprocating” shall be omitted;
- (b) occurring against sub-heading 8711 20, the word “reciprocating” shall be omitted;
- (c) occurring against sub-heading 8711 30, the word “reciprocating” shall be omitted;
- (d) occurring against sub-heading 8711 40, the word “reciprocating” shall be omitted;
- (e) occurring against tariff item 8711 50 00, the word “reciprocating” shall be omitted;

(64) in Chapter 88,—

(i) for the Note, the following shall be substituted, namely:—

‘Note:

1. For the purposes of this Chapter, the expression “unmanned aircraft” means any aircraft, other than those of heading 8801, designed to be flown without a pilot on board. They may be designed to carry

a payload or equipped with permanently integrated digital cameras or other equipment which would enable them to perform utilitarian functions during their flight.

The expression "unmanned aircraft", however, does not cover flying toys, designed solely for amusement purposes (heading 9503).

Sub-heading Notes:

1. For the purposes of sub-headings 8802 11 to 8802 40, the expression "unladen weight" means the weight of the machine in normal flying order, excluding the weight of the crew and of fuel and equipment other than permanently fitted items of equipment.

2. For the purposes of sub-headings 8806 21 to 8806 24 and 8806 91 to 8806 94, the expression "maximum take-off weight" means the maximum weight of the machine in normal flying order, at take-off, including the weight of payload, equipment and fuel.';

(ii) in heading 8802, in the entry in column (2) occurring against the heading 8802, for the word "AIRCRAFT", the words "AIRCRAFT, EXCEPT UNMANNED AIRCRAFT OF HEADING 8806" shall be substituted;

(iii) heading 8803, tariff items 8803 10 00 to 8803 90 00 and the entries relating thereto shall be omitted;

(iv) after tariff item 8805 29 00 and the entries relating thereto, the following shall be inserted, namely:—

"8806	UNMANNED AIRCRAFT			
8806 10 00	- Designed for the carriage of passengers	u	10%	-
	- <i>Other, for remote-controlled flight only:</i>			
8806 21 00	- - With maximum take-off weight not more than 250 g	u	10%	-
8806 22 00	- - With maximum take-off weight more than 250 g but not more than 7 kg	u	10%	-
8806 23 00	- - With maximum take-off weight more than 7 kg but not more than 25 kg	u	10%	-
8806 24 00	- - With maximum take-off weight more than 25 kg but not more than 150 kg	u	10%	-
8806 29 00	- - Other	u	10%	-
	- <i>Other:</i>			
8806 91 00	- - With maximum take-off weight not more than 250 g	u	10%	-
8806 92 00	- - With maximum take-off weight more than 250 g but not more than 7 kg	u	10%	-
8806 93 00	- - With maximum take-off weight more than 7 kg but not more than 25 kg	u	10%	-
8806 94 00	- - With maximum take-off weight more than 25 kg but not more than 150 kg	u	10%	-
8806 99 00	- - Other	u	10%	-
8807	PARTS OF GOODS OF HEADING 8801, 8802 OR 8806			
8807 10 00	- Propellers and rotors and parts thereof	kg.	3%	-
8807 20 00	- Under-carriages and parts thereof	kg.	3%	-
8807 30 00	- Other parts of airplanes, helicopters or unmanned aircraft	kg.	3%	-
8807 90 00	- Other	kg.	10%	-";

(65) in Chapter 89, in heading 8903, for tariff items 8903 10 00 to 8903 92 00, sub-heading 8903 99, tariff items 8903 99 10 and 8903 99 90 and the entries relating thereto, the following shall be substituted, namely :—

	"- <i>Inflatable (including rigid hull inflatable) boats:</i>			
8903 11 00	- - Fitted or designed to be fitted with a motor, unladen (net) weight (excluding the motor) not exceeding 100 kg	u	25%	-
8903 12 00	- - Not designed for use with a motor and unladen (net) weight not exceeding 100 kg	u	25%	-

8903 19 00	-- Other - Sailboats, other than inflatable, with or without auxiliary motor:	u	25%	-
8903 21 00	-- Of a length not exceeding 7.5 m	u	25%	-
8903 22 00	-- Of a length exceeding 7.5 m but not exceeding 24 m	u	25%	-
8903 23 00	-- Of a length exceeding 24 m - Motorboats, other than inflatable, not including outboard motorboats:	u	25%	-
8903 31 00	-- Of a length not exceeding 7.5 m	u	25%	-
8903 32 00	-- Of a length exceeding 7.5 m but not exceeding 24 m	u	25%	-
8903 33 00	-- Of a length exceeding 24 m	u	25%	-
	- Other:			
8903 93 00	-- Of a length not exceeding 7.5 m	u	25%	-
8903 99 00	-- Other	u	25%	-";

(66) in Chapter 90,—

(i) in Note 1, for clause (f), the following clause shall be substituted, namely:—

“(f) parts of general use, as defined in Note 2 to Section XV, of base metal (Section XV) or similar goods of plastics (Chapter 39); however, articles specially designed for use exclusively in implants in medical, surgical, dental or veterinary sciences are to be classified in heading 9021;”;

(ii) in heading 9006,—

(a) tariff items 9006 51 00 and 9006 52 00, and the entries relating thereto shall be omitted;

(b) for the entry in column (2) occurring against sub-heading 9006 53, the following entry shall be substituted, namely:—

“- - For roll film of a width of 35 mm.”;

(iii) in heading 9013,—

(a) for the entry in column (2) occurring against heading 9013, the following entry shall be substituted, namely:—

“LASERS, OTHER THAN LASER DIODES; OTHER OPTICAL APPLIANCES AND INSTRUMENTS, NOT SPECIFIED OR INCLUDED ELSEWHERE IN THIS CHAPTER”;

(b) for sub-heading 9013 80, tariff items 9013 80 10 and 9013 80 90, sub-heading 9013 90 and tariff items 9013 90 10 and 9013 90 90 and the entries relating thereto the following shall be substituted, namely:—

“9013 80 00	- Other devices, appliances and instrument	u	7.5%	-
9013 90 00	- Parts and accessories	u	7.5%	-";

(iv) in heading 9022,—

(a) in the entry in column (2) occurring against heading 9022, for the words “OR GAMMA”, the words “, GAMMA OR OTHER IONISING” shall be substituted;

(b) in the entry in column (2) occurring after tariff item 9022 19 00 and the entries relating thereto, for the words “or gamma”, the words “, gamma or other ionising” shall be substituted;

(v) in heading 9027, for sub-heading 9027 80, tariff items 9027 80 10 to 9027 80 90 and the entries relating thereto, the following shall be substituted, namely:—

“- *Other instruments and apparatus:*

9027 81 00	-- Mass spectrometres	u	Free	-
9027 89	-- <i>Other:</i>			
9027 89 10	--- Viscometres	u	Free	-
9027 89 20	--- Calorimetres	u	Free	-
9027 89 30	--- Instruments and apparatus for measuring the surface or interfacial tension of liquids	u	Free	-
9027 89	--- Other	u	Free	-”;

(vi) in heading 9030,—

(a) in the entry in column (2) occurring after tariff item 9030 20 00 and the entries relating thereto, for the word “*power*”, the words and brackets “*power (other than those for measuring or checking semiconductor wafers or devices)*” shall be substituted;

(b) for the entry in column (2) occurring against tariff item 9030 82 00, the following shall be substituted, namely:—

“- For measuring or checking semiconductor wafers or devices (including integrated circuits)”;

(vii) in heading 9031, for the entry in column (2) occurring against tariff item 9031 41 00, the following entry shall be substituted, namely:—

“- For inspecting semiconductor wafers or devices (including integrated circuits) or for inspecting photomasks or reticles used in manufacturing semiconductor devices (including integrated circuits)”;

(67) in Chapter 91,—

(i) sub-heading 9114 10, tariff items 9114 10 10 and 9114 10 20 and the entries relating thereto shall be omitted;

(ii) after tariff item 9114 90 30 and the entries relating thereto, the following shall be inserted, namely:—

“9114 90 40 --- Springs, including hair-springs kg. 10% -”;

(68) in Chapter 94,—

(i) in the Chapter heading, for the words “lamps and lighting fittings”, the words “*luminaires and lighting fittings*” shall be substituted;

(ii) in Note 1,—

(a) in clause (f), for the words “lamps and lighting fittings”, the words “lamps or light sources and parts thereof” shall be substituted;

(b) in clause (l),—

(a) for the words “lamps or lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(b) for the words “electric garlands”, the words “lighting strings” shall be substituted;

(iii) for Note 4, the following Note shall be substituted, namely:—

‘4. For the purposes of heading 9406, the expression “prefabricated buildings” means buildings which are finished in the factory or put up as elements, presented together, to be assembled on site, such as housing or worksite accommodation, offices, schools, shops, sheds, garages or similar buildings.

“Prefabricated buildings include “modular building units” of steel, normally presented in the size and shape of a standard shipping container, but substantially or completely pre-fitted internally. Such modular building units are normally designed to be assembled together to form permanent buildings.’;

(iv) in heading 9401,—

(a) for tariff items 9401 30 00 and 9401 40 00 and the entries relating thereto, the following shall be substituted, namely:—

“- *Swivel seats with variable height adjustment:*

9401 31 00	-- Of wood	u	25%	-
9401 39 00	-- Other	u	25%	-
	- <i>Seats other than garden seats or camping equipment, convertible into beds:</i>			
9401 41 00	-- Of wood	u	25%	-
9401 49 00	-- Other	u	25%	-”;

(b) for tariff item 9401 90 00 and the entries relating thereto, the following shall be substituted, namely:—

“- *Parts:*

9401 91 00	-- Of wood	kg.	25%	-
9401 99 00	-- Other	kg.	25%	-”;

(v) in heading 9403, for tariff item 9403 90 00 and the entries relating thereto, the following shall be substituted, namely:—

“- *Parts:*

9403 91 00	-- Of wood	kg.	25%	-
9403 99 00	-- Other	kg.	25%	-”;

(vi) in heading 9404,—

(a) after tariff item 9404 30 90 and the entries relating thereto, the following shall be inserted, namely:—

“9404 40	- <i>Quilts, bedspreads, eiderdowns and duvets (comforters):</i>			
9404 40 10	--- Quilts	u	25%	-
9404 40 20	--- Bedspreads	u	25%	-
9404 40 30	--- Eiderdowns	u	25%	-
9404 40 40	--- Duvets (comforters)	u	25%	-”;

(b) for sub-heading 9404 90, tariff items 9404 90 11 to 9404 90 99 and the entries relating thereto, the following shall be substituted, namely:—

“9404 90 00	- Other	kg.	25%	-”;
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(vii) in heading 9405,—

(a) in the entry in column (2) occurring against heading 9405, for the words “LAMPS AND LIGHTING FITTINGS”, the words “LUMINAIRES AND LIGHTING FITTINGS” shall be substituted;

(b) for sub-heading 9405 10, tariff items 9405 10 10 to 9405 10 90, sub-heading 9405 20, tariff items 9405 20 10 to 9405 30 00, sub-heading 9405 40, tariff items 9405 40 10 and 9405 40 90, sub-heading 9405 50, tariff items 9405 50 10 to 9405 50 59, sub-heading 9405 60, tariff items 9405 60 10 and 9405 60 90 and the entries relating thereto, the following shall be substituted, namely:—

“- *Chandeliers and other electric ceiling or wall lighting fittings, excluding those of a kind used for lighting public open spaces or thoroughfares:*

9405 11 00	-- Designed for use solely with light-emitting diode (LED) light sources	u	25%	-
------------	--	---	-----	---

9405 19 00	-- Other <i>- Electric table, desk, bedside or floor-standing luminaires:</i>	u	25%	-
9405 21 00	-- Designed for use solely with light-emitting diode (LED) light sources	u	25%	-
9405 29 00	-- Other <i>- Lighting strings of a kind used for Christmas trees:</i>	u	25%	-
9405 31 00	-- Designed for use solely with light-emitting diode (LED) light sources	u	25%	-
9405 39 00	-- Other <i>- Other electric luminaires and lighting fittings:</i>	u	25%	-
9405 41 00	-- Photovoltaic, designed for use solely with light-emitting diode (LED) light sources	u	25%	-
9405 42 00	-- Other, designed for use solely with light-emitting diode (LED) light sources	u	25%	-
9405 49 00	-- Other	u	25%	-
9405 50 00	- Non-electrical luminaires and lighting fittings <i>- Illuminated signs, illuminated name-plates and the like:</i>	u	25%	-
9405 61 00	-- Designed for use solely with light-emitting diode (LED) light sources	u	25%	-
9405 69 00	-- Other	u	25%	-";

(viii) in heading 9406, after tariff item 9406 10 90 and the entries relating thereto, the following shall be inserted, namely:—

"9406 20 00	- Modular building units, of steel	u	10%	-";
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(69) in Chapter 95, —

(i) in Note 1,—

(a) after clause (o), the following clause shall be inserted, namely:—

“(p) unmanned aircraft (heading 8806);”;

(b) the existing clauses (p), (q), (r), (s), (t), (u), (v) and (w) shall respectively be re-lettered as clauses (q), (r), (s), (t), (u), (v), (w) and (x);

(b) after Note 5, the following Note shall be inserted, namely:—

‘6. For the purposes of heading 9508:

(a) The expression “amusement park rides” means a device or combination of devices or equipment that carry, convey, or direct a person or persons over or through a fixed or restricted course, including watercourses, or within a defined area for the primary purposes of amusement or entertainment. Such rides may be combined within an amusement park, theme park, water park or fairground. These amusement park rides do not include equipment of a kind commonly installed in residences or playgrounds;

(b) The expression “water park amusements” means a device or combination of devices or equipment that are characterised by a defined area involving water, with no purposes built path. Water park amusements only include equipment designed specifically for water parks; and

(c) The expression “fairground amusements” means games of chance, strength or skill, which commonly employ an operator or attendant and may be installed in permanent buildings or independent concession stalls. Fairground amusements do not include equipment of heading 9504.

This heading does not include equipment more specifically classified elsewhere in the Nomenclature.’;

(ii) in heading 9504, for the entry in column (2) occurring against the heading 9504, the following entry shall be substituted, namely:—

“VIDEO GAME CONSOLES AND MACHINES, TABLE OR PARLOUR GAMES, INCLUDING PINTABLES, BILLIARDS, SPECIAL TABLES FOR CASINO GAMES AND AUTOMATIC BOWLING EQUIPMENT, AMUSEMENT MACHINES OPERATED BY COINS, BANK NOTES, BANK CARDS, TOKENS OR BY ANY OTHER MEANS OF PAYMENT”;

(iii) for heading 9508, tariff items 9508 10 00 and 9508 90 00 and the entries relating thereto, the following shall be substituted, namely:—

“9508	TRAVELLING CIRCUSES AND TRAVELLING MENAGERIES; AMUSEMENT PARK RIDES AND WATER PARK AMUSEMENTS; FAIRGROUND AMUSEMENTS, INCLUDING SHOOTING GALLERIES; TRAVELLING THEATRES			
9508 10 00	- Travelling circuses and travelling menageries	kg.	20%	-
	- <i>Amusement park rides and water park amusements:</i>			
9508 21 00	- - Roller coasters	u	20%	-
9508 22 00	- - Carousels, swings and roundabouts	u	20%	-
9508 23 00	- - Dodge’em cars	u	20%	-
9508 24 00	- - Motion simulators and moving theatres	u	20%	-
9508 25 00	- - Water rides	u	20%	-
9508 26 00	- - Water park amusements	u	20%	-
9508 29 00	- - Other	u	20%	-
9508 30 00	- Fairground amusements	u	20%	-
9508 40 00	- Travelling theatres	u	20%	-”;

(70) in Chapter 96, —

(i) in Note 1, in clause (k), for the words “lamps and lighting fittings”, the words “luminaires and lighting fittings” shall be substituted;

(ii) for the entry in column (2) occurring against tariff item 9609 10 00, the following entry shall be substituted, namely:—

“- Pencils and crayons, with leads encased in a sheath”;

(iii) for heading 9617, sub-heading 9617 00, tariff item 9617 00 11 and the entries relating thereto, the following shall be substituted, namely:—

“9617	VACUUM FLASKS AND OTHER VACUUM VESSELS, COMPLETE; PARTS THEREOF OTHER THAN GLASS INNERS
-------	---

9617 00	- Vacuum flasks and other vacuum vessels, complete; parts thereof other than glass inners:				
	- - - Vacuum flasks and other vacuum vessels, complete:				
9617 00 11	- - - - Vacuum flasks having a capacity not exceeding 0.75 l	kg.	20%	-";	

(iv) for heading 9619, sub-heading 9619 00 and the entries relating thereto, the following shall be substituted, namely :—

“9619	SANITARY TOWELS (PADS) AND TAMPONS, NAPKINS (DIAPERS), NAPKIN LINERS AND SIMILAR ARTICLES, OF ANY MATERIAL				
9619 00	- Sanitary towels (pads) and tampons, napkins (diapers), napkin liners and similar articles, of any material.”;				

(71) in Chapter 97,—

(i) after Note 1, the following Note shall be inserted, namely:—

“2. Heading 9701 does not apply to mosaics that are mass-produced reproductions, casts or works of conventional craftsmanship of a commercial character, even if these articles are designed or created by artists.”;

(ii) the existing Notes 2, 3, 4 and 5 shall respectively be re-numbered as Notes 3, 4, 5 and 6;

(iii) for heading 9701, sub-heading 9701 10, tariff items 9701 10 10 to 9701 10 90, sub-heading 9701 90, tariff items 9701 90 91 to 9701 90 99, and the entries relating thereto, the following shall be substituted, namely:—

“9701	PAINTINGS, DRAWINGS AND PASTELS, EXECUTED ENTIRELY BY HAND, OTHER THAN DRAWINGS OF HEADING 4906 AND OTHER THAN HAND-PAINTED OR HAND-DECORATED MANUFACTURED ARTICLES; COLLAGES, MOSAICS AND SIMILAR DECORATIVE PLAQUES				
	- Of an age exceeding 100 years:				
9701 21 00	- - Paintings, drawings and pastels	u	10%	-	
9701 22 00	- - Mosaics	u	10%	-	
9701 29 00	- - Other	u	10%	-	
	- Other:				
9701 91 00	- - Paintings, drawings and pastels	u	10%	-	
9701 92 00	- - Mosaics	u	10%	-	
9701 99 00	- - Other	u	10%	-";	

(iv) for tariff item 9702 00 00 and the entries relating thereto, the following shall be substituted, namely:—

“9702	ORIGINAL ENGRAVINGS, PRINTS AND LITHOGRAPHS				
9702 10 00	- Of an age exceeding 100 years	u	10%	-	
9702 90 00	- Other	u	10%	-";	

(v) for heading 9703, sub-heading 9703 00, tariff items 9703 00 10 to 9703 00 90 and the entries relating thereto, the following shall be substituted, namely:—

“9703	ORIGINAL SCULPTURE AND STATUARY, IN ANY MATERIAL				
9703 10	- Of an age exceeding 100 years:				

9703 10 10	--- Of metal	u	10%	-
9703 10 20	--- Of stone	u	10%	-
9703 10 90	--- Other	u	10%	-
9703 90	- <i>Other:</i>			
9703 90 10	--- Of metal	u	10%	-
9703 90 20	--- Of stone	u	10%	-
9703 90 90	--- Other	u	10%	-";

(vi) for heading 9705, sub-heading 9705 00, tariff items 9705 00 10 and 9705 00 90 and the entries relating thereto, the following shall be substituted, namely:—

“9705	COLLECTIONS AND COLLECTORS’ PIECES OF ARCHAEOLOGICAL, ETHNOGRAPHIC, HISTORICAL, ZOOLOGICAL, BOTANICAL, MINERALOGICAL, ANATOMICAL, PALEONTOLOGICAL, OR NUMISMATIC INTEREST			
9705 10 00	- Collections and collectors' pieces of archaeological, ethnographic or historical interest	u	10%	-
	- <i>Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical or paleontological interest:</i>			
9705 21 00	- - Human specimens and parts thereof	u	10%	-
9705 22 00	- - Extinct or endangered species and parts thereof	u	10%	-
9705 29 00	- - Other	u	10%	-
	- <i>Collections and collectors' pieces of numismatic interest:</i>			
9705 31 00	- - Of an age exceeding 100 years	u	10%	-
9705 39 00	- - Other	u	10%	-";

(vii) for tariff item 9706 00 00 and the entries relating thereto, the following shall be substituted, namely:—

“9706	ANTIQUES OF AN AGE EXCEEDING 100 YEARS			
9706 10 00	- Of an age exceeding 250 years	u	10%	-
9709 90 00	- Other	u	10%	-".

THE FIFTH SCHEDULE

[See section 105 (i)]

In the Fourth Schedule to the Central Excise Act, in Chapter 27, for heading 2709, tariff items 2709 10 00 and 2709 20 00 and the entries relating thereto, the following shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of Duty
(1)	(2)	(3)	(4)
“2709	PETROLEUM OILS AND OILS OBTAINED FROM BITUMINOUS MINERALS, CRUDE		
2709 00	-- <i>Petroleum oils and oils obtained from bituminous minerals, crude</i>		
2709 00 10	--- Petroleum crude	kg.	Re. 1 per tonne
2709 00 90	--- Other	kg. ”.

THE SIXTH SCHEDULE

[See section 105 (ii)]

In the Fourth Schedule to the Central Excise Act,—

Tariff Item	Description of goods	Unit	Rate of Duty
(1)	(2)	(3)	(4)

(a) in SECTION IV, for Section heading, the following Section heading shall be substituted, namely:—

“TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES; PRODUCTS, WHETHER OR NOT CONTAINING NICOTINE, INTENDED FOR INHALATION WITHOUT COMBUSTION; OTHER NICOTINE CONTAINING PRODUCTS INTENDED FOR THE INTAKE OF NICOTINE INTO THE HUMAN BODY”;

(b) in Chapter 24,—

(i) for Chapter heading, the following Chapter heading shall be substituted, namely:—

“Tobacco and manufactured tobacco substitutes; products, whether or not containing nicotine, intended for inhalation without combustion; other nicotine containing products intended for the intake of nicotine into the human body”;

(ii) after Note 3, the following Notes shall be inserted, namely:—

“4. Any products classifiable in heading 2404 and any other heading of the Chapter are to be classified in heading 2404.

5. For the purposes of heading 2404, the expression “inhalation without combustion” means inhalation through heated delivery or other means, without combustion.”;

(iii) after tariff item 2403 99 90 and the entries relating thereto, the following shall be inserted, namely:—

“2404	PRODUCTS CONTAINING TOBACCO, RECONSTITUTED TOBACCO, NICOTINE, OR TOBACCO OR NICOTINE SUBSTITUTES, INTENDED FOR INHALATION WITHOUT COMBUSTION; OTHER NICOTINE CONTAINING PRODUCTS INTENDED FOR THE INTAKE OF NICOTINE INTO THE HUMAN BODY		
	<i>- Products intended for inhalation without combustion:</i>		
2404 11 00	- Containing tobacco or reconstituted tobacco	kg.	81%
2404 12 00	- - Other, containing nicotine	kg.	.....
2404 19 00	- - Other	kg.	81%
	<i>- Other:</i>		
2404 91 00	- - For oral application	kg.	.....
2404 92 00	- - For transdermal application	kg.	.....
2404 99 00	-- Other	kg.”.

THE SEVENTH SCHEDULE

[See section 125 (1)]

Item No.	Description of goods	Rate
(1)	(2)	(3)
1.	Motor spirit commonly known as petrol	Rs. 2.50 per litre
2.	High speed diesel	Rs. 4.00 per litre

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड

अधिसूचना

नई दिल्ली, 1 जून, 2021

सं- 16/2021 - केन्द्रीय कर

का.आ. 2129(अ).— केन्द्रीय सरकार, वित्त अधिनियम, 2021 (2021 का 13) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 1 जून, 2021 को उस तारीख के रूप में नियत करती है, जिस तारीख को उक्त अधिनियम की धारा 112 के उपबंध प्रवृत्त होंगे।

[फा. सं. सीबीआईसी -20001/5/2021]

राजीव रंजन, अवर सचिव

MINISTRY OF FINANCE
(Department of Revenue)
CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS
NOTIFICATION

New Delhi, the 1st June, 2021

No. 16/2021 – Central Tax

S.O. 2129(E).— In exercise of the powers conferred by sub-section (2) of section 1 of the Finance Act, 2021 (13 of 2021) (hereinafter referred to as the said Act), the Central Government hereby appoints the 1st day of June, 2021, as the date on which the provisions of section 112 of the said Act shall come into force.

[F. No. CBIC-20001/5/2021]
RAJEEV RANJAN, Under Secy.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

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सं० 23] नई दिल्ली, मंगलवार, अप्रैल 6, 2021/चैत्र 16, 1943 (शक)
No. 23] NEW DELHI, TUESDAY, APRIL 6, 2021/CHAITRA 16, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 6th April, 2021/ Chaitra 16, 1943 (Saka)

CORRIGENDA

THE FINANCE ACT, 2021

NO. 13 OF 2021

In the FINANCE ACT, 2021 (13 OF 2021), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 28th March, 2021, Issue No. 15,—

Page No.	Line(s) No.	For	Read
27	26	“from receipt of such money by”	“from such receipt by”
28	17	“asseet”	“asset”
34	31	“Zone”	“Zones”
47	18	“1st February, 2021”	“1st day of February, 2021”
69	02	“who-time”	“whole-time”
102	38	“be notification”	“by notification”
115	33	“on the income”	“on income”
121	18	“income-tax; and”	“income-tax;”
121	26	“income-tax; and”	“income-tax;”
121	29	“income-tax;”	“income-tax; and”.

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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सं० 26] नई दिल्ली, बृहस्पतिवार, अप्रैल 15, 2021/चैत्र 25, 1943 (शक)
No. 26] NEW DELHI, THURSDAY, APRIL 15, 2021/CHAITRA 25, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 15th April, 2021/ Chaitra 25, 1943 (Saka)

CORRIGENDUM

THE FINANCE ACT, 2021

No. 13 OF 2021

In the FINANCE ACT, 2021 (13 OF 2021), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 28th March, 2021, Issue No. 15,—

Page No.	Line(s) No.	For	Read
94	24-25	“there port”	“the report”.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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सं० 65] नई दिल्ली, बुधवार, दिसम्बर 29, 2021/ पौष 8, 1943 (शक)
No. 65] NEW DELHI, WEDNESDAY, DECEMBER 29, 2021/ PAUSA 8, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 29th December, 2021/ Pausa 8, 1943 (Saka)

CORRIGENDA

THE FINANCE ACT, 2021

No. 13 OF 2021

In the FINANCE ACT, 2021 (13 OF 2021), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 28th March, 2021, Issue No.15,—

(i) at page 141, line 24, for “- - Other:”, read “- Other:”;

(ii) at page 143, line 24, for “2903 51”, read “2903 51 00”;

(iii) at page 147, line 27, for “ETHER”, read “OTHER”;

(iv) at page 162, line 30, for “heading 6802”, read “the entry in column (2), occurring against tariff item 6802 10 00”;

(v) at page 165, line 11, for “after”, read “for”;

(vi) at page 168, in line 33, for

“8112 41 -- Unwrought; waste and scrap; powders kg 10% --”,

read

“8112 41 -- Unwrought; waste and scrap; powders:”;

- (vii) at page 177, line 5, *for* “8528 80 90”, *read* “8525 80 90”;
- (viii) at page 183, line 8, *for* “9027 89”, *read* “9027 89 90”;
- (ix) at page 188, line 29, *for* “9709 90 00”, *read* “9706 90 00”.

—————

DR. REETA VASISHTA,
Secretary to the Govt. of India.



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असाधारण

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भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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No. 16]

NEW DELHI, SUNDAY, MARCH 28, 2021/CHAITRA 7, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 28th March, 2021/Chaitra 7, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 28th March, 2021, and is hereby published for general information:—

THE NATIONAL COMMISSION FOR ALLIED AND HEALTHCARE PROFESSIONS ACT, 2021

No. 14 OF 2021

[28th March, 2021.]

An Act to provide for regulation and maintenance of standards of education and services by allied and healthcare professionals, assessment of institutions, maintenance of a Central Register and State Register and creation of a system to improve access, research and development and adoption of latest scientific advancement and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Commission for Allied and Healthcare Professions Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

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

(a) "Advisory Council" means the National Allied and Healthcare Advisory Council constituted under sub-section (1) of section 12;

(b) "allied and healthcare institution" means an educational or research institution which grants diploma or undergraduate, postgraduate or doctoral degree or any other post degree certification in any allied and healthcare professional under this Act;

(c) "allied and healthcare professional" means any allied health professional or healthcare professional under this Act;

(d) "allied health professional" includes an associate, technician or technologist who is trained to perform any technical and practical task to support diagnosis and treatment of illness, disease, injury or impairment, and to support implementation of any healthcare treatment and referral plan recommended by a medical, nursing or any other healthcare professional, and who has obtained any qualification of diploma or degree under this Act, the duration of which shall not be less than two thousand hours spread over a period of two years to four years divided into specific semesters;

(e) "allied and healthcare qualification" means a recognised diploma or degree possessed by an allied and healthcare professional through regular learning mode under this Act or any additional recognised course obtained thereafter;

(f) "Autonomous Board" means the Autonomous Board constituted under sub-section (1) of section 29;

(g) "Central Register" means the Central Allied and Healthcare Professionals' Register maintained by the Commission under section 13;

(h) "Chairperson" means the Chairperson of the Commission appointed under clause (a) of sub-section (3) of section 3;

(i) "Commission" means the National Commission for Allied and Healthcare Profession constituted under sub-section (1) of section 3;

(j) "healthcare professional" includes a scientist, therapist or other professional who studies, advises, researches, supervises or provides preventive, curative, rehabilitative, therapeutic or promotional health services and who has obtained any qualification of degree under this Act, the duration of which shall not be less than three thousand six hundred hours spread over a period of three years to six years divided into specific semesters;

(k) "Interim Commission" means the Interim Commission constituted under sub-section (1) of section 20;

(l) "Member" means a Member of the Commission or, as the case may be, the State Council, including the Chairperson, Vice-Chairperson and Part-time Member;

(m) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;

(n) "Part-time Member" means the Part-time Member of the Commission nominated by the State Government under sub-clauses (i) and (ii) of clause (d), and nominated by the Central Government under sub-clause (iii) of clause (d) of section 3;

(o) "prescribed" means prescribed by rules made under this Act;

(p) "Professional Council" means the Allied and Healthcare Professional Council constituted under sub-section (1) of section 10;

(q) "recognised categories" means any category of the allied and healthcare professionals specified in the Schedule;

(r) "regulations" means the regulations made by the Commission;

(s) "Schedule" means the Schedule annexed to this Act;

(t) "State Council" means a State Allied and Healthcare Council constituted under sub-section (1) of section 22;

(u) "State Government" includes Union territory Administration;

(v) "State Register" means the State Allied and Healthcare Professionals' Register maintained under section 32;

(w) "Task shifting" means the process whereby specific tasks are moved, where appropriate to related allied and healthcare professionals specialised in those tasks, by reorganising the health workforce efficiently for improved healthcare;

(x) "University" means a University defined under clause (f) of section 2 of the University Grants Commission Act, 1956 and includes an institution declared to be a deemed University under section 3 of that Act;

(y) "Vice-Chairperson" means the Vice-Chairperson of the Commission appointed under clause (b) of sub-section (3) of section 3.

CHAPTER II

NATIONAL COMMISSION FOR ALLIED AND HEALTHCARE PROFESSION

3. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be constituted a Commission to be called the National Commission for Allied and Healthcare Profession for exercising such powers and discharging such duties as may be laid down under this Act.

Constitution and composition of Commission.

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the same name sue or be sued.

(3) The Commission shall consist of the following, namely:—

(a) a person having an outstanding ability, proven administrative capacity and integrity and possessing a postgraduate degree in any profession of recognised category of allied and healthcare sciences from any University with experience of not less than twenty-five years in the field of allied and healthcare sciences, out of which at least ten years shall be as a leader in the area of allied and healthcare professions to be appointed by the Central Government—Chairperson;

(b) a person having an outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any profession of recognised category of allied and healthcare sciences from any University with experience of not less than twenty years in the field of allied and healthcare sciences, out of which at least ten years shall be as a leader in the area of allied and healthcare professions—Vice-Chairperson;

(c) the following persons shall be the *ex officio* Members of the Commission, namely:—

(i) Joint Secretary to the Government of India in the Department of Legal Affairs, Ministry of Law and Justice—*ex officio* Member;

(ii) Joint Secretary to the Government of India in the Department of Health and Family Welfare, Ministry of Health—*ex officio* Member;

(iii) Joint Secretary to the Government of India in the Department of Higher Education—*ex officio* Member;

(iv) Joint Secretary to the Government of India in the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment—*ex officio* Member;

(v) Joint Secretary to the Government of India in the Ministry of Skill Development and Entrepreneurship—*ex officio* Member;

(vi) one person representing the Directorate General of Health Services not below the rank of Deputy Director General—*ex officio* Member;

(vii) one person representing the Indian Council of Medical Research not below the rank of Deputy Director General—*ex officio* Member;

(viii) one person representing out of the following, on biennial rotation basis, not below the rank of Deputy Secretary to the Government of India—*ex officio* Member—

(a) Atomic Energy Regulatory Board;

(b) National Medical Commission; and

(c) Rehabilitation Council of India;

(ix) three persons not below the rank of Deputy Director or Medical Superintendent representing the following, on biennial rotation basis, to be nominated by the Central Government—*ex officio* Members,—

(a) All India Institute of Medical Sciences, New Delhi;

(b) All India Institute of Physical Medicine and Rehabilitation, Mumbai;

(c) Jawaharlal Institute of Postgraduate Medical Education and Research, Puducherry;

(d) North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences, Shillong;

(e) Pt. Deendayal Upadhyaya National Institute for Persons with Physical Disabilities, Delhi;

(f) National Institute of Mental Health and Neuro-Sciences, Bengaluru;

(g) National Institute of Nutrition, Hyderabad;

(h) National Institute of Rehabilitation Training and Research, Cuttack;

(i) National Institute of Orthopedically Handicapped, Kolkata;

(j) All India Institute of Speech and Hearing, Mysore, Karnataka;

(k) Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram, Kerala; and

(l) Tata Memorial Hospital, Mumbai;

(d) the following persons shall be the Part-time Members of the Commission, namely:—

(i) two persons from each of the six zones representing the State Councils on biennial rotation in the alphabetical order as per the zonal distribution having such qualifications and experience as may be prescribed by the Central Government to be nominated by the concerned State Government;

(ii) The President of the Professional Council and one person representing each of the Professional Councils to be selected in such a manner as may be

prescribed by the Central Government on biennial rotation of professions by a committee comprising of Chairperson, Vice-Chairperson and the *ex officio* Member under sub-clause (ii) of clause (c); and

(iii) two persons, representing charitable institutions engaged in education or services in connection with any recognised category, having such qualifications and experience as may be prescribed by the Central Government, to be nominated by the Central Government.

4. (1) The Chairperson, Vice-Chairperson of the Commission and the Part-time Member nominated under sub-clauses (i), (ii) and (iii) of clause (d) of sub-section (3) of section 3 shall hold office for a term not exceeding two years from the date on which they enter upon their office and shall be eligible for re-nomination for a maximum period of two terms.

Term of office and conditions of service of Members.

(2) The salaries and allowances payable to, and other conditions of service of, the Chairperson and Vice-Chairperson of the Commission shall be such as may be prescribed by the Central Government.

(3) The Part-time Member nominated under sub-clauses (i), (ii) and (iii) of clause (d) of sub-section (3) of section 3 shall receive such travelling and other allowances as may be prescribed by the Central Government.

5. (1) Notwithstanding anything contained in sub-section (1) of section 4, the Chairperson, Vice-Chairperson of the Commission and the Part-time Member nominated under sub-clauses (i), (ii) and (iii) of clause (d) of sub-section (3) of section 3 may—

Resignation and removal of Members.

(i) relinquish his office by giving in writing to the Central Government notice of not less than three months; or

(ii) be removed from his office if he—

(a) has been adjudged insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Part-time Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) No Part-time Member shall be removed from his office under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

6. (1) The *ex officio* Member under clauses (i) to (ix) of sub-section (3) of section 3, shall cease to be a Member of the Commission on his cessation to the service by virtue of which he was appointed as a Member of the Commission.

Cessation of membership and filling up of casual vacancy of Member.

(2) A Member nominated under sub-clause (i) of clause (d) of sub-section (3) of section 3, shall cease to be Member of the Commission on removal of his name from the register of the State Council.

(3) The Chairperson, Vice-Chairperson or any other Member appointed under any casual vacancy in the Commission under sub-section (3) of section 3 shall hold office only for the remainder of the term of the Member in whose place he has been appointed.

7. (1) The Commission shall meet at least once in every quarter at such time and place as may be decided by the Chairperson, and shall observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed by the Central Government.

Meetings of Commission.

(2) The Chairperson shall preside over the meeting of the Commission and if, for any reason, he is unable to attend the meeting of the Commission, the Vice-Chairperson shall preside over the meeting.

(3) One-half of the total number of Members of the Commission including the Chairperson or Vice-Chairperson shall constitute the quorum and all decisions of the Commission shall be taken by a majority of the Members, present and voting; and in the event of equality of votes, the Chairperson or in his absence, the Vice-Chairperson shall have a second or casting vote.

Vacancies, etc., not to invalidate proceedings of Commission.

8. No act or proceeding of the Commission shall be invalidated merely by reason of —

(a) any vacancy in, or any defect in the constitution of, the Commission; or

(b) any defect in the appointment of a person acting as a Member of the Commission; or

(c) any irregularity in the procedure of the Commission not affecting the merits of the case.

Officers and other employees of Commission.

9. (1) Subject to such rules made by the Central Government in this behalf, the Central Government shall provide a Secretariat to the Commission which shall consist of a Secretary and other officers as it may think necessary for the efficient performance of its functions under this Act.

(2) The salaries and allowances payable to, and other conditions of service of, the Secretary and other officers of the Commission shall be such as may be prescribed by the Central Government.

(3) The Secretariat of the Commission shall also provide Secretarial assistance to the Professional Council and the Advisory Council.

Professional Councils.

10. (1) The Commission shall, by notification, constitute Professional Council for every recognised category and shall consist of a president and members, not less than four and not exceeding twenty-four, representing each profession in the recognised category having such qualifications and experiences as may be prescribed by the Central Government:

Provided that where there is more than one profession represented in a Professional Council, the president shall rotate biennially amongst the professions in the recognised category.

(2) Where there is no person from a particular recognised profession represented in the Commission, if the Commission is of opinion that the decision taken by it affects that profession, it may, before taking any decision, give an opportunity of being heard to that profession through the related Professional Council.

(3) The president and the member of the Professional Council shall be a registered professional of the respective category.

Functions of Commission.

11. (1) It shall be the duty of the Commission to take all such steps as it may think fit for ensuring coordinated and integrated development of education and maintenance of the standards of delivery of services under this Act and for the purposes of performing its functions, the Commission may—

(a) frame policies and standards for the governance of allied and healthcare related education and professional services;

(b) regulate the professional conduct, code of ethics and etiquette to be observed by the allied and healthcare professionals by or under this Act;

(c) create and maintain an up-to-date online and live Central Register with details of academic qualifications institutions, training, skill and competencies of allied and healthcare professionals related to their profession as specified in the Schedule;

(d) provide scope of practice of each profession keeping in view, *inter alia*, need for task shifting;

(e) provide basic standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education, maximum tuition fee payable in respect of various categories, proportionate distribution of seats and promote innovations in categories in the manner as may be specified by regulations;

(f) provide the allied and healthcare qualifications to be obtained by allied and healthcare professionals, including the name of the course, entry criteria, duration and such other particulars as may be specified by regulations;

(g) provide for uniform entry examination with common counselling for admission into the allied and healthcare institutions at the diploma, undergraduate, postgraduate and doctoral level in the manner as may be specified by regulations;

(h) provide for exit or licensing examinations for allied and healthcare professionals for professional practice or entrance into postgraduate or doctoral level and National Teachers Eligibility Test for academicians in the manner as may be specified by regulations;

(i) provide strategic framework for rational deployment of skilled manpower, performance management systems, task shifting and associated career development pathways for allied and healthcare professionals;

(j) provide minimum standards framework for machineries, materials and services;

(k) take such measures, as may be necessary, to ensure compliance of the guidelines for their effective functioning by the State Councils under this Act in the manner as may be specified by regulations;

(l) constitute committees or engage independent experts for technical advice related to any of the professions as listed in the Schedule for the efficient discharge of the functions of the Commission;

(m) hold an Annual Meeting of the Commission with the National Medical Commission constituted under section 3 of the National Medical Commission Act, 2019 and the Central Council constituted under section 3 of the Homoeopathy Central Council Act, 1973;

(n) perform such other functions as may be entrusted to it by the Central Government or as may be necessary to carry out the provisions of this Act.

(2) The Commission may delegate such of its functions to the Professional Council as it think necessary.

12. (1) The Central Government shall constitute an Advisory Council to be known as National Allied and Healthcare Advisory Council to advise the Commission on the issues relating to allied and healthcare professionals.

National
Allied and
Healthcare
Advisory
Council.

(2) The Advisory Council shall consist of the following persons, namely:—

(i) Chairperson of the Commission—Chairperson;

(ii) all Members of the Commission—*ex officio* member;

(iii) Principal Secretary dealing with medical education or his nominee from each State—member;

(iv) Chairperson of the State Council—member; and

(v) Principal Secretary dealing with medical education or his nominee representing each Union territory—member.

(3) The Advisory Council shall meet once in a year at Delhi as may be decided by the Chairperson of the Advisory Council.

Central Allied and Healthcare Professionals' Register.

13. (1) The Commission shall maintain online and live Register of persons in separate parts in each of the recognised categories to be known as the Central Allied and Healthcare Professionals' Register which shall contain information including the name of persons and qualifications relating to any of their respective recognised categories in the manner as may be specified by regulations.

(2) For the purposes of sub-section (1), the Commission may adopt standardised format for populating and maintaining the Central Register in the manner as may be specified by regulations.

(3) The Central Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 and may be proved by a certified copy provided by the Commission. 1 of 1872.

Privileges for enrolment on Central Register.

14. Subject to the conditions and restrictions laid down in this Act regarding practice by person possessing certain recognised allied and healthcare qualifications, every person whose name is for the time being borne on the Central Register shall be entitled according to his qualifications to provide any service within the defined scope of practice as an allied and healthcare professional under this Act and to receive in respect of such service, any expenses, charges or any fees to which he may be entitled.

Rights of persons who are enrolled on Central Register.

15. No person, other than a registered allied and healthcare professional, shall—

(a) hold office as an allied and healthcare professional (by whatever name called) in Government or in any institution maintained by a local or other authority;

(b) provide service in any of the recognised categories in any State; and

(c) be entitled to sign or authenticate any certificate required by any law for the time being in force to be signed or authenticated by a duly qualified allied and healthcare professional.

Registration in Central Register.

16. The Commission may, on receipt of the report of registration of a person in a State Register or on an application in such form and in such manner as may be prescribed by the Central Government, enter his name in the Central Register.

Issue of certificate of registration.

17. (1) Any person whose name has been entered in the Central Register shall, on an application made by the person in this behalf in such form and in such manner and on payment of such fees as may be prescribed by the Central Government, be entitled to get a certificate of registration.

(2) On receipt of an application under sub-section (1), the Commission shall grant to the applicant a certificate of registration in such form as may be prescribed by the Central Government.

(3) Where it is shown to the satisfaction of the Commission that a certificate of registration has been lost or destroyed, the commission may, on payment of such fees, issue a duplicate certificate in such form as may be prescribed by the Central Government.

Registration of additional qualifications.

18. (1) If any person whose name is entered in the Central Register obtains any other recognised qualification in addition to any allied and healthcare qualification, he shall, on an application made in this behalf in such form and in such manner and on payment of such fees as may be prescribed by the Central Government, be entitled to have an entry stating such degree or diploma or such other qualifications made against his name in such register in addition to any entry previously made.

(2) The entries in respect of any such person in a State Register shall be altered in accordance with the alterations made in the Central Register.

19. If the name of any person enrolled on a State Register is removed therefrom in pursuance of any power conferred under this Act, the Commission shall direct the removal of the name of such person from the Central Register in such manner as may be specified by regulations:

Removal of name from Central Register.

Provided that on the removal of his name from the Central Register or State Register, as the case may be, such certificate shall cease to be valid.

20. (1) The Central Government shall, as soon as may be but within sixty days from the date on which this Act receives the assent of the President, constitute an Interim Commission, for three years or until a regular Commission is constituted under section 3, whichever is earlier.

Interim Commission.

(2) The Interim Commission constituted under sub-section (1) shall consist of the following, namely:—

(a) Additional Secretary to the Government of India in the Ministry of Health and Family Welfare—Chairperson;

(b) Joint Secretary to the Government of India in the Ministry of Health and Family Welfare—member;

(c) Joint Secretary to the Government of India in the Department of Legal Affairs, Ministry of Law and Justice—member;

(d) Joint Secretary to the Government of India in the Department of Higher Education—member;

(e) Joint Secretary to the Government of India in the Ministry of Social Justice and Empowerment—member;

(f) Joint Secretary to the Government of India in the Ministry of Skill Development and Entrepreneurship—member;

(g) One representative of the Directorate General of Health Services not below the rank of Deputy Director General—member;

(h) One representative of the National Medical Commission constituted under section 3 of the National Medical Commission Act, 2019 not below the rank of Deputy Secretary to the Government of India—member;

(i) One representative of the Rehabilitation Council of India not below the rank of Deputy Secretary to the Government of India—member;

(j) One representative of the Atomic Energy Regulatory Board not below the rank of Deputy Secretary to the Government of India—member;

(k) two persons representing each of the recognised categories having such qualifications and experiences as may be prescribed by the Central Government—member;

Provided that the Interim Commission may engage experts from unrepresented professions specified in the Schedule as necessary.

(3) The Interim Commission shall discharge the functions assigned to the Commission under this Act and shall follow its own procedures in discharging its duties.

(4) The Central Government shall appoint a Secretary to the Interim Commission.

21. (1) The Central Government shall, on the recommendation of a Search-cum-Selection Committee, appoint the Chairperson, Vice-Chairperson and the Secretary of the Commission.

Search-cum-Selection Committee.

(2) The Search-cum-Selection Committee shall consist of the following persons, namely:—

(a) the Secretary, Ministry of Health and Family Welfare—Chairperson;

(b) the Secretary or his nominee, not below the rank of Additional Secretary of Department of Higher Education, Ministry of Education—member;

(c) four experts, possessing outstanding qualifications and experience of not less than twenty-five years in the field of allied and healthcare education, public health education and health research to be nominated by the Central Government—members;

(d) one person, possessing outstanding qualifications and experience of not less than twenty-five years in the field of management or law or economics or science and technology to be nominated by the Central Government—member; and

(e) Additional Secretary to the Government of India in the Ministry of Health and Family Welfare Convener—member.

(3) The Central Government shall, within a period of three months from the date of occurrence of any vacancy, including by reason of death, resignation or removal of the Chairperson or Vice-Chairperson or Secretary of the Commission or within three months before the end of tenure of the Chairperson or Vice-Chairperson or Secretary of the Commission, make a reference to the Search-cum-Selection Committee for selection of Chairperson, Vice-Chairperson or Secretary.

(4) The Search-cum-Selection Committee shall recommend a panel of at least three names for each vacancy.

(5) The Search-cum-Selection Committee shall, before recommending any person for appointment of the Chairperson or Vice-Chairperson or Secretary, satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson, Vice-Chairperson or Secretary.

(6) No appointment of the Chairperson or Vice-Chairperson or Secretary of the Commission shall be invalid merely by reason of any vacancy or absence of a member in the Search-cum-Selection Committee.

(7) Subject to the provisions of sub-sections (3) to (6), the Search-cum-Selection Committee may regulate its own procedure.

CHAPTER III

STATE ALLIED AND HEALTHCARE COUNCIL

Constitution
and
composition
of State
Council.

22. (1) Every State Government shall, by notification, within six months from the date of commencement of this Act, constitute a State Council to be called the State Allied and Healthcare Council for exercising such powers and discharging such duties as may be laid down under this Act.

(2) The State Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the same name sue or be sued.

(3) The State Council shall consist of the following, namely:—

(a) a person of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any profession of recognised category of allied and healthcare sciences from any University and having experience of not less than twenty-five years in the field of allied and healthcare sciences, out of which at least ten years shall be as a leader in the area of allied and healthcare professions to be nominated by the State Government—Chairperson;

(b) one Director or Additional Director or Joint Director representing medical or health sciences in the State Government—*ex officio* Member;

(c) two persons not below the rank of Dean or Head of the Department from any medical colleges of the State Government—*ex officio* Members;

(d) president of the Autonomous Boards constituted by the State Council under sub-section (1) of section 29—*ex officio* Member;

(e) two persons representing each of the recognised categories specified in the Schedule to be nominated by the State Government having such qualifications and experience as may be prescribed by the State Government—Members; and

(f) two persons, representing charitable institutions engaged in education or services in connection with any recognised category, to be nominated by the State Government having such qualifications and experience as may be prescribed by the State Government—Members.

23. (1) The Chairperson of the State Council and Member nominated under clauses (e) and (f) of sub-section (3) of section 22 shall hold office for a term not exceeding two years from the date on which they enter upon their office and shall be eligible for re-nomination for a maximum period of two terms. Terms and conditions of service of Member.

(2) The Members nominated to the State Council under clauses (e) and (f) of sub-section (3) of section 22 shall receive such travelling and other allowances as may be prescribed by the State Government.

24. (1) Notwithstanding anything contained in sub-section (1) of section 23, the Chairperson of the State Council and Member nominated under clauses (e) and (f) of sub-section (3) of section 22 may— Resignation and removal of Member.

(i) relinquish his office by giving in writing to the State Government notice of not less than three months; or

(ii) be removed from his office if he—

(a) has been adjudged insolvent; or

(b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) No such Member shall be removed from his office under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

25. (1) A Member under clause (b) or clause (c) of sub-section (3) of section 22, shall cease to be a Member of the State Council on his cessation to the service by virtue of which he was appointed as a Member of the State Council. Cessation of membership and filling up of casual vacancy of Member.

(2) The Chairperson or any other Member appointed under any casual vacancy in the State Council under sub-section (3) of section 22, shall hold office only for the remainder of the term of the member in whose place he has been appointed.

26. (1) The State Council shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum of such meetings) in the manner as may be prescribed by the State Government. Meetings of State Council.

(2) The Chairperson of the State Council, if for any reason, he is unable to attend a meeting of the State Council, any other member chosen by the members present from amongst themselves at the meeting shall preside over the meeting.

(3) All questions which come up before any meeting of the State Council shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the Chairperson of the State Council or in his absence, the member of the State Council presiding, shall have a second or casting vote.

- Vacancies, etc., not to invalidate proceedings of State Council.
- 27.** No act or proceeding of the State Council shall be invalidated merely by reason of—
- (a) any vacancy in, or any defect in the constitution of the State Council; or
 - (b) any defect in the appointment of a person acting as a member of the State Council; or
 - (c) any irregularity in the procedure of the State Council not affecting the merits of the case.
- Officers and other employees of State Council.
- 28.** (1) Subject to such rules as may be made by the State Government in this behalf, the State Council may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act.
- (2) The salaries and allowances payable to, and other conditions of service of, the Secretary, other officers and employees of the State Council appointed under sub-section (1) shall be such as may be prescribed by the State Government.
- Constitution and functions of Autonomous Boards.
- 29.** (1) The State Council shall, by notification, constitute the following Autonomous Boards for regulating the allied and healthcare professionals, namely,—
- (a) Under-graduate Allied and Healthcare Education Board,
 - (b) Post-graduate Allied and Healthcare Education Board,
 - (c) Allied and Healthcare Professions Assessment and Rating Board, and
 - (d) Allied and Healthcare Professions Ethics and Registration Board.
- (2) The Autonomous Boards constituted under sub-section (1) shall consist of a president and such number of members from each recognised category as may be specified by the regulations and shall be appointed by the State Government.
- (3) The Under-graduate Allied and Healthcare Education Board and Post-graduate Allied and Healthcare Education Board shall determine standards of allied and healthcare education at the graduate, postgraduate level and super-speciality level, develop competency based on dynamic curriculum content, reviewing institutional standards against norms, faculty development, approval of courses of recognised qualification and other functions as entrusted by the State Council for Under Graduate Education and Post Graduate Education.
- (4) The Allied and Healthcare Profession Assessment and Rating Board shall determine the procedure for the assessment and rating of allied and healthcare institutions by providing for inspection of institutions, grant permission for establishment of new allied and healthcare institutions and seat capacity, empanelling assessors, imposing warnings or fines, recommend for withdrawal of recognition of institutions and any other function as entrusted by the State Council to ensure maintenance of minimum essential standards.
- (5) The Allied and Healthcare Profession Ethics and Registration Board shall maintain online and live State Registers of all licensed allied and healthcare practitioners in the State, regulate the professional conduct and promotion of ethics and undertake any other function as entrusted by the State Council.
- (6) The Under-graduate Allied and Healthcare education or Post-graduate Allied and Healthcare education or Allied and Healthcare Professions Assessment and Rating or Allied and Healthcare Professions Ethics and Registration shall perform such other functions as may be specified by regulations.
- Functions of State Council.
- 30.** It shall be the duty of the State Council to take all such steps as it may think fit for ensuring the co-ordinated and integrated development of education and maintenance of the standards of delivery of services under this Act and, for the purposes of performing its functions, the State Council shall—
- (a) enter the name of the recognised categories, enforce the professional conduct, code of ethics and etiquette to be observed by the allied and healthcare professionals

in the State and take disciplinary action, including the removal of a professionals' name from the State Register;

(b) ensure minimum standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education;

(c) ensure uniform entry examination with common counselling for admission into the allied and healthcare institutions at the diploma, undergraduate, postgraduate and doctoral level under this Act;

(d) ensure uniform exit or licensing examination for the allied and healthcare professionals under this Act;

(e) inspect allied and healthcare institutions and register allied and healthcare professionals in the State;

(f) ensure compliance of all the directives issued by the Commission;

(g) provide minimum standards framework for machineries, materials and services;

(h) approve or recognise courses and intake capacity for courses;

(i) impose fine upon institutions in order to maintain standards; and

(j) perform such other functions as may be entrusted to it by the State Government for implementation of the provisions of this Act.

31. The State Council may constitute as many professional Advisory Boards as may be necessary to examine the issues relating to one or more recognised categories and to recommend the State Council and also to undertake any other activity as may be authorised by the State Council.

Constitution of Advisory Board.

32. (1) The State Council shall maintain online and live State Register of persons in separate parts for each of the recognised categories to be known as the State Allied and Healthcare Professionals' Register which shall contain information including the name of person and qualifications relating to any of their respective recognised categories in such manner as may be specified by regulations.

State Allied and Healthcare Professionals' Register.

(2) The State Register shall contain the details of academic qualification institutions, training, skill and competencies of Allied and Healthcare Professionals related to their profession in the manner as may be specified by regulations.

(3) The State Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a certified copy provided by the State Council.

1 of 1872.

33. (1) A person shall be entitled, on an application and on payment of such fees as may be prescribed by the State Government, to have his name entered in the State Register if he resides in the State and holds a recognised allied and healthcare qualification.

Registration in State Register.

(2) Upon the application to the State Council, if the State Council is of the opinion that the applicant is entitled to have his name entered on the State Register, the State Council shall enter thereon the name of the applicant.

(3) Upon entry of a name in the State Register under this section, the Secretary of the State Council shall issue to the applicant a certificate of registration in such form as may be prescribed by the State Government.

(4) The certificate of registration of Allied and Healthcare Profession shall be valid for a period of five years, and renewal of such registration shall be in such form and in such manner as specified by regulations for the respective profession.

(5) Any person whose application for registration is rejected by the State Council may, within one month from the date of such rejection, appeal to the Commission.

Issue of duplicate certificates.

34. Where it is shown to the satisfaction of the Secretary of the State Council that a certificate of registration or a certificate of renewal has been lost or destroyed, the State Council may, on payment of such fee, issue a duplicate certificate in such form as may be prescribed by the State Government.

Renewal of name of Allied and Healthcare professionals in the State Register.

35. (1) There shall be paid in every five years to the State Council, such fee in such manner as may be prescribed by the State Government for renewal of name of allied and healthcare professionals in the State Register.

(2) Where the fee under sub-section (1) is not paid within the specified period, the Secretary of the State Council shall remove the name of the defaulter from the State Register:

Provided that a name so removed may be restored to the said register on payment of such fee as may be prescribed by the State Government.

(3) On payment of the fee under sub-section (1), the Secretary of the State Council shall issue a certificate of renewal and such certificate shall be proof of renewal of registration.

Removal of name of a person from State Register.

36. (1) The State Council may, by order, after giving that person a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit—

(a) that his name has been entered in the State Register by error or on account of mis-representation or suppression of a material fact; or

(b) that he has been convicted of an offence involving moral turpitude and punishable with imprisonment or has been guilty of any infamous conduct in any professional respect or has violated the standards of professional conduct and etiquette or the code of ethics which in the opinion of the State Council renders him unfit to be kept in the said register,

remove the name of the person from the State Register.

(2) Any person whose name has been removed from the State Register under sub-section (1) shall be ineligible for registration under this Act, either permanently or for such period as may be specified by regulations.

(3) An order under sub-section (1) shall not take effect until the expiry of three months from the date thereof or until an appeal, if any, on such order is finally disposed of, whichever date is later.

(4) A person aggrieved by an order under sub-section (1) may, within thirty days from the communication of such order, prefer an appeal to the Commission and, after giving an opportunity of being heard, the Commission shall, within a period of ninety days from the date of filing of such appeal, pass such order as it thinks fit.

(5) A person whose name has been removed from the State Register under this section or under sub-section (2) of section 35 shall forthwith surrender his certificate of registration or certificate of renewal, if any, to the State Council and the name so removed shall be published on the website of the State Council, and in one daily local newspaper in vernacular language.

(6) A person whose name has been removed from the State Register under this section shall not be entitled to have his name registered in the State Register or in any other State Register except with the approval of the State Council from whose register his name has been removed.

Restoration of name of a person in the State Register.

37. The State Council may, at any time for reasons appearing to it as sufficient and upon payment of such fee as may be prescribed by the State Government, order that the name of a person removed from a State Register shall be restored and the name shall be uploaded on the website of the State Council, and in one daily local newspaper in vernacular language.

38. Every person who offers his services in any of the recognised categories on or before the commencement of this Act shall be allowed to be provisionally registered under the provisions of this Act within such period from such commencement in such manner as may be specified by regulations.

Recognition of persons offering services prior to commencement of Act.

CHAPTER IV

RECOGNITION AND RECIPROCITY

39. (1) Subject to the provisions of this Act, any corresponding qualification granted by the institutions outside India shall be the recognised allied and healthcare qualifications as may be specified by regulations.

Recognition of allied and healthcare institutions and reciprocity.

(2) A citizen of India who holds the corresponding qualifications under sub-section (1) shall be entitled for registration under this Act in such manner as may be specified by regulations.

(3) The Central Government may, after consultation with the Commission, by notification, direct that the corresponding qualifications under sub-section (1) in respect of which a scheme of reciprocity is not in force shall be recognised for the purposes of this Act or shall be so only when granted after a specified date:

Provided that the foreign nationals possessing such qualification—

(a) shall be permitted only if such persons are enrolled as allied and healthcare professionals in accordance with the law regulating the registration of allied and healthcare professionals for the time being in force in that country; and

(b) shall be limited to the period specified in this behalf by the Central Government by general or special order.

(4) In respect of any such qualifications the corresponding qualifications under sub-section (1), the Central Government may, after consultation with the Commission, by notification, direct that it shall be recognised allied and healthcare qualification only when granted before a specified date.

(5) The Commission may enter into negotiations with an authority in any country outside India, which by the law of such country is entrusted with the recognition of corresponding qualifications, for the setting up of a scheme of reciprocity for the recognition of allied and healthcare qualification, and in pursuance of any such scheme, the corresponding qualification which the Commission has decided to grant should be recognised by notification by the Central Government.

CHAPTER V

ESTABLISHMENT OF NEW ALLIED AND HEALTHCARE INSTITUTION

40. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, on and from the date of commencement of this Act,—

Permission for establishment of new allied and healthcare institutions, new courses of study, etc.

(a) no person shall establish an allied and healthcare institution; or

(b) no allied and healthcare institution shall—

(i) open a new or higher course of study or training (including post-graduate course of study or training) which would enable students of each course of study or training to qualify himself for the award of any recognised allied and healthcare qualification; or

(ii) increase its admission capacity in any course of study or training (including post-graduate course of study or training); or

(iii) admit a new batch of students in any unrecognised course of study or training (including post-graduate course of study or training),

except with the previous permission of the State Council obtained in accordance with the provisions of this Act:

Provided that the allied and healthcare qualification granted to a person in respect of a new or higher course of study or new batch without previous permission of the State Council shall not be a recognised allied and healthcare qualification for the purposes of this Act:

Provided further that where there is no State Council constituted by a State Government, the Commission shall give the previous permission for the purposes of this section.

(2) (a) Every person or allied and healthcare institution shall, for the purpose of obtaining permission under sub-section (1), submit to the State Council a scheme in accordance with the provisions of clause (b).

(b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed by the Central Government.

(3) On receipt of a scheme under sub-section (2), the State Council may obtain such other particulars as may be considered necessary by it from the person or the allied and healthcare institution concerned, and thereafter, it may,—

(a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or allied and healthcare institution concerned for making a written representation and it shall be open to such person or allied and healthcare institution to rectify the defects, if any, specified by the State Council;

(b) consider the scheme, having regard to the factors referred to in sub-section (5).

(4) The State Council may, after considering the scheme and after obtaining, where necessary, such other particulars under sub-section (2) as may be considered necessary by it from the person or allied and healthcare institution concerned, and having regard to the factors referred to in sub-section (5), either approve with such conditions, if any, as it may consider necessary or disapprove the scheme and any such approval shall constitute as a permission under sub-section (1):

Provided that no such scheme shall be disapproved by the State Council except after giving the person or allied and healthcare institution concerned a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person or allied and healthcare institution whose scheme has not been approved by the State Council to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme had been submitted for the first time under sub-section (2).

(5) The State Council shall, while passing an order under sub-section (4), have due regard to the following factors, namely:—

(a) whether the proposed allied and healthcare institution or the existing allied and healthcare institution seeking to open a new or higher course of study or training, would be in a position to offer the basic standards of education as specified by regulations;

(b) whether the person seeking to establish an allied and healthcare institution or the existing allied and healthcare institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources;

(c) whether necessary facilities in respect of staff, equipment, accommodation, training, hospital and other facilities to ensure proper functioning of the allied and healthcare institution or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided as may be specified in the scheme;

(d) whether adequate facilities, having regard to the number of students likely to attend such allied and healthcare institution or course of study or training or as a result of the increased admission capacity, have been provided or would be provided as may be specified in the scheme;

(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such allied and healthcare institution or the course of study or training by the persons having the recognised allied and healthcare qualifications;

(f) the requirement of manpower in the allied and healthcare institution; and

(g) any other factors as may be specified by regulation.

(6) Where the State Council passes an order under sub-section (4), a copy of the order shall be communicated to the person or allied and healthcare institution as the case may be.

Explanation.—For the purposes of this section,—

(a) "person" includes any University, institution or a trust, but does not include the Central Government or State Government;

(b) "admission capacity", in relation to any course of study or training (including post-graduate course of study or training) in an allied and healthcare institution, means the maximum number of students as may be decided by the State Council from time to time for being admitted to such course of study or training.

41. (1) Any University or college or institution imparting education in any recognised category shall furnish information to the State Council regarding course of study, duration of course, scheme of assessment and examinations and other eligibility conditions in order to obtain the requisite qualifications as an allied and healthcare institution under this Act as the State Council may from time to time require.

Power to require information from allied and healthcare institutions.

(2) Any University or college or institution imparting education in any recognised category as on the date of commencement of this Act shall furnish to the State Council such information in such manner as may be specified by regulations.

42. (1) The State Council shall cause to verify the standards of any allied and healthcare institution where education in the recognised category is given, or to attend any examination held by any educational or research institution for the purpose of recognition of allied and healthcare qualifications by that allied and healthcare institution in such manner as may be specified by regulations.

Recognition of allied and healthcare qualifications by State Council.

(2) The verification made under sub-section (1) shall not interfere with the conduct of any training or examination, but shall be for the purpose of reporting to the State Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities for giving education in the recognised categories, as the case may be, or on the sufficiency of every examination which they attend.

(3) The State Council shall forward a copy of the report of verification of standards to the allied and healthcare institution concerned and a copy with remarks of the institution thereon to the Commission.

43. (1) On receipt of a report from the State Council, if the Commission is of the opinion that—

Withdrawal of recognition.

(a) the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by a University or any allied and healthcare institution do not conform to the standards specified by the Commission for the respective courses, as the case may be; or

(b) the standards and norms for infrastructure, faculty and quality of education in allied and healthcare institution as determined by the Commission for the respective courses, as the case may be, are not adhered to by any University or allied and healthcare institution, and such University or allied and healthcare institution has failed to take necessary corrective action to maintain specified minimum standards,

it may initiate action in accordance with the provisions of sub-section (2).

(2) After considering such representations, and on such enquiry as it may deem fit, the Commission may, within a period of ninety days from the date of receipt from the State Council under sub-section (1), by order, withdraw the recognition granted to the allied and healthcare institution:

Provided that before any order passed, the Commission shall afford, the allied and healthcare institution and the State Government within whose jurisdiction the allied and healthcare institution is situated an opportunity of being heard:

Provided further that the Commission shall, before taking any action for withdrawal of recognition granted to the allied and healthcare professionals qualification awarded by a University or allied and healthcare institution, impose fine in consultation with the concerned State Council.

(3) The Commission may, after making such further inquiry, if any, as it may think fit, by notification, direct that,—

(a) any allied and healthcare qualification shall be a recognised qualification under this Act only when granted before a specified date; or

(b) any allied and healthcare qualification if granted to students of a specified allied and healthcare institution shall be the recognised qualification only when granted before a specified date; or

(c) any qualification shall be the recognised qualification in relation to a specified allied and healthcare institution only when granted after a specified date.

44. The State Council may take such measures, including issuing warning, imposing fine, reducing intake or stoppage of admissions and recommending to the Commission for withdrawal of recognition, against an allied and healthcare institution for failure to maintain the minimum essential standards specified by the Commission under this Act.

Failure to maintain minimum essential standards by allied and healthcare institutions.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

45. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Commission grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants by Central Government.

46. (1) There shall be constituted a Fund to be called the National Allied and Healthcare Fund and there shall be credited thereto—

National Allied and Healthcare Fund.

(a) all Government grants, fees received by the Commission;

(b) all sums of money received by the Commission by way of grants, benefactions, bequests and transfers; and

(c) all sums of money received by the Commission in any other manner or from any other sources as may be prescribed by the Central Government.

(2) The fund referred to in sub-section (1) shall be applied for the expenses of the Commission incurred in discharge of its functions and purposes of this Act in such manner as may be prescribed by the Central Government.

47. (1) The Commission shall maintain appropriate accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in accordance with such general directions as may be issued and in such form as may be specified by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit of
Commission.

(2) The accounts of the Commission shall be audited annually by the Comptroller and Auditor-General of India or any person appointed by him in this behalf and any expenditure incurred by him or any person so appointed in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Commission shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books of account, connected vouchers and other documents and papers and to inspect the office of the Commission.

(4) The accounts of the Commission as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

48. The Commission shall prepare every year, in such form and within such time as may be prescribed by the Central Government an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Annual report
of
Commission.

49. The Commission shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Returns and
information.

50. The State Government may, after due appropriation made by State Legislature by law in this behalf, make to the State Council grants of such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

Grants by
State
Government.

51. (1) There shall be constituted a Fund to be called the State Allied and Healthcare Council Fund and there shall be credited thereto—

State Allied
and
Healthcare
Council Fund.

(a) all sums of money received from the State Government;

(b) all sums of money received by the State Council by way of grants, fees, benefactions, bequests and transfers; and

(c) all sums of money received by the State Council in any other manner or from any other source as may be decided by the State Government.

(2) All receipts of the Commission and State Councils shall be routed through an online payment portal of the Commission and one-fourth of all the receipts shall be transferred to the National Allied and Healthcare Fund and three-fourth of all the receipts shall transfer to the relevant State Allied and Healthcare Council Fund through that portal.

(3) The fund referred to in sub-section (1) shall be applied for the expenses of the State Council incurred in discharge of its functions for the purposes of this Act in the manner as may be prescribed by the State Government.

52. (1) The State Council shall maintain appropriate accounts and other relevant records and prepare an annual statement of accounts including the balance sheet, in accordance with such general directions as may be issued and in such form as may be specified by the State Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit of State
Council.

(2) The accounts of the State Council shall be audited annually by the Comptroller and Auditor-General of India or any person appointed by him in this behalf and any expenditure incurred by him or any person so appointed in connection with such audit shall be payable by the State Council to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books of account, connected vouchers and other documents and papers and to inspect the office of the State Council.

(4) The accounts of the State Council as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government and that Government shall cause the same to be laid before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Annual report of State Council.

53. The State Council shall prepare every year, in such form and within such time as may be prescribed by the State Government an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the State Government and that Government shall cause the same to be laid before each House of the State Legislature, where it consists of two Houses, or where such Legislature consists of one House, before that House.

Authentication of orders, etc.

54. All orders and decisions of the Commission or the State Council, as the case may be, and the instruments issued by it shall be authenticated by the Secretary or any other officer authorised by the Chairperson in this behalf.

Practice by allied and healthcare professionals.

55. No allied and healthcare professional shall discharge any duty or perform any function not authorised by this Act or any treatment not authorised within the scope of practice of the profession.

CHAPTER VII

OFFENCES AND PENALTIES

Penalty for falsely claiming to be entered in Central Register and State Register.

56. If any person whose name is not for the time being entered in the Central Register or a State Register falsely represents that it is so entered or uses in connection with his name or title any words or letters to suggest that his name is so entered, he shall be punished on first conviction with fine which may extend to fifty thousand rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one lakh rupees or with both.

Misuse of titles.

57. If any person,—

(a) not being a person registered in the Central Register or a State Register, takes or uses the description of an allied and healthcare professional, or

(b) not possessing an allied and healthcare qualification under this Act, uses a degree or a diploma or a license or an abbreviation indicating or implying such qualification,

shall be punished on first conviction with fine which may extend to one lakh rupees, and on any subsequent conviction with imprisonment which may extend to one year or with fine not exceeding two lakh rupees or with both.

Failure to surrender certificate of registration.

58. If any person whose name has been removed from the Central Register or a State Register, he shall surrender forthwith his certificate of registration or certificate of renewal, as the case may be, or both, failing which he shall be punishable with fine which may extend to fifty thousand rupees and in case of a continuing offence with an additional fine which may extend to five thousand rupees per day after the first day during which the offence continues.

Penalty for contravention of provisions of Act.

59. Whoever contravenes any of the provisions of this Act or any rules or regulations made thereunder shall be punished with imprisonment which shall not be less than one year but which may extend to three years or with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees or with both.

60. (1) No court shall take cognizance of any offence punishable under this Act except upon a complaint made by the Central Government, the State Government, the Commission, or the State Council, as the case may be. Cognizance of offences.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

CHAPTER VIII

MISCELLANEOUS

61. No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any order made by the Commission or State Council relating to the removal of a name or the refusal to enter a name in the Central Register or State Register, as the case may be, under this Act. Bar of jurisdiction.

62. No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or against the Chairperson, Vice-Chairperson or any other Member of the Commission or any Member of the State Council or any member of the Professional Council or any member of the Autonomous Board, as the case may be, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder in the discharge of their official duties. Protection of action taken in good faith.

63. (1) The Central Government may, from time to time, issue such directions to the Commission, as in the opinion of Government are conducive for the fulfilment of the objects of this Act and in the discharge of its functions. Direction by Central Government.

(2) Any direction issued under sub-section (1) may include directions to the Commission to make any regulations or to amend or revoke any regulations already made.

64. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. Act to have overriding effect.

65. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act. Power of Central Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers under sub-section (1), such rules may provide for all or any of the following matters, namely:—

(a) the qualifications and experiences of the Part-time Member of the Commission under sub-clause (i) of clause (d) of sub-section (3) of section 3;

(b) the manner of selection of the Part-time Member of the Commission under sub-clause (ii) of clause (d) of sub-section (3) of section 3;

(c) the qualification, experience and manner of the selection of the Part-time Member of the Commission under sub-clause (iii) of clause (d) of sub-section (3) of section 3;

(d) the salaries, allowances and other conditions of service of the Chairperson and Vice-Chairperson of the Commission under sub-section (2) of section 4;

(e) the travelling and other allowances to the Part-time Member of the Commission under sub-section (3) of section 4;

(f) the rules of procedure with respect to the transaction of business at meetings of the Commission under sub-section (1) of section 7;

(g) the salaries, allowances and other conditions of service of the Secretary and other officers of the Commission under sub-section (2) of section 9;

(h) the qualifications and experiences of members of the Professional Council under sub-section (1) of section 10;

- (i) the form of application and the manner of entering the name of person in the Central Register under section 16;
- (j) the form, manner and fee of application for certificate of registration under sub-section (1) of section 17;
- (k) the form of certificate of registration under sub-section (2) of section 17;
- (l) the fees for and form of duplicate certificate under sub-section (3) of section 17;
- (m) the form, manner and fees of application for additional entry in the Central Register under sub-section (1) of section 18;
- (n) the qualifications, experiences and manner of appointment of members of Interim Commission under clause (k) of sub-section (2) of section 20;
- (o) the form, manner, particulars and fees of the scheme under clause (b) of sub-section (2) of section 40;
- (p) the manner of sums of money received by the Commission under clause (c) of sub-section (1) of section 46;
- (q) the manner of application of fund for expenses incurred in discharge of the functions of the Commission under sub-section (2) of section 46;
- (r) the form and time period for preparing annual report of the Commission under section 48; and
- (s) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

Power to
make
regulations.

66. (1) The Commission may, after public consultation and with the previous approval of the Central Government, make regulations generally to carry out the purposes of this Act.

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

- (a) the manner of providing basic standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education, maximum tuition fee payable in respect of various recognised categories, proportionate distribution of seats and promote innovations in recognised categories under clause (e) of sub-section (1) of section 11;
- (b) other particulars for allied and healthcare qualifications under clause (f) of sub-section (1) of section 11;
- (c) the manner of providing uniform examination with common counselling for admission under clause (g) of sub-section (1) of section 11;
- (d) the manner of providing for exit or licensing examination for allied and healthcare professionals and National Teachers Eligibility Test under clause (h) of sub-section (1) of section 11;
- (e) the manner of taking measures under clause (k) of sub-section (1) of section 11;
- (f) the manner of containing information including name of person and qualification relating to any of the respective recognised categories in the Central Register under sub-section (1) of section 13;
- (g) the manner of adopting standardised format for populating and maintaining the Central Register under sub-section (2) of section 13;
- (h) the manner of removal of name of a person from the Central Register under section 19;

(i) the number of members from each recognised category under sub-section (2) of section 29;

(j) other functions of the Under-graduate Allied and Healthcare Education or Post-graduate Allied and Healthcare Education or Allied and Healthcare Profession Assessment and Rating or Allied and Healthcare Professions Ethics and Registration under sub-section (6) of section 29;

(k) the manner of containing information including name of person and qualification relating to any of their respective recognised categories under sub-section (1) of section 32;

(l) the manner of containing details of academic qualification, institutions, training, skill and competencies of Allied and Healthcare Professionals related to their profession in the State Register under sub-section (2) of section 32;

(m) the form and manner of renewal of registration under sub-section (4) of section 33;

(n) the period for registration under sub-section (2) of section 36;

(o) the period and manner of registration of person who offers services in any of the recognised categories on or before the commencement of this Act under section 38;

(p) the recognition of corresponding allied and healthcare qualifications granted outside India under sub-section (1) of section 39;

(q) the manner of entitlement of registration of qualifications granted by institutions outside India under sub-section (2) of section 39;

(r) the basic standards of education for seeking to open a new or higher course of study or training under clause (a) of sub-section (5) of section 40;

(s) any other factors under clause (g) of sub-section (5) of section 40;

(t) the manner of furnishing information by the University or college or institution under sub-section (2) of section 41;

(u) the manner of verification of standards of education in allied and healthcare institutions by the State Council under sub-section (1) of section 42; and

(v) any matter for which provision may be made by the regulations under this Act.

67. Every rule made by the Central Government, and the regulations made by the Commission, under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulations, or both Houses agree that the rule or regulations should not be made, the rule or regulations shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulations.

Laying of rules and regulations.

68. (1) The State Government may, by notification, make rules to carry out the provisions of this Act.

Power of State Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers under sub-section (1), such rules may provide for the following matters, namely:—

(a) the qualifications and experiences of the member of the State Council under clause (e) of sub-section (3) of section 22;

(b) the qualifications and experiences of the member of the State Council under clause (f) of sub-section (3) of section 22;

(c) the travelling and other allowances for the Member of the State Council under sub-section (2) of section 23;

(d) the time, place and manner of rule of procedure in respect to transaction of business at meetings including quorum of the State Council under sub-section (1) of section 26;

(e) the salaries, allowances and other conditions of services of the Secretary, other officers and employees of the State Council under sub-section (2) of section 28;

(f) the fees for registration in the State Register under sub-section (1) of section 33;

(g) the form of certificate of registration under sub-section (3) of section 33;

(h) the fee and form of duplicate certificate under section 34;

(i) the fee and the manner of payment of such fee under sub-section (1) of section 35;

(j) the fee for restoration of name in the State Register under proviso to sub-section (2) of section 35;

(k) the fee for restoration of name in the State Register under section 37;

(l) the manner of application of fund for expenses incurred in discharge of the functions of the State Council under sub-section (3) of section 51;

(m) the form and time for preparing annual report under section 53; and

(n) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Power to
remove
difficulties.

69. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

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

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to
amend
Schedule.

70. (1) The Central Government may, after consultation with the Commission, by a notification, add to or otherwise amend the Schedule for the purposes of this Act and thereupon the said Schedule shall be deemed to be amended accordingly.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

THE SCHEDULE
[See section 2(r)]

Serial Number	Recognised Category	Allied and Healthcare Professional	ISCO Code
(1)	(2)	(3)	(4)
1.	Medical Laboratory and Life Sciences		
	<p style="text-align: center;">Life Science Professional</p> <p>Note: Life Science Professional is a person who has knowledge of application of research on human and other life forms, their interactions with each other and the environment, to develop new knowledge, and solve human health and environmental problems and who works in diverse fields such as bacteriology, biochemistry, genetics, immunology, pharmacology, toxicology and virology and who collect, analyse and evaluate the experimental and field data to identify and develop new processes and techniques among others.</p>	<p>(i) Biotechnologist</p> <p>(ii) Biochemist (non-clinical)</p> <p>(iii) Cell Geneticist</p> <p>(iv) Microbiologist (non-clinical)</p> <p>(v) Molecular Biologist (non-clinical)</p> <p>(vi) Molecular Geneticist</p>	2131
	<p style="text-align: center;">Medical Laboratory Sciences Professional</p> <p>Note: Medical and pathology laboratory professional is a person who performs clinical test on specimens of bodily fluids and tissues in order to get information about the health of a patient or cause of death and having formal training in medical laboratory technology or related field, which includes testing and operating equipment such as spectrophotometers, calorimeters and flame photometers for analysis of biological material including blood, urine and spinal fluid.</p>	<p>(i) Cytotechnologist</p> <p>(ii) Forensic Science Technologist</p> <p>(iii) Histotechnologist</p> <p>(iv) Hemato Technologist</p> <p>(v) Medical Lab Technologist</p>	3212
2.	Trauma, Burn Care and Surgical/ Anesthesia related technology		
	<p style="text-align: center;">Trauma and Burn Care Professional</p> <p>Note: Trauma and Burn Care Professional is a person who provides advisory, diagnostic, curative and preventive medical services more limited in scope and complexity than those carried out by a medical doctor including emergency and burn care technologist who work autonomously, or with limited supervision of medical doctors and apply advanced clinical procedures for treating and preventing injuries and other physical impairments.</p>	<p>(i) Advance Care Paramedic</p> <p>(ii) Burn Care Technologist</p> <p>(iii) Emergency Medical Technologist (Paramedic)</p>	2240 2240 3258
	<p style="text-align: center;">Surgical and Anaesthesia-related Technology Professional</p> <p>Note: Surgical and Anaesthesia-related Technology professional is a person who is a member of a multi-disciplinary team in the operation theatres, who prepares and maintains an operating theatre, assists the anaesthetist and surgical team during peri-operative period and provides support to patients in the recovery room and the main role includes the set up, check,</p>	<p>(i) Anaesthesia Assistants and Technologists</p> <p>(ii) Operation Theatre (OT) Technologists</p> <p>(iii) Endoscopy and Laparoscopy Technologists</p>	3259 3259 3259

(1)	(2)	(3)	(4)
	and maintains anaesthesia equipment, preparation of operation room and table, management of the central sterile services department functions, assistance in emergency situations and disaster preparedness and support of the surgeons and anaesthetists in any other related clinical area.		
3.	<p>Physiotherapy Professional</p> <p>Note: Physiotherapy Professional is a person who practices physiotherapy by undertaking comprehensive examination and appropriate investigation, provides treatment and advice to any persons preparatory to or for the purpose of or in connection with movement or functional dysfunction, malfunction, disorder, disability, healing and pain from trauma and disease, using physical modalities including exercise, mobilization, manipulations, electrical and thermal agents and other electro therapeutics for prevention, screening, diagnosis, treatment, health promotion and fitness. The physiotherapist can practice independently or as a part of a multi-disciplinary team and has a minimum qualification of a baccalaureate degree.</p>	Physiotherapist	2264
4.	<p>Nutrition Science Professional</p> <p>Note: Nutrition Science Professional is a person who follows a scientific process to assess, plan and implement programmes to enhance the impact of food and nutrition on health, promote good health, prevent and treat disease to optimize the health of individuals, groups, communities and populations as well as on human health with training in food and nutritional science, nutrition, dietetics.</p>	<p>(i) Dietician (including Clinical Dietician, Food Service Dietician)</p> <p>(ii) Nutritionist (including Public Health Nutritionist, Sports Nutritionist)</p>	<p>2265</p> <p>2265</p>
5.	<p>Ophthalmic Sciences Professional</p> <p>Note: Ophthalmic Sciences Professional is a person who studies eye, related ailments and specialises in the management of disorders of eye and visual system, limited in scope and complexity as performed by a medical doctor having Optometrists with a minimum of four years of baccalaureate degree and Ophthalmic Assistants/Vision Technician with a minimum of two years recognised diploma programme.</p>	<p>(i) Optometrist</p> <p>(ii) Ophthalmic Assistant</p> <p>(iii) Vision Technician</p>	<p>2267</p> <p>3256</p> <p>3256</p>
6.	<p>Occupational Therapy Professional</p> <p>Note: Occupational Therapy Professional is a person who delivers client-centred services concerned with promoting health and well-being through occupation to enable people to participate in the activities of everyday life, which includes professionals such as Occupational Therapists who achieve this outcome by working with people and communities to enhance their ability to engage</p>	Occupational Therapist	2269

(1)	(2)	(3)	(4)
	in the occupations they are expected to do, or by modifying the occupation or the environment to better support their occupational engagement. The Occupational Therapist can practice independently or as a part of a multi-disciplinary team and has a minimum qualification of a baccalaureate degree.		
7.	Community Care, Behavioural Health Sciences and other Professionals		
	Community Care	(i) Environment Protection Officer	2133
	Note: Primary and Community Care Professional is a person who provides health education, referral and follow up, case management, and basic preventive healthcare and home visiting services to specific communities at field level and provides support and assistance to individuals and families in navigating the health and social services system and establish a referral network.	(ii) Ecologist	2133
		(iii) Community Health promoters	3253
		(iv) Occupational Health and Safety Officer (Inspector)	3257
	Behavioural Health Sciences Professional	(i) Psychologist	2634
	Note: Behavioural Health Sciences Professional is a person who undertakes scientific study of the emotions, behaviours and biology relating to a person's mental well-being, their ability to function in everyday life and their concept of self. "Behavioural health" is the preferred term to "mental health" and includes professionals such as counsellors, analysts, psychologists, educators and support workers, who provide counselling, therapy and mediation services to individuals, families, groups and communities in response to social and personal difficulties.	(i) Psychologist <i>(Except Clinical Psychologist covered under RCI for PWD)</i>	2634
		(ii) Behavioural Analyst	2635
		(iii) Integrated Behaviour Health Counsellor	2635
		(iv) Health Educator and Counsellors including Disease Counsellors, Diabetes Educators, Lactation Consultants	2635
		(v) Social workers including Clinical Social Worker, Psychiatric Social Worker, Medical Social Worker	2635
		(vi) Human Immunodeficiency Virus (HIV) Counsellors or Family Planning Counsellors	3259
		(vii) Mental Health Support Workers	3259
	Other Care Professionals	(i) Podiatrist	2269
		(ii) Palliative Care Professionals	3259
		(iii) Movement Therapist (including Art, Dance and Movement Therapist or Recreational Therapist)	2269
8.	Medical Radiology, Imaging and Therapeutic Technology Professional	(i) Medical Physicist	2111
	Note: Medical Imaging and Therapeutic Equipment Technology Professionals include persons who tests and operate radiographic, ultrasound and other medical imaging equipment to produce images of body structures for the diagnosis and treatment of injury, disease and other impairments or administers radiation treatments and monitor patients' conditions with training in medical technology, radiology,	(ii) Nuclear Medicine Technologist	3211
		(iii) Radiology and Imaging Technologist [Diagnostic Medical Radiographer, Magnetic Resonance Imaging (MRI), Computed Tomography (CT), Mammographer, Diagnostic Medical Sonographers]	3211

(1)	(2)	(3)	(4)
	sonography, mammography, nuclear medical technology, Magnetic Resource Imaging, Dosimetry or radiotherapy, under the supervision of a radiologist or other medical professional.	(iv) Radiotherapy Technologist (v) Dosimetrist	3211 3211
9.	Medical Technologists and Physician Associate		
	Biomedical and Medical Equipment Technology Professional	(i) Biomedical Engineer (ii) Medical Equipment Technologist	2149 3211
	Physician Associate or Physician Assistant	Physician Associates	3256
	Note: Physician Associate or Physician Assistant is a person who performs basic clinical and administrative tasks to support patient care and is trained in a medical model such that he is qualified and competent to perform preventive, diagnostic and therapeutic services with physician supervision.		
	Cardio-vascular, Neuroscience and Pulmonary Technology Professional	(i) Cardiovascular Technologists (ii) Perfusionist (iii) Respiratory Technologist (iv) Electrocardiogram (ECG) Technologist or Echocardiogram (ECHO) Technologist (v) Electroencephalogram (EEG) or Electro-neurodiagnostic (END) or Electromyography (EMG) Technologists or Neuro Lab Technologists or Sleep Lab Technologists	3259 3259 3259 3259
	Note: Cardio-vascular, Neuroscience and Pulmonary Technology Professionals include those persons who have studied and have thorough understanding of respiratory, neurological and circulatory system and also the ability to operate complex equipment related therein and includes professionals such as Perfusionist, Cardiovascular technologist, respiratory technologist and Sleep Lab Technologists.		
	Renal Technology Professional	Dialysis Therapy Technologists or Urology Technologists	3259
	Note: Renal Technology Professional is a person who deals with dialysis therapy process and technology to ensure an effective dialysis therapy to the patient and includes professionals such as Dialysis Therapy Technologists having baccalaureate degree who operate and maintain an artificial kidney machine, following approved methods.		
10.	Health Information Management and Health Informatic Professional	(i) Health Information Management Professional (Including Medical Records Analyst) (ii) Health Information Management Technologist	3252 3252
	Note: Health and Information Management Professional is a person who develops, implements and assesses the health record processing, storage and retrieval systems in medical facilities and other health care settings to meet the legal, professional, ethical and		

administrative records-keeping requirements of health services delivery and processes, maintains, compiles and reports patient information for health requirements and standards in a manner consistent with the healthcare industry's numerical coding system.	(iii) Clinical Coder	3252
	(iv) Medical Secretary and Medical Transcriptionist	3344

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1875]
No. 1875]

नई दिल्ली, मंगलवार, मई 25, 2021/ज्येष्ठ 4, 1943
NEW DELHI, TUESDAY, MAY 25, 2021/JYAISHTHA 4, 1943

स्वास्थ्य और परिवार कल्याण मंत्रालय

अधिसूचना

नई दिल्ली, 25 मई, 2021

का.आ. 2012(अ).—केंद्रीय सरकार राष्ट्रीय सहबद्ध और स्वास्थ्य देख-रेख वृत्ति आयोग अधिनियम, 2021 (2021 का 14) की धारा 1की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 25 मई, 2021 को उस दिनांक के रूप में नियत करती है जिससे उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. जेड-28016/01/2020-एएचएस]

निपुण विनायक, संयुक्त सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE
NOTIFICATION

New Delhi, the 25th May, 2021

S.O. 2012(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the National Commission for Allied and Healthcare Professions Act, 2021 (14 of 2021), the Central Government, hereby appoints the 25th May, 2021, as the date on which the provisions of the said Act shall come into force.

[F. No. Z-28016/01/2020-AHS]

NIPUN VINAYAK, Jt. Secy.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 17] नई दिल्ली, रविवार, मार्च 28, 2021/चैत्र 7, 1943 (शक)
No. 17] NEW DELHI, SUNDAY, MARCH 28, 2021/CHAITRA 7, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 28th March, 2021/Chaitra 7, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 28th March, 2021, and is hereby published for general information:—

THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) ACT, 2021

No. 15 OF 2021

[28th March, 2021.]

An Act further to amend the Government of National Capital Territory of Delhi Act, 1991.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Government of National Capital Territory of Delhi (Amendment) Act, 2021. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

1 of 1992.

2. In section 21 of the Government of National Capital Territory of Delhi Act, 1991 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:— Amendment of section 21.

'(3) The expression "Government" referred to in any law to be made by the Legislative Assembly shall mean the Lieutenant Governor.'

Amendment
of section 24.

3. In section 24 of the principal Act, in the second proviso,—

(i) in clause (c), for the word and figures "section 43.", the words and figures "section 43; or" shall be substituted;

(ii) after clause (c), the following clause shall be inserted, namely:—

"(d) incidentally covers any of the matters which falls outside the purview of the powers conferred on the Legislative Assembly."

Amendment
of section 33.

4. In section 33 of the principal Act, in sub-section (1),—

(a) after the words "conduct of its business", the words "which shall not be inconsistent with the Rules of Procedure and Conduct of Business in House of the People" shall be inserted;

(b) in the proviso, for the words "Provided that", the following shall be substituted, namely:—

"Provided that the Legislative Assembly shall not make any rule to enable itself or its Committees to consider the matters of day-to-day administration of the Capital or conduct inquiries in relation to the administrative decisions, and any of the rule made in contravention of this proviso, before the commencement of the Government of National Capital Territory of Delhi (Amendment) Act, 2021, shall be void:

Provided further that".

Amendment
of section 44.

5. In section 44 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that before taking any executive action in pursuance of the decision of the Council of Ministers or a Minister, to exercise powers of Government, State Government, Appropriate Government, Lieutenant Governor, Administrator or Chief Commissioner, as the case may be, under any law in force in the Capital, the opinion of Lieutenant Governor in term of proviso to clause (4) of article 239AA of the Constitution shall be obtained on all such matters as may be specified, by a general or special order, by Lieutenant Governor."

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1582]

नई दिल्ली, मंगलवार, अप्रैल 27, 2021/वैशाख 7, 1943

No. 1582]

NEW DELHI, TUESDAY, APRIL 27, 2021/VAISAKHA 7, 1943

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 27 अप्रैल, 2021

का.आ. 1705(अ).—केंद्रीय सरकार, दिल्ली राष्ट्रीय राजधानी राज्यक्षेत्र शासन (संशोधन) अधिनियम, 2021 (2021 का 15), की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 27 अप्रैल, 2021 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. 13028/10/2019-दिल्ली-I]

गोविंद मोहन, अपर सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 27th April, 2021

S.O. 1705(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Government of National Capital Territory of Delhi (Amendment) Act, 2021 (15 of 2021), the Central Government hereby appoints the 27th day of April, 2021, as the date on which the provisions of the said Act shall come into force.

[F. No.13028/10/2019-Delhi-I]

GOVIND MOHAN, Addl. Secy.

2416 GI/2021



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 18] नई दिल्ली, रविवार, मार्च 28, 2021/चैत्र 7, 1943 (शक)
No. 18] NEW DELHI, SUNDAY, MARCH 28, 2021/CHAITRA 7, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 28th March, 2021/Chaitra 7, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 28th March, 2021, and is hereby published for general information:—

THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) AMENDMENT ACT, 2021

No. 16 OF 2021

[28th March, 2021.]

An Act further to amend the Mines and Minerals (Development and Regulation) Act, 1957.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Mines and Minerals (Development and Regulation) Amendment Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

67 of 1957.

2. Throughout the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the principal Act),—

Substitution of references to certain expressions by certain other expressions.

(i) for the words “reconnaissance permit, prospecting license or mining lease” wherever they occur, the words “mineral concession” shall be substituted;

(ii) for the words “prospecting licence-cum-mining lease”, wherever they occur [other than in clause (a) of section 3], the words “composite licence” shall be substituted.

Amendment
of section 3.

3. In section 3 of the principal Act,—

(i) for clauses (a) and (aa), the following clauses shall be substituted, namely:—

‘(a) “composite licence” means the prospecting licence-cum-mining lease which is a two stage concession granted for the purpose of undertaking prospecting operations followed by mining operations in a seamless manner;

(aa) “dispatch” means the removal of minerals or mineral products from the leased area and includes the consumption of minerals and mineral products within such leased area;

(ab) “Government company” shall have the same meaning as assigned to it in clause (45) of section 2 of the Companies Act, 2013;

18 of 2013.

(ac) “leased area” means the area specified in the mining lease within which the mining operations can be undertaken and includes the non-mineralised area required and approved for the activities falling under the definition of “mine” as referred to in clause (i);

(ad) “minerals” includes all minerals except mineral oils;

(ae) “mineral concession” means either a reconnaissance permit, prospecting licence, mining lease, composite licence or a combination of any of these and the expression “concession” shall be construed accordingly;’;

(ii) after clause (f), the following clause shall be inserted, namely:—

‘(fa) “production” or any derivative of the word “production” means the winning or raising of mineral within the leased area for the purpose of processing or dispatch;’;

(iii) clause (ga) shall be omitted;

(iv) after clause (hb), the following clause shall be inserted, namely:—

‘(hba) “Schedule” means the Schedules appended to the Act;’;

(v) in clause (i),—

(i) for the words and figures, “the Mines Act, 1952”, the words and figures “the Occupational Safety, Health and Working Conditions Code, 2020” shall be substituted;

35 of 1952.
37 of 2020.

(ii) the following *Explanation* shall be inserted, namely:—

“*Explanation.*—For the purposes of this clause,—

(i) a mine continues to be a mine till exhaustion of its mineable mineral reserve and a mine may have different owners during different times from the grant of first mining lease till exhaustion of such mineable mineral reserve;

(ii) the expression “mineral reserve” means the economically mineable part of a measured and indicated mineral resource.”.

Amendment
of section 4.

4. In section 4 of the principal Act, in sub-section (I), in the second proviso, for the words “such entity that may be notified for this purpose by the Central Government”, the words “other entities including private entities that may be notified for this purpose, subject to such conditions as may be specified by the Central Government” shall be substituted.

Amendment
of section 4A.

5. In section 4A of the principal Act, in sub-section (4),—

(i) for the words “mining operations” wherever they occur, the words “production and dispatch” shall be substituted;

(ii) for the first, second, third and fourth provisos, the following provisos shall be substituted, namely:—

“Provided that the State Government may, on an application made by the holder of such lease before it lapses and on being satisfied that it shall not be possible for the holder of the lease to undertake production and dispatch or to continue such production and dispatch for reasons beyond his control, make an order, within a period of three months from the date of receipt of such application, to extend the period of two years by a further period not exceeding one year and such extension shall not be granted for more than once during the entire period of lease:

Provided further that such lease shall lapse on failure to undertake production and dispatch or having commenced the production and dispatch fails to continue the same before the end of such extended period.”.

6. In section 5 of the principal Act, in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:— Amendment of section 5.

“Provided also that the composite licence or mining lease shall not be granted for an area to any person other than the Government, Government company or corporation, in respect of any minerals specified in Part B of the First Schedule where the grade of such mineral in such area is equal to or above such threshold value as may be notified by the Central Government.”.

7. In section 8 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:— Amendment of section 8.

“(4) Notwithstanding anything contained in this section, in case of Government companies or corporations, the period of mining leases including the existing mining leases, shall be such as may be prescribed by the Central Government:

Provided that the period of mining leases, other than the mining leases granted through auction, shall be extended on payment of such additional amount as specified in the Fifth Schedule:

Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein in the said Schedule with effect from such date as may be specified in the said notification.

(5) Any lessee may, where coal or lignite is used for captive purpose, sell such coal or lignite up to fifty per cent. of the total coal or lignite produced in a year after meeting the requirement of the end use plant linked with the mine in such manner as may be prescribed by the Central Government and on payment of such additional amount as specified in the Sixth Schedule:

Provided that the Central Government may, by notification in the Official Gazette and for the reasons to be recorded in writing, increase the said percentage of coal or lignite that may be sold by a Government company or corporation:

Provided further that the sale of coal shall not be allowed from the coal mines allotted to a company or corporation that has been awarded a power project on the basis of competitive bid for tariff (including Ultra Mega Power Projects):

Provided also that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Sixth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification.”.

Amendment
of section 8A.

8. In section 8A of the principal Act,—

(a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7A) Any lessee may, where mineral is used for captive purpose, sell mineral up to fifty per cent. of the total mineral produced in a year after meeting the requirement of the end use plant linked with the mine in such manner as may be prescribed by the Central Government and on payment of such additional amount as specified in the Sixth Schedule:

Provided that the Central Government may, by notification in the Official Gazette and for the reasons to be recorded in writing, increase the said percentage of mineral that may be sold by a Government company or corporation:

Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Sixth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification.”;

(b) in sub-section (8), the following provisos shall be inserted, namely:—

“Provided that the period of mining leases, other than the mining leases granted through auction, shall be extended on payment of such additional amount as specified in the Fifth Schedule:

Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification.

Explanation.—For the removal of doubts, it is hereby clarified that all such Government companies or corporations whose mining lease has been extended after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall also pay such additional amount as specified in the Fifth Schedule for the mineral produced after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021.”.

10 of 2015.

Substitution of
new section for
section 8B.

9. For section 8B of the principal Act, the following section shall be substituted, namely:—

Provisions for
period and
transfer of
statutory
clearances.

“8B. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, all valid rights, approvals, clearances, licences and the like granted to a lessee in respect of a mine (other than those granted under the provisions of the Atomic Energy Act, 1962 and the rules made thereunder) shall continue to be valid even after expiry or termination of lease and such rights, approvals, clearances, licences and the like shall be transferred to, and vested; subject to the conditions provided under such laws; in the successful bidder of the mining lease selected through auction under this Act:

33 of 1962.

Provided that where on the expiry of such lease period, mining lease has not been executed pursuant to an auction under provisions of sub-section (4) of section 8A, or lease executed pursuant to such auction has been terminated within a period of one year from such auction, the State Government may, with the previous approval of the Central Government, grant lease to a Government company or corporation for a period not exceeding ten years or till selection of new lessee through auction, whichever is earlier and such Government company or corporation shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee:

Provided further that the provisions of sub-section (1) of section 6 shall not apply where such mining lease is granted to a Government company or corporation under the first proviso:

Provided also that in case of atomic minerals having grade equal to or above the threshold value, all valid rights, approvals, clearances, licences and the like in respect of expired or terminated mining leases shall be deemed to have been transferred to, and vested in the Government company or corporation that has been subsequently granted the mining lease for the said mine.

(2) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land till expiry or termination of mining lease granted to it, in which mining operations were being carried out by the previous lessee.”.

10. In section 9B of the principal Act,—

Amendment
of section 9B.

(i) after sub-section (3), the following proviso shall be inserted, namely:—

“Provided that the Central Government may give directions regarding composition and utilisation of fund by the District Mineral Foundation.”;

(ii) in sub-section (5), after the words and figures, “Amendment Act, 2015”, the words, brackets, figures and letter “”, other than those covered under the provisions of sub-section (2) of section 10A” shall be inserted;

(iii) in sub-section (6), after the words and figures, “Amendment Act, 2015”, the words, brackets, figures and letter “and those covered under the provisions of sub-section (2) of section 10A” shall be inserted.

11. In section 9C of the principal Act,—

Amendment
of section 9C.

(i) in sub-section (1), for the words “non-profit body”, the words “non-profit autonomous body” shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The entities specified and notified under sub-section (1) of section 4 shall be eligible for funding under the National Mineral Exploration Trust.”.

12. In section 10 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment
of section 10.

“(4) Notwithstanding anything contained in this section, no person shall be eligible to make an application under this section unless—

(a) he has been selected in accordance with the procedure specified under sections 10B, 11, 11A or the rules made under section 11B;

(b) he has been selected under the Coal Mines (Special) Provisions Act, 2015; or

(c) an area has been reserved in his favour under section 17A.”.

13. In section 10A of the principal Act, in sub-section (2),—

Amendment of
section 10A.

(i) in clause (b), the following provisos shall be inserted, namely:—

“Provided that for the cases covered under this clause including the pending cases, the right to obtain a prospecting licence followed by a mining lease or a mining lease, as the case may be, shall lapse on the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021:

Provided further that the holder of a reconnaissance permit or prospecting licence whose rights lapsed under the first proviso, shall be reimbursed the

expenditure incurred towards reconnaissance or prospecting operations in such manner as may be prescribed by the Central Government.”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(d) in cases where right to obtain licence or lease has lapsed under, clauses (b) and (c), such areas shall be put up for auction as per the provisions of this Act:

Provided that in respect of the minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than the threshold value, the mineral concession for such areas shall be granted in accordance with the rules made under section 11B.”.

Amendment of section 10B.

14. In section 10B of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The provisions of this section shall not apply to the,—

(a) cases falling under section 17A;

(b) minerals specified in Part A of the First Schedule;

(c) minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than such threshold value as may be notified by the Central Government from time to time; or

(d) land in respect of which the minerals do not vest in the Government.”;

(ii) in sub-section (3), the following proviso shall be inserted, namely:—

“Provided that where the State Government has not notified such area for grant of mining lease after establishment of existence of mineral contents of any mineral (whether notified mineral or otherwise), the Central Government may require the State Government to notify such area within a period to be fixed in consultation with the State Government and in cases where the notification is not issued within such period, the Central Government may notify such area for grant of mining lease after the expiry of the period so specified.”;

(iii) in sub-section (4), the following provisos shall be inserted, namely:—

“Provided that—

(a) where the State Government has not successfully completed auction for the purpose of granting a mining lease in respect of any mineral (whether notified mineral or otherwise) in such notified area; or

(b) upon completion of such auction, the mining lease or letter of intent for grant of mining lease has been terminated or lapsed for any reason whatsoever,

the Central Government may require the State Government to conduct and complete the auction or re-auction process, as the case may be, within a period to be fixed in consultation with the State Government and in cases where such auction or re-auction process is not completed within such period, the Central Government may conduct auction for grant of mining lease for such area after the expiry of the period so specified:

Provided further that upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant mining lease for such area to such preferred bidder in such manner as may be prescribed by the Central Government.”;

(iv) in sub-section (6), for the proviso, the following proviso shall be substituted, namely:—

“Provided that no mine shall be reserved for captive purpose in the auction.”.

15. Section 10C of the principal Act shall be omitted.

Omission of section 10C.

16. In section 11 of the principal Act,—

Amendment of section 11.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The provisions of this section shall not apply to the,—

(a) cases falling under section 17A;

(b) minerals specified in Part A of the First Schedule;

(c) minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than such threshold value as may be notified by the Central Government from time to time; or

(d) land in respect of which the minerals do not vest in the Government.”;

(ii) in sub-section (4), the following proviso shall be inserted, namely:—

“Provided that where the State Government has not notified such area for grant of composite licence of any mineral (whether notified mineral or otherwise), the Central Government may require the State Government to notify such area within a period to be fixed in consultation with the State Government and in cases where the notification is not issued within such period, the Central Government may notify such area for grant of composite licence after the expiry of the period so specified.”;

(iii) in sub-section (5), the following provisos shall be inserted, namely:—

“Provided that—

(a) where the State Government has not successfully completed auction for the purpose of granting a composite licence in respect of any mineral (whether notified mineral or otherwise) in such notified area; or

(b) upon completion of such auction, the composite licence or letter of intent for grant of composite licence has been terminated or lapsed for any reason whatsoever,

the Central Government may require the State Government to conduct and complete the auction or re-auction process, as the case may be, within a period to be fixed in consultation with the State Government and in cases where such auction or re-auction process is not completed within such period, the Central Government may conduct auction for grant of composite licence for such area after the expiry of the period so specified:

Provided further that upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant composite licence for such area to such preferred bidder in such manner as may be prescribed by the Central Government.”;

(iv) for sub-section (10), the following sub-section shall be substituted, namely:—

“(10) On completion of the prospecting operations, the holder of the composite licence shall submit the result of the prospecting operations in the form of a geological report to the State Government specifying the area required

for mining lease and the State Government shall grant mining lease for such area, to the holder of the composite licence in such manner as may be prescribed by the Central Government.”.

Amendment
of section
12A.

17. In section 12A of the principal Act,—

(i) in sub-section (2),—

(a) for the words, figures and letter, “section 10B or section 11”, the words “this Act” shall be substituted;

(b) the following proviso shall be inserted, namely:—

“Provided that the transferee of mining lease shall not be required to pay the amount or transfer charges referred to in sub-section (6), as it stood prior to the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, after such commencement but no refund shall be made of the charges already paid.”;

(ii) sub-section (6) shall be omitted.

Amendment
of section 13.

18. In section 13 of the principal Act,—

(a) in sub-section (1), for the words “reconnaissance permits, prospecting licences and mining leases”, the words “mineral concession” shall be substituted;

(b) in sub-section (2),—

(i) the clauses (q q h) and (q q k) shall be omitted;

(ii) for clause (r), the following clauses shall be substituted, namely:—

“(r) the period of mining lease under sub-section (4) of section 8;

(s) the manner of sale of mineral by the holder of a mining lease under sub-section (5) of section 8;

(t) the manner of sale of mineral under sub-section (7A) of section 8A;

(u) the manner for reimbursement of expenditure towards reconnaissance permits or prospecting operations under the second proviso to clause (b) of sub-section (2) of section 10A;

(v) the manner of granting mining lease to the preferred bidder under the second proviso to sub-section (4) of section 10B;

(w) the manner of granting composite licence to the preferred bidder under the second proviso to sub-section (5) of section 11;

(x) the manner of granting mining lease by the State Government to the holder of the composite licence under sub-section (10) of section 11;

(y) any other matter which is to be, or may be prescribed, under this Act.”.

Amendment of
section 17A.

19. In section 17A of the principal Act,—

(a) for sub-section (2A), the following shall be substituted, namely:—

“(2A) Where in exercise of the powers conferred by sub-section (1A) or sub-section (2), the Central Government or the State Government, as the case may be, reserves any area for undertaking prospecting or mining operations or prospecting operations followed by mining operations, the State Government shall grant prospecting licence, mining lease or composite licence, as the case may be, in respect of such area to such Government company or corporation within the period specified in this section:

Provided that in respect of any mineral specified in Part B of the First Schedule, the State Government shall grant the prospecting licence, mining lease or composite licence, as the case may be, only after obtaining the previous approval of the Central Government.”;

(b) in sub-section (2C),—

(i) for the words, “may be prescribed by the Central Government.”, the words “specified in the Fifth Schedule” shall be substituted;

(ii) the following shall be inserted, namely:—

“Provided that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein in the said Schedule with effect from such date as may be specified in the said notification.

Explanation.—For the removal of doubts, it is hereby clarified that all such Government companies or corporations whose mining lease has been granted after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall also pay such additional amount as specified in the Fifth Schedule for the mineral produced after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021.”

10 of 2015.

(c) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) The reservation made under this section shall lapse in case no mining lease is granted within a period of five years from the date of such reservation:

Provided that where the period of five years from the date of reservation has expired before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021 or expires within a period of one year from the date of commencement of the said Act, the reservation shall lapse in case no mining lease is granted within a period of one year from the date of commencement of the said Act:

Provided further that the State Government may, on an application made by such Government company or corporation or on its own motion, and on being satisfied that it shall not be possible to grant the mining lease within the said period, make an order with reasons in writing, within a period of three months from the date of receipt of such application, to relax such period by a further period not exceeding one year:

Provided also that where the Government company or corporation in whose favour an area has been reserved under this section before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, has commenced production from the reserved area without execution of mining lease, such Government company or corporation shall be deemed to have become lessee of the State Government from the date of commencement of mining operations and such deemed lease shall lapse upon execution of the mining lease in accordance with this sub-section or expiry of period of one year from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, whichever is earlier.

10 of 2015.

(5) The termination or lapse of mining lease shall result in the lapse of the reservation under this section.”.

Amendment
of section 21.

20. In section 21 of the principal Act, after sub-section (6), the following *Explanation* shall be inserted, namely:—

Explanation.—On and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, the expression “raising, transporting or causing to raise or transport any mineral without any lawful authority” occurring in this section, shall mean raising, transporting or causing to raise or transport any mineral by a person without prospecting licence, mining lease or composite licence or in contravention of the rules made under section 23C.’

Amendment
of Schedules.

21. After the Fourth Schedule to the principal Act, the following Schedules shall be inserted, namely:—

“THE FIFTH SCHEDULE

[See sections 8(4), 8A(8) and 17A(2C)]

S.No.	Mineral	Additional amount on grant or extension of mining lease
1.	Iron ore and chromite	Equivalent to one hundred and fifty per cent. of the royalty payable
2.	Copper	Equivalent to fifty per cent. of the royalty payable
3.	Coal and lignite	Equivalent to the royalty payable
4.	Other minerals (other than coal and lignite)	Equivalent to the royalty payable

Explanation.—For the purposes of this Schedule, the additional amount shall be in addition to royalty or payment to the District Mineral Foundation and National Mineral Exploration Trust or any other statutory payment.

THE SIXTH SCHEDULE

[See sections 8(5) and 8A(7A)]

(i) For non-auctioned captive mines (other than coal and lignite):

S.No.	Mineral	Additional Amount
1.	Bauxite	
	(i) Metallurgical Grade	Equivalent to one hundred and fifty per cent. of the royalty payable
	(ii) Non-Metallurgical Grade	Equivalent to the royalty payable
2.	Chromite	
	(i) Up to forty per cent. of Cr ₂ O ₃	Equivalent to the royalty payable
	(ii) forty per cent. and more of Cr ₂ O ₃ and concentrates	Equivalent to two hundred per cent. of the royalty payable
3.	Iron ore	
	(i) Lumps, ROM and concentrates	Equivalent to two hundred and fifty per cent. of the royalty payable
	(ii) Fines	Equivalent to one hundred and fifty per cent. of the royalty payable
4.	Limestone	
	(i) L.D. Grade (less than 1.5 per cent. silica content)	Equivalent to two hundred per cent. of the royalty payable
	(ii) Other grades	Equivalent to the royalty payable

5.	Manganese	
	(i) Less than thirty-five per cent. of manganese content	Equivalent to the royalty payable
	(ii) Thirty-five per cent. and above of manganese content	Equivalent to five hundred per cent. of the royalty payable
6.	Other minerals	Equivalent to the royalty payable

(ii) For auctioned captive mines (other than coal and lignite):

S.No.	Quantity of sale	Additional Amount
1.	Sale of mineral up to twenty-five per cent. of annual production	<i>Nil</i>
2.	Sale of mineral more than twenty-five per cent. and up to fifty per cent. of annual production	Equivalent to fifty per cent. of the royalty payable

(iii) For coal and lignite:

S.No.	Type of mine	Additional Amount
1.	(i) Captive coal and lignite mines, auctioned for power sector through reverse bidding under the Coal Mines (Special Provisions) Act, 2015 (11 of 2015)	Equivalent to two hundred per cent. of the royalty payable
	(ii) Captive coal and lignite mines allocated through allotment route [other than mines covered under item no. (iv)]	Equivalent to the royalty payable
	(iii) Captive coal and lignite mines allocated through auction route [other than mines covered under item nos. (i) and (iv)]	Equivalent to the royalty payable
	(iv) For captive coal and lignite mines that were auctioned and allotted with condition allowing sale of coal up to twenty-five per cent. of annual production—	
	(a) for sale of coal up to twenty-five per cent. of annual production	Additional amount payable as per the condition mentioned in the tender document or allotment document
	(b) for sale of coal more than twenty-five per cent. and up to fifty per cent. of annual production	Fifty per cent. of the royalty payable

Explanation.—For the purposes of this Schedule, it is hereby clarified that—

(i) the additional amount shall be in addition to royalty or payment to the District Mineral Foundation and National Mineral Exploration Trust or any other statutory payment or payment specified in the tender document or the auction premium (wherever applicable).

(ii) *Ad valorem* royalty for the purpose of calculating the additional amount for coal and lignite shall be based on National Coal Index and Representative Price of coal excluding the taxes, levies and other charges.”

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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नई दिल्ली, रविवार, मार्च 28, 2021/चैत्र 7, 1943

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NEW DELHI, SUNDAY, MARCH 28, 2021/CHAITRA 7, 1943

खान मंत्रालय

अधिसूचना

नई दिल्ली, 28 मार्च, 2021

का.आ. 1401(अ).—केन्द्रीय सरकार, खान और खनिज (विकास और विनियमन) संशोधन अधिनियम, 2021 (2021 का 16) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 28 मार्च, 2021 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम की धारा 3 के खंड (v) के उपखंड (i) के सिवाय, उक्त अधिनियम के सभी उपबंध लागू होंगे।

[फा. सं. 1/5/2020-M.VI]

डॉ. वीणा कुमारी डरमल, संयुक्त सचिव

MINISTRY OF MINES

NOTIFICATION

New Delhi, the 28th March, 2021

S.O. 1401(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Mines and Minerals (Development and Regulation) Amendment Act, 2021 (16 of 2021), the Central Government hereby appoints the 28th day of March, 2021 as the date on which all the provisions of the said Act, except sub-clause (i) of clause (v) of section 3 of the said Act, shall come into force.

[F. No. 1/ 5/2020-M.VI]

Dr. VEENA KUMARI DERMAL, Jt. Secy.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-28032021-226210
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 19]

नई दिल्ली, रविवार, मार्च 28, 2021/चैत्र 7, 1943 (शक)

No. 19]

NEW DELHI, SUNDAY, MARCH 28, 2021/CHAITRA 7, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 28th March, 2021/Chaitra 7, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 28th March, 2021, and is hereby published for general information:—

THE NATIONAL BANK FOR FINANCING INFRASTRUCTURE AND DEVELOPMENT ACT, 2021

No. 17 OF 2021

[28th March, 2021.]

An Act to establish the National Bank for Financing Infrastructure and Development to support the development of long term non-recourse infrastructure financing in India including development of the bonds and derivatives markets necessary for infrastructure financing and to carry on the business of financing infrastructure and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Bank for Financing Infrastructure and Development Act, 2021.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

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

(a) "Audit Committee" means the Audit Committee of the Board constituted under sub-section (1) of section 15;

(b) "Board" means the Board of Directors constituted under section 6;

(c) "Bureau" means a body which the Central Government may notify, for the purpose of recommending candidates for appointment of Managing Director and Deputy Managing Directors under sub-section (1) of section 6 and for removal of a director under clause (ii) of sub-section (1) of section 11;

(d) "Chairperson" means the Chairperson of the Board appointed under clause (a) of sub-section (1) of section 6;

(e) "committee" means a committee of the Board constituted under section 15;

(f) "Deputy Managing Director" means the Deputy Managing Director appointed under clause (c) of sub-section (1) of section 6;

(g) "director" includes a Chairperson, Managing Director, Deputy Managing Directors and other directors of the Board appointed or nominated under section 6;

(h) "Executive Committee" means the Executive Committee of the Board constituted under sub-section (2) of section 15;

(i) "financial institution" shall have the meaning assigned to it in clause (m) of sub-section (1) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

54 of 2002.

(j) "independent director" means the independent director of the Board appointed under clause (f) of sub-section (1) of section 6;

(k) "infrastructure" means the sectors covered in the list of infrastructure sector notified by the Central Government from time to time;

(l) "Institution" means the National Bank for Financing Infrastructure and Development established under section 3;

(m) "insurer" shall have the meaning assigned to it in sub-section (9) of section 2 of the Insurance Act, 1938;

4 of 1938.

(n) "Managing Director" means the director appointed under clause (b) of sub-section (1) of section 6;

(o) "Nomination and Remuneration Committee" means the Nomination and Remuneration Committee of the Board constituted under sub-section (1) of section 15;

(p) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(q) "pension fund" shall have the meaning assigned to it in clause (l) of sub-section (1) of section 2 of the Pension Fund Regulatory and Development Authority Act, 2013;

23 of 2013.

(r) "prescribed" means prescribed by rules made under this Act by the Central Government;

(s) "regulations" means regulations made by the Board under this Act and includes the regulations made by the Reserve Bank under section 29;

2 of 1934. (t) "Reserve Bank" means the Reserve Bank of India established under the Reserve Bank of India Act, 1934;

(u) "Risk Management Committee" means the Risk Management Committee of the Board constituted under sub-section (1) of section 15;

(v) "Schedule" means a Schedule appended to this Act.

9 of 1872. (2) Words and expressions used but not defined in this Act but defined in the Indian Contract Act, 1872, the Indian Partnership Act, 1932, the Securities Contracts (Regulation) Act, 1956, the Securities and Exchange Board of India Act, 1992, the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, the Limited Liability Partnership Act, 2008 and the Companies Act, 2013, shall have the meanings respectively assigned to them in those Acts.
9 of 1932.
42 of 1956.
15 of 1992.
51 of 1993.
6 of 2009.
18 of 2013.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF INSTITUTION

3. (1) There shall be established, for the purposes of this Act, an Institution to be called the National Bank for Financing Infrastructure and Development as a development financial institution. Establishment and incorporation of Institution.

(2) The Institution shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The head office of the Institution shall be in Mumbai.

(4) The Institution may establish offices, branches or agencies at any place within or outside India.

4. (1) The Institution shall have developmental and financial objectives as set out in sub-sections (2) and (3). Purposes and objectives of Institution.

(2) The developmental objective of the Institution shall be to co-ordinate with the Central and State Governments, regulators, financial institutions, institutional investors and such other relevant stakeholders, in India or outside India, to facilitate building and improving the relevant institutions to support the development of long term non-recourse infrastructure financing in India including the domestic bonds and derivatives markets.

(3) The financial objective of the Institution shall be to lend or invest, directly or indirectly, and seek to attract investment from private sector investors and institutional investors, in infrastructure projects located in India, or partly in India and partly outside India, with a view to foster sustainable economic development in India.

5. (1) The authorised share capital of the Institution shall be one hundred thousand crore rupees divided into ten thousand crores of fully paid-up shares of ten rupees each: Authorised share capital.

Provided that the Board may increase or reduce the nominal or face value of the shares, and divide the authorised capital into such denomination as it may decide:

Provided further that the Board may, in consultation with the Central Government, increase or reduce the authorised capital subject to the shares in all cases being fully paid-up shares.

(2) The issued share capital of the Institution shall, on such date as may be notified by the Central Government, stand allotted to the Central Government.

(3) Shares of the Institution may be held by the Central Government, multilateral institutions, sovereign wealth funds, pension funds, insurers, financial institutions, banks,

and any such institution as may be prescribed:

Provided that the Central Government shall hold at least twenty-six per cent. of the shares of the Institution at all times.

(4) The Board may, with the prior approval of the Central Government, reduce its share capital, including by way of buy-back of shares.

CHAPTER III

BOARD OF DIRECTORS AND MANAGEMENT

Board of
Directors.

6. (1) The Board of Directors of the Institution shall consist of the following, namely:—

(a) a Chairperson, to be appointed by the Central Government in consultation with the Reserve Bank;

(b) a Managing Director, to be appointed by the Board, on the recommendations of the Bureau and subject to such procedure and clearances from such agencies, as may be determined by the Central Government;

(c) not more than three Deputy Managing Directors, each of whom shall be appointed by the Board, on the recommendations of the Bureau and subject to such procedure and clearances from such agencies, as may be determined by the Central Government;

(d) two directors, to be nominated by the Central Government, who shall be the officials of the Central Government;

(e) such number of directors not exceeding three, elected by shareholders in such manner as may be prescribed, such that a shareholder, other than the Central Government, holding ten per cent. or more of the total issued equity share capital may nominate one director;

(f) such number of independent directors not exceeding three or one-third of the total number of directors on the Board, whichever is higher, to be appointed by the Board on the recommendations of the Nomination and Remuneration Committee:

Provided that if the percentage of holding of issued equity share capital with the shareholders does not permit election of three directors or until the assumption of charge by the directors elected by the shareholders, the Board may at any time co-opt such number of independent directors, not exceeding three, to be appointed by the Board on the recommendations of the Nomination and Remuneration Committee, who shall hold office until the assumption of charge by the directors elected by the shareholders and an equal number of such co-opted independent directors shall retire in the order of co-option:

Provided further that at least one of the directors specified in clause (e) or in clause (f) shall be a woman.

(2) The Managing Director and Deputy Managing Directors shall be whole-time directors of the Board.

(3) No person who is a salaried officer or other employee of the Institution shall be appointed as a director of the Board except to the post of a Managing Director or a Deputy Managing Director.

(4) The Chairperson shall preside over the meetings of the Board.

(5) The terms and conditions of induction of independent directors to the Board under clause (f) of sub-section (1) shall be such as may be prescribed.

(6) The directors appointed under clauses (d) and (f) of sub-section (1) shall be deemed to be independent directors under the Companies Act, 2013, for the purpose of immunities available to independent directors. 18 of 2013.

7. (1) The general superintendence, direction and management of the affairs and business of the Institution shall vest in the Board which shall exercise all powers and do all acts and things which may be exercised or be done by the Institution.

Management.

(2) Subject to the provisions of this Act, the Board in discharging its functions shall act on business principles.

8. The Board may, by general or special order, delegate to any director or committee constituted under this Act or to any officer or other employee of the Institution, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

Delegation of powers.

9. (1) The Chairperson, Managing Director, Deputy Managing Directors and other directors of the Board other than the directors nominated by the Central Government under clause (d) of sub-section (1) of section 6, shall hold office for such term, not exceeding five years, and shall be eligible for re-appointment subject to an overall term not exceeding ten years:

Term of office and other terms and conditions of service of Chairperson and other directors of Board.

Provided that the Managing Director and Deputy Managing Directors shall not hold office as such after they have attained the age of sixty-five years and sixty-two years, respectively.

(2) Notwithstanding anything contained in sub-section (1), the Chairperson and directors nominated or appointed under sub-section (1) of section 6 shall hold office during the pleasure of the authority nominating or appointing them.

(3) The Chairperson and directors nominated by the Central Government or shareholders and independent directors shall receive such fees and reimbursements as may be prescribed:

Provided that any fees and reimbursements payable under this sub-section shall not be linked with the profits of the Institution.

(4) The salaries and allowances payable to the Managing Director and Deputy Managing Directors shall be specified by regulations on the recommendations of the Nomination and Remuneration Committee guided by market standards.

(5) The term of office and other terms and conditions of service of, the Chairperson, Managing Director, Deputy Managing Directors and other directors of the Board other than the directors nominated by the Central Government under clause (d) of sub-section (1) of section 6, shall be such as may be prescribed.

(6) Notwithstanding anything contained in this Act, no fees shall be payable to any director who is an officer of the Central Government.

10. (1) The Central Government may remove from office any director who—

Disqualification and removal of directors from office.

(a) is, or at any time has been, adjudged as insolvent; or

(b) has become physically or mentally incapable of acting as a director; or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a director; or

(e) has, in the opinion of the Central Government, so abused his position as to render his continuance in office detrimental to the public interest; or

(f) has, for any reason, been removed or dismissed from the service of—

(i) the Government; or

(ii) any bank including the Reserve Bank or the State Bank of India; or

(iii) any public financial institution or State financial corporation; or

(iv) any other corporation owned or controlled by the Government.

(2) No such director shall be removed under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

(3) Any director who is elected or nominated as a Member of Parliament or of any State legislature, shall cease to be a director from the date of such election or nomination, as the case may be.

(4) The disqualifications or removal under this section shall not take effect—

(a) for thirty days from the date of the adjudication, sentence or order; or

(b) where any appeal or petition is preferred within thirty days against the adjudication, sentence or conviction resulting in the sentence or order, until the expiry of seven days from the date on which such appeal or petition is disposed of.

11. (1) Notwithstanding anything contained in section 10,—

(i) the Central Government may, after consulting the Reserve Bank, remove from office the Chairperson and appoint in his place another person to fill the vacancy;

(ii) the Board may, after consulting the Bureau, remove from office any director appointed under clause (b) or clause (c) or clause (f) of sub-section (1) of section 6 and appoint in his place another person to fill the vacancy;

(iii) the shareholders, other than the Central Government, may, by a resolution passed by majority, of the votes of such shareholders holding in the aggregate not less than one-half of the share capital held by all such shareholders, remove any director elected under clause (e) of sub-section (1) of section 6 and elect in his place another person to fill the vacancy:

Provided that no person shall be removed from office under this sub-section unless such person has been given an opportunity of showing cause against such removal.

(2) Notwithstanding anything contained in sub-section (1), the Central Government shall, in consultation with the Reserve Bank, have the right to terminate the term of office of the Chairperson, Managing Director, Deputy Managing Directors or directors, as the case may be, at any time before the expiry of the term prescribed under sub-section (5) of section 9, by giving notice of not less than three months in writing or three months' salary and allowances in lieu of such notice.

12. (1) If a director—

(a) becomes subject to any of the disqualifications mentioned in section 10 or is removed under section 11; or

(b) is absent without leave of the Board for three or more consecutive meetings thereof,

his seat shall thereupon become vacant.

(2) Any director may resign his office by giving notice thereof in writing to the Board and on such resignation being accepted by the Board, or, if such resignation is not accepted sooner, on the expiry of three months from the receipt thereof by the Board, such director shall be deemed to have vacated his office.

Removal of
Chairperson
and other
directors in
certain cases.

Vacation and
resignation of
office by
directors.

Meetings of
Board.

13. (1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be specified by regulations.

(2) A meeting of the Board shall be held at least once in every calendar quarter and at least four such meetings shall be held every year.

(3) The Chairperson of the Board, or, if for any reason he is unable to attend any meeting, the Managing Director, or, in the event of both the Chairperson and the Managing Director being unable to attend a meeting, any other director nominated by the Chairperson in this behalf and in the absence of such nomination, any director elected by the directors present from among themselves at the meeting, shall preside at the meeting of the Board.

(4) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the directors present and voting, and in the event of an equality of votes, the Chairperson, or, in his absence, the person presiding, shall have a second or casting vote.

(5) Save as provided in sub-section (4), every director shall have one vote.

14. (1) No act or proceeding of the Board or of any of its committee shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board or the committee, as the case may be.

Defects in appointment not to invalidate acts, etc.

(2) No act done by any person acting in good faith as a director of the Board or as a member of its committee shall become invalid merely on the ground that he was disqualified to be a director or that there was any other defect in his appointment.

15. (1) The Board shall constitute a Nomination and Remuneration Committee, a Risk Management Committee and an Audit Committee, each consisting of a minimum of three directors with independent directors forming a majority.

Committees of Board.

(2) The Board shall constitute an Executive Committee consisting of such number of directors as it may consider necessary.

(3) The Chairperson of the Institution shall not be a member of the Executive Committee and after the first year not be Chairperson of Audit Committee or the Nomination and Remuneration Committee.

(4) The Board may constitute such other committees as it may deem fit.

(5) The Executive Committee or any other committees constituted under this section shall meet at such times and places, observe such rules of procedure in regard to transaction of business at its meetings and shall perform such functions, as may be specified by regulations.

16. (1) Every director shall at the first meeting of the Board in which he participates as a director and thereafter at the first meeting of the Board in every financial year, or whenever there is any change in the disclosures already made, then at the first Board meeting held after such change, disclose his concern or interest in any body corporate, which shall include shareholding, in such manner as may be prescribed.

Disclosure of interest by members of Board or of committees.

(2) Every director who is in any way, whether directly or indirectly, concerned or interested in a contract or arrangement or proposed contract or arrangement entered into or to be entered into by the Institution—

(a) with a body corporate in which such director or such director in association with any other director, holds more than two per cent. shareholding of that body corporate, or is a promoter, manager, chief executive officer or trustee of that body corporate; or

(b) with a firm or other entity in which such director is a partner, owner or member, as the case may be,

shall not participate in any meeting of the Board or of its committee in which such contract or arrangement is deliberated upon, or in any other deliberations or discussions regarding such contract or arrangement, and shall, in the case of such deliberations in a meeting of the Board or its committee, disclose the nature of his concern or interest to the Board or the committee, as the case may be:

Provided that where any director who is not so concerned or interested at the time of entering into such contract or arrangement, shall, if he becomes concerned or interested after the contract or arrangement is entered into, disclose his concern or interest forthwith when he becomes concerned or interested, or at the first meeting of the Board held after he becomes so concerned or interested.

(3) A contract or arrangement entered into by the Institution without disclosure under sub-section (2) or with participation by a director who is concerned or interested in any way, whether directly or indirectly, in such contract or arrangement, shall be voidable at the option of the Institution.

(4) Such employees as the Board may specify as constituting the senior management of the Institution shall make disclosures to the Board relating to all material, financial and commercial transactions, in which they have personal interest that may have a potential conflict with the interest of the Institution, and the Board shall formulate a policy on such transactions, including any materiality threshold therefor, and shall review such policy at least once every three years.

Explanation.—For the purposes of this sub-section, conflict of interest relates to dealing in the shares of the Institution or any of its subsidiaries or associate companies, commercial dealings with bodies in which the senior management individual or his relatives have shareholding, etc.

(5) If an individual who is a director contravenes the provisions of sub-section (1) or sub-section (2), or an employee referred to in sub-section (4) contravenes such provisions, such an individual or employee shall be liable to pay penalty of a sum of up to one lakh rupees.

(6) Without prejudice to anything contained in sub-section (5), it shall be open to the Institution to proceed against a director or any other employee who had entered into such contract or arrangement in contravention of the provisions of this section for recovery of any loss sustained by it as a result of such contract or arrangement.

Explanation.—For the purposes of this section and section 19, the expression "body corporate" shall include a company, a body corporate as defined in clause (11) of section 2 of the Companies Act, 2013, a firm, a financial institution or a scheduled bank or a public sector enterprise established or constituted by or under any Central Act or State Act, and any other incorporated association of persons or body of individuals.

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CHAPTER IV

ACTIVITIES OF INSTITUTION

Functions and powers of Institution.

17. (1) The Institution shall perform the following functions and exercise the following powers, namely:—

(i) form subsidiaries or joint ventures or branches, in India or outside India, for carrying out its functions; and enter into any arrangement with such subsidiary company or joint venture or branch including for financing any such subsidiary company or joint venture or branch or guaranteeing any of their liabilities or make any other arrangement which may seem desirable to the Board;

(ii) co-ordinate its operations and the operations of various institutions engaged in the field of infrastructure finance and maintain expert staff to study problems relating to infrastructure finance and be available for consultation to the Central Government, the Reserve Bank and the other institutions engaged in the field of infrastructure finance;

(iii) set up trusts under the Indian Trusts Act, 1882 for establishment of funds for such nature as would assist in financing of infrastructure projects located in India, or partly in India and partly outside India, including real estate investment trusts and infrastructure investment trusts;

2 of 1882.

(iv) support the development of a deep and liquid market for bonds, loans and derivatives for infrastructure financing including facilitating electronic and negotiated markets infrastructure, investor protection, adjudication infrastructure, etc.;

(v) lend and invest in infrastructure projects located in India, or partly in India and partly outside India, including by underwriting credit, securitisation of its receivables, including by way of any pass through certificate or direct assignment, transfer or novation, or by means of innovative financial tools including transactions secured by receivables from project;

(vi) extend loans and advances to any company or statutory corporation or trust or any financial institution funding infrastructure, for the purposes of providing financial assistance for infrastructure projects located in India, or partly in India and partly outside India;

(vii) take over or refinance existing loans extended by a lender for infrastructure projects located in India, or partly in India and partly outside India;

(viii) transfer loans and advances granted by it, with or without the securities, to trusts, for consideration;

(ix) set aside loans or advances held by the Institution and issue and sell securities based upon such loans or advances so set aside in the form of debt obligations, trust certificates of beneficial interest or other instruments, by whatever name called, and act as a trustee for the holders of such securities;

(x) assign securities issued to the Institution;

(xi) subscribe to or purchase, underwrite, acquire, hold or sell stocks, shares, bonds, debenture stocks, debt securities, obligations and securities, commercial papers, certificates of deposit or debentures issued or guaranteed by any company or trust or registered society or co-operative society or association or the Central Government or any State Government or any financial institution funding infrastructure, to facilitate financing of infrastructure projects in India, or partly in India and partly outside India, or to facilitate deepening of bond market for infrastructure financing;

(xii) borrow or raise money by way of loans or otherwise both in rupees and foreign currencies or secure the payment of money by the issue and sale of debentures, debenture stocks, bonds, obligations, mortgages and securities of all kinds, either perpetual or terminable and either redeemable or otherwise and charge or secure the same by trust deed, or otherwise on the undertaking of the Institution including its authorised or issued capital, or upon any specific property and rights, present or future, of the Institution or otherwise, howsoever;

(xiii) borrow money from the Central Government, scheduled banks, financial institutions, mutual funds, any class of persons, and from any other institution or authority or organisation notified by the Central Government, on such terms and conditions as may be agreed upon and accept short term loans only for managing asset liability mismatches and not for any other business purpose;

(xiv) buy or sell, or enter into such other dealings in foreign exchange as may be necessary for the discharge of its functions;

(xv) issue participation certificates or debt securities, and promote and facilitate securitisation of loan portfolio of companies and other entities engaged in the development and financing of infrastructure and create and develop a secondary market for the securitised receivables including by way of acting as an intermediary;

(xvi) lend money with or without security and make advances upon, hold in trust, issue, buy, sell or otherwise acquire or dispose of on commission or otherwise any of the securities or investments or act as an agent for any of the like purpose;

(xvii) lend to or invest in or acquire professional or technical services of companies operating in the infrastructure domain across the life cycle of projects;

(xviii) act as an intermediary in respect of transactions or services relating to debt securities issued by infrastructure companies and financial institutions for financing infrastructure projects located in India, or partly in India and partly outside India, including by way of extension of credit enhancement facilities;

(xix) take an active role in negotiations and discussions with various Government authorities and stakeholders for effective dispute resolution in the field of infrastructure financing;

(xx) apply for, receive, accept, administer and manage grants, aids, subsidies, funds or donations, etc., from national and international sources including World Bank, New Development Bank, Japan International Cooperation Agency, United States Agency for International Development, Kreditanstalt für Wiederaufbau, European Investment Bank, Asian Development Bank, International Finance Corporation and other organisations and agencies, and organise and facilitate foreign participation in infrastructure development projects;

(xxi) issue guarantee, letters of comfort, or letters of credit for loans or credit arrangements made, or, debentures or bonds issued, by any financial institution funding infrastructure projects in India, or partly in India and partly outside India;

(xxii) borrow money from the Reserve Bank repayable on demand or on the expiry of fixed periods not exceeding ninety days from the date on which the money is so borrowed against the security of stocks, funds or securities (other than immovable property) in which a trustee is authorised to invest trust money by any law for the time being in force in India;

(xxiii) borrow money from the Reserve Bank against bills of exchange or promissory notes arising out of *bona fide* commercial or trade transactions maturing within five years from the date of the borrowing;

(xxiv) convert any debt it has extended to a borrower into equity; and

(xxv) any other kind of business or undertake any other kind of activity which the Central Government in consultation with the Reserve Bank may authorise.

(2) In furtherance of sub-section (1), the Institution, either by itself or through its subsidiaries or joint ventures or in association with others, may carry out the following functions, namely:—

(a) organise and facilitate participation from the Central Government, public sector, private sector and institutional investors from India or overseas in infrastructure development projects located in India, or partly in India and partly outside India;

(b) provide facilities for training, for dissemination of information and the promotion of research including the undertaking of studies, researches, techno-economic and other surveys in the field of infrastructure development and it may for the said purposes make loans or advances or grants including grants by way of provision for fellowships and chairs to any institution;

(c) provide technical, legal, marketing and administrative assistance to any person engaged in infrastructure development activities;

(d) provide consultancy services in the field of infrastructure development, project structuring, capital structuring or operations subsequent to commissioning and other related matters in or outside India;

(e) act as trustees of any deeds constituting or securing any debentures, debenture stocks, or other securities or obligation and undertake and execute any

other trusts, and also undertake the office of or exercise the powers of executor, administrator, receiver, treasurer, custodian and trust corporation;

(f) acquire an undertaking including the business, assets and liabilities of any institution the principal object of which is the promotion or development of infrastructure financing for projects located in India, or partly in India and partly outside India;

(g) act as a financial intermediary for the purpose of promotion, financing and development of infrastructure projects and facilities located in India, or partly in India and partly outside India, through developing and disseminating appropriate financial instruments, negotiating loans and advances of all nature, and formulating schemes for mobilisation of resources;

(h) structure proposals and negotiate agreements, with the proponents of infrastructure projects and with investors in infrastructure projects located in India, or partly in India and partly outside India;

(i) open any account in any bank in or outside India or make any agency arrangement with, or act as an agent or correspondent of, any bank or other institution in or outside India; and

(j) do such other acts and things as may be incidental to, or consequential upon, the exercise of its powers or the discharge of its duties under this Act or any other law for the time being in force, including sale or transfer of any of its assets.

(3) The Central Government may, on a request being made to it by the Institution, guarantee the bonds, debentures and loans issued by the Institution as to the repayment of principal and the payment of interest at such rate, terms and conditions as may be agreed by the Central Government.

18. (1) The Institution shall not make any loan or advance on the security of its own bonds or debentures. Prohibited business.

(2) The Institution shall not make loans or advances to any person or body of persons of which any of the directors of the Institution is a proprietor, partner, director, employee or guarantor, or in which one or more directors of the Institution hold substantial interest.

(3) Sub-section (2) shall not apply to any borrower if any director of the Institution is nominated by the Institution or the Central Government as director on the Board of such borrower or is elected on the Board of such borrower by virtue of shares held in the borrower by the Institution.

Explanation.— For the purpose of this section, "substantial interest" in relation to a borrower, means the beneficial interest held by one or more of the directors of the Institution or by any relative of such director as defined in clause (77) of section 2 of the Companies Act, 2013 whether singly or taken together, in the shares of the borrower, and the aggregate amount paid-up on which either exceeds fifty lakhs rupees or two per cent. of the paid-up share capital of the borrower, whichever is lesser or such other threshold as may be prescribed.

18 of 2013.

19. (1) Except with the consent of the Board and subject to such conditions as may be prescribed, the Institution shall not enter into any contract or arrangement with a related party with respect to— Related party transactions.

(a) sale, purchase or supply of any goods or materials;

(b) selling or otherwise disposing of, or buying, property of any kind;

(c) leasing of property of any kind;

(d) availing or rendering of any services;

(e) appointment of any agent for purchase or sale of goods, materials, services or property;

(f) such related party's appointment to any office or place of profit in the Institution, its subsidiaries or joint ventures or associate companies;

(g) underwriting the subscription of any securities, or derivatives thereof, of the Institution:

Provided that no contract or arrangement involving transactions exceeding such sums as may be specified by regulations, shall be entered into except with the prior approval in the general meeting of the shareholders:

Provided further that no shareholder shall vote in such general meeting to approve any contract or arrangement which may be entered into by the Institution, if such shareholder is a related party:

Provided also that nothing in this sub-section shall apply to any transactions entered into by the Institution in its ordinary course of business, other than transactions which are not on an arm's length basis:

Provided also that the requirement of approval under the first proviso shall not be applicable for transactions entered into between the Institution and its wholly owned subsidiary, if any, whose financial statements are consolidated with the Institution and placed before the shareholders at the general meeting for adoption.

Explanation.—In this sub-section,—

(a) the expression "office or place of profit" means any office or place—

(i) where such office or place is held by a director, if the director holding it receives from the Institution anything by way of remuneration over and above the remuneration to which he is entitled as director, by way of salary, fee, commission, perquisites, any rent-free accommodation, or otherwise;

(ii) where such office or place is held by an individual other than a director or by any firm, private company or other body corporate, if the individual, firm, private company or body corporate holding it receives from the Institution anything by way of remuneration, salary, fee, commission, perquisites, any rent-free accommodation, or otherwise;

(b) the expression "arm's length transaction" means a transaction between two related parties that is conducted as if they were unrelated, so that there is no conflict of interest.

(2) Every contract or arrangement entered into under sub-section (1) shall be referred to in a report made by the Board to the shareholders, along with the justification for entering into such contract or arrangement.

(3) Where any contract or arrangement is entered into by a director or any employee, without obtaining the consent of the Board or approval by a resolution in the general meeting of the shareholders under sub-section (1) and if it is not ratified by the Board or, as the case may be, by the shareholders at a meeting within three months from the date on which such contract or arrangement was entered into, such contract or arrangement shall be voidable at the option of the Board or, as the case may be, of the shareholders and if the contract or arrangement is with a related party to any director, or is authorised by any other director, the directors concerned shall indemnify the Institution against any loss incurred by it.

(4) Without prejudice to anything contained in sub-section (3), it shall be open to the Institution to proceed against a director or any other employee who had entered into such contract or arrangement in contravention of the provisions of this section for recovery of any loss sustained by it as a result of such contract or arrangement.

(5) Any director or employee of the Institution who had entered into or authorised a contract or arrangement in violation of the provisions of this section, shall be liable to pay penalty of a sum of up to twenty-five lakh rupees.

20. (1) The performance of the Institution shall, once in every five years, be reviewed by an external agency to be appointed by the Central Government. Performance review of Institution.

(2) The external agency shall review the performance of the Institution for the last five years with respect to the purpose and objectives of the Institution as set out in section 4 and shall take into account such key performance indicators as may be prescribed.

(3) The external agency shall submit a report of its findings to the Board which shall forward a copy thereof along with action taken, if any, pursuant to such report to the Central Government within a period of three months from the date of receipt of the report.

CHAPTER V

GOVERNMENT GRANTS, GUARANTEES AND OTHER CONCESSIONS

21. (1) The Central Government may support the Institution through grants or contribution, as and when necessary, in the form of cash or marketable Government securities. Grants and contribution.

(2) Without prejudice to the generality of the foregoing, the Central Government shall, by the end of the first financial year from the establishment of Institution, grant or contribute an amount of five thousand crore rupees to the Institution in the form of cash or marketable Government securities.

22. The Government shall prescribe a concessional rate of fees, not exceeding 0.1 per cent. at which Government guarantee may be extended to the Institution for borrowings from multilateral institutions, sovereign wealth funds, and such other foreign institutions as may be prescribed. Concessional rate of Government guarantee.

23. Hedging costs in connection with any borrowing of foreign currency by the Institution for the purposes of granting loans and advances or its repayment, to insulate the Institution from any fluctuations in the rates of exchange, may be reimbursed by the Central Government in part or in full. Hedging costs.

CHAPTER VI

ACCOUNTS, AUDIT AND REPORT

24. (1) The Institution shall establish a reserve fund to which may be transferred such sums as the Board may deem fit out of the annual profits accruing to the Institution: Disposal of profits accruing to Institution, to reserve fund.

Provided that the sums to be transferred under this sub-section shall not be less than twenty per cent. of the annual profits accruing to the Institution.

(2) After making provisions for bad and doubtful debts, depreciation of assets and for all other matters for which provision is necessary or expedient or which is usually provided for by bankers and for the reserve fund referred to in sub-section (1), and after transferring a part of the profit to such other reserves or funds as may be considered appropriate, the Board may out of its net profits propose a dividend.

25. (1) The balance-sheet and accounts of the Institution shall be prepared in such form and manner as may be prescribed. Preparation of balance-sheet and accounts.

(2) The Board shall cause the books and accounts of the Institution to be closed and balanced as on the 31st day of March each year or such other date as the Board may determine.

26. (1) The accounts of the Institution shall be audited by auditors duly qualified to act as auditors under sub-section (1) of section 141 of the Companies Act, 2013, who shall be appointed by the Institution in general meeting of the shareholders out of the panel of Audit.

auditors approved by the Reserve Bank for such term and on such remuneration as the Reserve Bank may fix.

(2) The auditors shall be supplied with a copy of the annual balance-sheet of the Institution and it shall be their duty to examine it together with the accounts and vouchers relating thereto and they shall have a list delivered to them of all books kept by the Institution and shall at all reasonable times have access to the books, accounts, vouchers and other documents of the Institution.

(3) The auditors may, in relation to such accounts, examine any director or any officer or other employee of the Institution and shall be entitled to require from the Board or officers or other employees of the Institution such information and explanation as they may think necessary for the performance of their duties.

(4) The auditors shall make a report to the Institution upon the annual balance-sheet and accounts examined by them and in every such report they shall state whether in their opinion the balance-sheet is a full and fair balance-sheet containing all necessary particulars and properly drawn up so as to exhibit a true and fair view of the state of affairs of the Institution and in case they had called for any explanation or information from the Board or any officer or other employee of the Institution, whether it has been given and whether it is satisfactory.

(5) The Institution shall furnish to the Central Government and the Reserve Bank within four months from the date on which its accounts are closed and balanced, a copy of its balance-sheet and accounts together with a copy of the auditor's report and a report of the working of the Institution during the relevant year, and the Central Government shall, as soon as may be after they are received by it, cause the same to be laid before each House of Parliament.

Returns and report.

27. The Institution shall furnish, from time to time, to the Central Government and to the Reserve Bank, such returns as the Central Government or the Reserve Bank may require.

CHAPTER VII

MISCELLANEOUS

Receivables to be held in trust.

28. (1) Any sums received by a financial institution for refinancing from the Institution shall, to the extent of the accommodation granted by the Institution and remaining outstanding, be deemed to have been received by the financial institution in trust for the Institution and shall accordingly be paid by such financial institution to the Institution.

(2) Where any accommodation has been granted by the Institution to a financial institution, all securities held, or which may be held, by such financial institution on account of any transaction in respect of which such accommodation has been granted, shall be held by such financial institution in trust for the Institution.

Setting up of other development financial institution.

29. (1) Any person who intends to set up a development financial institution, in addition to the Institution established under this Act, shall make an application to the Reserve Bank for licence.

(2) The Reserve Bank may in consultation with the Central Government, grant licence subject to such criteria, terms and conditions as may be specified by the Reserve Bank by regulations.

(3) Any institution to which licence is granted under sub-section (2) shall be subject to the provisions of the Reserve Bank of India Act, 1934 or the Banking Regulation Act, 1949, as the case may be.

(4) The regulations made by the Reserve Bank shall apply to the Institution established under this Act to such extent as are not inconsistent with the provisions of this Act.

2 of 1934.
10 of 1949.

30. (1) The Institution may appoint such number of officers and other employees as it considers necessary or desirable for the efficient performance of its functions and determine the terms and conditions of their appointment of service. Officers and employees.

(2) The duties and conduct, terms and other conditions of service including their salaries and allowances and the establishment and maintenance of provident fund or any other fund for the benefit of the officers and other employees of the Institution appointed under sub-section (1) shall be such as may be specified by regulations:

Provided that the salaries and allowances payable to the officers and employees shall be determined by the Nomination and Remuneration Committee guided by the market standards.

(3) The Institution may depute any officer or any member of its staff for such period and on such terms and conditions as it may determine, to any other institution including an infrastructure finance or development institution.

(4) The Institution may receive or take on deputation any officer or other employee from any institution including an infrastructure finance or development institution, for such period and on such terms and conditions as may be specified by regulations.

(5) Nothing contained in this section shall empower the Institution to depute any officer or member of its staff to any institution on any salary, emoluments or other terms and conditions which is or are less favourable to him than that or those to which he is entitled to immediately before such deputation.

31. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act. Power of Central Government to make rules.

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

(a) institutions that may hold shares of the Institution under sub-section (3) of section 5;

(b) the manner of election of directors by shareholders under clause (e) of sub-section (1) of section 6;

(c) the terms and conditions of induction of independent directors to the Board under sub-section (5) of section 6;

(d) the fees and reimbursements in respect of independent directors under sub-section (3), and the term of office and other terms and conditions of service of, the Chairperson, Managing Director, Deputy Managing Directors and other directors of Board under sub-section (5), of section 9;

(e) manner of disclosure of interest by members of Board and of committees under sub-section (1) of section 16;

(f) the threshold for determination of beneficial interest by directors of the Institution or any relative of such director under the *Explanation* to sub-section (3) of section 18;

(g) conditions subject to which the Institution may enter into a contract or an arrangement under sub-section (1) of section 19;

(h) the parameters on the basis of which the external agency shall review the performance of the Institution under sub-section (2) of section 20;

(i) the rate of fees for Government under section 22;

(j) the form and manner in which the balance-sheet and accounts of the Institution shall be prepared under sub-section (1) of section 25;

(k) any other matter which is to be, or may be, prescribed.

Power of Board to make regulations.

32. (1) The Board may, with the previous approval of the Central Government and in consultation with the Reserve Bank, by notification, make regulations not inconsistent with the provisions of this Act to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

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

(a) the salaries and allowances payable to the Managing Director and Deputy Managing Directors under sub-section (4) of section 9;

(b) the times, places and rules of procedure in regard to the transaction of business of the Board under sub-section (1) of section 13;

(c) the times, places and rules of procedure in regard to the transaction of business of the committees and their functions under sub-section (5) of section 15;

(d) amount for transactions under the proviso to sub-section (1) of section 19;

(e) the terms and other conditions of service of the officers and employees of the Institution under sub-section (2) and the terms and conditions of deputation under sub-section (4), of section 30;

(f) the mechanism under sub-section (1) of section 39 for the purpose of determining the penalties specified under sub-section (5) of section 16 and sub-section (5) of section 19;

(g) any other matter which is to be, or may be, specified by regulations.

Rules and regulations to be laid before Parliament.

33. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Protection of action taken in good faith.

34. No suit, prosecution or other legal proceedings shall lie against the Institution or its Chairperson or other directors, employees or officers for anything which is done in good faith or intended to be done under this Act, or the rules or the regulations made thereunder, including in respect of assets created or transferred to the Institution.

Sanction for enquiry, inquiry, investigation and prosecution.

35. (1) No investigation agency, including but not limited to Police, Central Bureau of Investigation, Serious Fraud Investigation Office, Directorate of Enforcement and such other agencies, shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed under any law, in relation to any recommendation made or decision taken by the Chairperson or other directors, employees or officers of the Institution in discharge of his official functions or duties, without the previous approval of—

(a) the Central Government, where the offence is alleged to have been committed by the Chairperson or other directors; or

(b) the Managing Director, where the offence is alleged to have been committed by an employee or officer of the Institution:

Provided that no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person:

Provided further that the Central Government or the Managing Director, as the case may be, shall convey its decision within a period of three months, and such period may, for reasons to be recorded in writing by the Central Government or the Managing Director, as the case may be, be extended by a further period of one month:

Provided also that failure of the Central Government or the Managing Director to convey its decision under this sub-section within the time specified under the second proviso shall not be considered as deemed approval for initiation of any enquiry or inquiry or investigation.

Explanation.—For the purposes of this sub-section, the expression "undue advantage" shall have the meaning as assigned to it under the Prevention of Corruption Act, 1988.

49 of 1988.

(2) No court shall take cognizance of an offence punishable under any law alleged to have been committed by the Chairperson or other directors, employees or officers of the Institution for which a sanction to conduct any enquiry or inquiry or investigation was granted under sub-section (1), except with the previous sanction of—

(a) the Central Government, where the offence is alleged to be committed by the Chairperson or other directors; or

(b) of the Managing Director, where the offence is alleged to be committed by an employee or officer of the Institution:

Provided that the Central Government or the Managing Director shall, after the receipt of the proposal requiring sanction for prosecution under this sub-section, endeavour to convey the decision on such proposal within a period of three months from the date of its receipt:

Provided further that in case where, for the purpose of grant of sanction for prosecution, legal consultation is required, such period may, for the reasons to be recorded in writing, be extended by a further period of one month:

Provided also that failure of the Central Government or the Managing Director to convey its decision under this sub-section within the time specified shall not be considered as deemed approval for the initiation of prosecution.

36. (1) Where any arrangement entered into by the Institution with a borrowing entity while granting loans and advances provides for the appointment or nomination by the Institution of one or more directors of such entity, such provision and any appointment of directors made in pursuance thereof shall be valid and effective notwithstanding anything to the contrary contained in the Companies Act, 2013, or in any other law for the time being in force or in the memorandum and articles of association or any other instrument relating to the entity, and any provision regarding share qualification, age limit, number of directorships, removal from office of directors and such like conditions contained in any such law or instrument aforesaid, shall not apply to any director appointed by the Institution in pursuance of the arrangement as aforesaid.

Appointment of directors by Institution to prevail.

18 of 2013.

(2) Any director appointed as aforesaid shall—

18 of 2013.

(a) be deemed to be an independent director under the Companies Act, 2013 for the purpose of immunities available to independent directors;

(b) hold office during the pleasure of the Institution and may be removed or substituted by any person by order in writing of the Institution;

(c) not incur any obligation or liability by reason only of his being a director or for anything done or omitted to be done in good faith in the discharge of his duties as a director or anything in relation thereto;

(d) not be liable to retirement by rotation and shall not be taken into account for computing the number of directors liable to such retirement.

Validity of loan or advance not to be questioned.

37. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the validity of any loan or advance granted by the Institution in pursuance of the provisions of this Act shall not be called in question merely on the ground of non-compliance with the requirements of such other law as aforesaid or of any resolution, contract, memorandum, articles of association or other instrument.

(2) Nothing in this section shall enable any company to obtain any loan or advance where the instrument relating to the constitution of such company does not empower such company to do so.

Obligations as to fidelity and secrecy.

38. (1) The Institution shall not, except as otherwise required by this Act or by any other law, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage customary among bankers, necessary or appropriate for the Institution to divulge such information.

(2) Every director, member of a committee, auditor, officer or other employee of the Institution or of the Reserve Bank, whose services are utilised by the Institution under the provisions of this Act shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the First Schedule.

Adjudication.

39. (1) The Board shall make regulations for setting up a mechanism for the purpose of determining the penalties specified under sub-section (5) of section 16 and sub-section (5) of section 19.

(2) The regulations shall provide for a reasonable opportunity of being heard to the director or an employee against whom a complaint is made for violating the provisions of section 16 or section 19, as the case may be, and a right to prefer an appeal against any order imposing the penalty.

Indemnity of directors.

40. (1) Every director shall be indemnified by the Institution against all losses and expenses incurred by him in, or in relation to, the discharge of his duties, except such as are caused by his own wilful act or default.

(2) A director shall not be responsible for any other director or for any officer or other employee of the Institution or for any loss or expenses resulting to the Institution from the insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of the Institution or the insolvency or wrongful act of any debtor or any person under obligation to the Institution or anything done in good faith in the execution of the duties of his office or in relation thereto.

Bankers' Books of Evidence Act, 1891 to apply in relation to the Institution.

41. The Bankers' Books Evidence Act, 1891, shall apply in relation to the Institution as if it were a bank as defined in section 2 of that Act.

18 of 1891.

Sections 34A and 36AD of the Banking Regulation Act, 1949 to apply to Institution.

42. The provisions of sections 34A and 36AD of the Banking Regulation Act, 1949 shall apply to the Institution.

10 of 1949.

Liquidation of Institution.

43. No provision of law relating to the winding up of companies shall apply to the Institution and the Institution shall not be placed in liquidation save by order of the Central Government and in such manner as it may direct.

Power of Central Government to issue directions.

44. Without prejudice to the foregoing provisions of this Act, the Institution shall, in the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

45. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

Overriding effect of this Act.

46. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

47. The Reserve Bank of India Act, 1934 shall be amended in the manner specified in the Second Schedule.

Amendment of Act 2 of 1934.

48. The Banking Regulation Act, 1949 shall be amended in the manner specified in the Third Schedule.

Amendment of Act 10 of 1949.

THE FIRST SCHEDULE

[See section 38(2)]

Declaration of Fidelity and Secrecy

I do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as director, auditor, officer or other employee, as the case may be, of the National Bank for Financing Infrastructure and Development and which properly relate to the office or position held by me in the said Institution.

2. I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the said Institution or to the affairs of any person having any dealing with the said Institution or will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the said Institution and relating to the business of the said Institution or the business of any person having any dealing with the said Institution.

Signed before me

(Signature)

THE SECOND SCHEDULE

(See section 47)

AMENDMENTS TO THE RESERVE BANK OF INDIA ACT, 1934

2 of 1934.

1. In the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act), in section 2, after clause (ccc), the following clauses shall be inserted, namely:—

Amendment
of section 2.

(*ccci*) "National Bank for Financing Infrastructure and Development" means the Institution established under section 3 of the National Bank for Financing Infrastructure and Development Act, 2021;

(*cccii*) "other development financial institution" means a development financial institution licensed under section 29 of the National Bank for Financing Infrastructure and Development Act, 2021;'

2. In section 17 of the principal Act,—

Amendment
of section 17.

(*a*) in clause (4G), after the words "or the Small Industries Bank", the words "or the National Bank for Financing Infrastructure and Development or other development financial institution" shall be inserted;

(*b*) in clause (4-I), after the words "the Industrial Finance Corporation", the words ", the National Bank for Financing Infrastructure and Development or other development financial institution" shall be inserted;

(*c*) after clause (4K), the following clause shall be inserted, namely:—

"(4L) the making to the National Bank for Financing Infrastructure and Development or other development financial institution of loans and advances—

(*a*) repayable on demand or on the expiry of a fixed period not exceeding ninety days, from the date of such loan or advance against the security of stocks, funds and securities (other than immovable property) in which a trustee is authorised to invest trust money by any law for the time being in force in India; or

(*b*) against the security of bills of exchange or promissory notes, arising out of *bona fide* commercial or trade transactions bearing two or more good signatures and maturing within five years from the date of such loan or advance;";

(*d*) in clause (12B), after the words "the Industrial Finance Corporation,", the words "the National Bank for Financing Infrastructure and Development or other development financial institution," shall be inserted.

3. In section 42 of the principal Act, in sub-section (1), in the *Explanation*, in clause (c), in sub-clause (ii), after the words "or from the Small Industries Bank", the words "or from the National Bank for Financing Infrastructure and Development or from the other development financial institution" shall be inserted.

Amendment
of section 42.

4. In section 46C of the principal Act, in sub-section (2),—

Amendment
of section
46C.

(*a*) in clause (c), after the words "or the Small Industries Bank," at both the places, the words "or the National Bank for Financing Infrastructure and Development or the other development financial institution," shall be inserted;

(*b*) in clause (d), after the words "or the Small Industries Bank,", the words "or the National Bank for Financing Infrastructure and Development or the other development financial institution," shall be inserted.

THE THIRD SCHEDULE

(See section 48)

AMENDMENTS TO THE BANKING REGULATION ACT, 1949

- Amendment of section 5. **1.** In the Banking Regulation Act, 1949 (hereinafter referred to as the principal Act), in section 5, after clause (*ha*), the following clauses shall be inserted, namely:—
- (*hb*) "National Bank for Financing Infrastructure and Development" means the Institution established under section 3 of the National Bank for Financing Infrastructure and Development Act, 2021;
- (*hc*) "other development financial institution" means a development financial institution licensed under section 29 of the National Bank for Financing Infrastructure and Development Act, 2021;'
- Amendment of section 18. **2.** In section 18 of the principal Act, in sub-section (*1*), in the *Explanation*, in clause (*a*), in sub-clause (*ii*), after the words "or from the Small Industries Bank", the words "or from the National Bank for Financing Infrastructure and Development or from the other development financial institution" shall be inserted.
- Amendment of section 34A. **3.** In section 34A of the principal Act, in sub-section (*3*), after the words "the Small Industries Bank", the words ", the National Bank for Financing Infrastructure and Development or the other development financial institution," shall be inserted.
- Amendment of section 36AD. **4.** In section 36AD, in sub-section (*3*), after the words "the Small Industries Bank", the words ", the National Bank for Financing Infrastructure and Development or the other development financial institution," shall be inserted.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-16042021-226679
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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NEW DELHI, FRIDAY, APRIL 16, 2021/CHAITRA 26, 1943

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

अधिसूचना

नई दिल्ली, 16 अप्रैल, 2021

का.आ. 1657(अ).—राष्ट्रीय अवसंरचना वित्तपोषण और विकास बैंक अधिनियम, 2021 (2021 का 17) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद्वारा 19 अप्रैल, 2021 को उस तिथि के रूप में नियत करती है, जिस तिथि को उक्त अधिनियम के निम्नलिखित उपबंध प्रभावी होंगे:-

- (1) धारा 2;
- (2) धारा 3 की उप-धारा (1), (2) और (4) ;
- (3) धारा 4;
- (4) धारा 5;
- (5) धारा 6;
- (6) धारा 7;
- (7) धारा 8;
- (8) धारा 9;
- (9) धारा 10;
- (10) धारा 11;
- (11) धारा 12;

- (12) धारा 13;
- (13) धारा 14;
- (14) धारा 15 की उप-धारा (3) ;
- (15) धारा 16;
- (16) धारा 17;
- (17) धारा 18;
- (18) धारा 19;
- (19) धारा 20;
- (20) धारा 21;
- (21) धारा 22;
- (22) धारा 23;
- (23) धारा 25;
- (24) धारा 26;
- (25) धारा 27;
- (26) धारा 28;
- (27) धारा 29;
- (28) धारा 30;
- (29) धारा 31;
- (30) धारा 32;
- (31) धारा 33;
- (32) धारा 34;
- (33) धारा 35;
- (34) धारा 36;
- (35) धारा 37;
- (36) धारा 38;
- (37) धारा 39;
- (38) धारा 40;
- (39) धारा 41;
- (40) धारा 42;
- (41) धारा 43;
- (42) धारा 44;
- (43) धारा 45;
- (44) धारा 46;
- (45) धारा 47;
- (46) धारा 48.

[फा. सं. 15/10/2021-आईएफ-1]

ललित कुमार, आर्थिक सलाहकार

MINISTRY OF FINANCE
(Department of Financial Services)
NOTIFICATION

New Delhi, the 16th April, 2021

S.O. 1657(E).—In exercise of the powers conferred by sub-section (3) of section 1 of the National Bank for Financing Infrastructure and Development Act, 2021 (17 of 2021), the Central Government hereby appoints the 19th day of April, 2021, as the date on which the following provisions of the said Act shall come into force:—

- (1) section 2;
- (2) sub-sections (1), (2) and (4) of section 3;
- (3) section 4;
- (4) section 5;
- (5) section 6;
- (6) section 7;
- (7) section 8;
- (8) section 9;
- (9) section 10;
- (10) section 11;
- (11) section 12;
- (12) section 13;
- (13) section 14;
- (14) sub-section (3) of section 15;
- (15) section 16;
- (16) section 17;
- (17) section 18;
- (18) section 19;
- (19) section 20;
- (20) section 21;
- (21) section 22;
- (22) section 23;
- (23) section 25;
- (24) section 26;
- (25) section 27;
- (26) section 28;
- (27) section 29;
- (28) section 30;
- (29) section 31;
- (30) section 32;
- (31) section 33;
- (32) section 34;
- (33) section 35;
- (34) section 36;
- (35) section 37;

- (36) section 38;
- (37) section 39;
- (38) section 40;
- (39) section 41;
- (40) section 42;
- (41) section 43;
- (42) section 44;
- (43) section 45;
- (44) section 46;
- (45) section 47;
- (46) section 48.

[F. No.15/10/2021-IF-I]
LALIT KUMAR, Economic Adviser



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-13042021-226574
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 24] नई दिल्ली, मंगलवार, अप्रैल 13, 2021/चैत्र 23, 1943 (शक)
No. 24] NEW DELHI, TUESDAY, APRIL 13, 2021/CHAITRA 23, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 13th April, 2021/Chaitra 23, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th April, 2021, and is hereby published for general information:—

THE CONSTITUTION (SCHEDULED CASTES) ORDER (AMENDMENT) ACT, 2021

No. 18 OF 2021

[13th April, 2021.]

An Act further to amend the Constitution (Scheduled Castes) Order, 1950 to modify the list of Scheduled Castes in the State of Tamil Nadu.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2021. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of
Constitution
(Scheduled
Castes) Order,
1950.

2. In the Constitution (Scheduled Castes) Order, 1950, in the Schedule, in Part XVI.—Tamil Nadu,—

C.O.19.

(a) for entry 17, the following entry shall be substituted, namely:—

"17. DevendrakulaVelalar [Devendrakulathan, Kadaiyan (excluding in the coastal areas of Tirunelveli, Thoothukudi, Ramanathapuram, Pudukottai, Thanjavur, Tiruvarur and Nagapattinam districts), Kalladi, Kudumban, Pallan, Pannadi, Vathiriyam]";

(b) for entry 26, the following entry shall be substituted, namely:—

"26. Kadaiyan (in the districts of Tirunelveli, Thoothukudi, Ramanathapuram, Pudukottai, Thanjavur, Tiruvarur and Nagapattinam)";

(c) entries 28, 35, 49, 54 and 72 shall be omitted.

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.

CORRIGENDA

In the National Commission for Allied and Healthcare Professions Act, 2021 (14 of 2021), as Published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 28th March, 2021, Issue No.16,—

- (i) In page 3, line 45, *for* "Ministry of Health", *read* "Ministry of Health and Family Welfare";
- (ii) in page 10, line 8, *for* "Family Welfare Convener—member", *read* "Family Welfare—Convener-member";
- (iii) in page 22, line 42, *for* "reconigsed", *read* "recognised".



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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नई दिल्ली, सोमवार, मई 17, 2021/वैशाख 27, 1943

No. 1734]

NEW DELHI, MONDAY, MAY 17, 2021/VAISAKHA 27, 1943

सामाजिक न्याय और अधिकारिता मंत्रालय
(सामाजिक न्याय और अधिकारिता विभाग)

अधिसूचना

नई दिल्ली, 17 मई, 2021

का.आ. 1861(अ).—केन्द्रीय सरकार, संविधान (अनुसूचित जातियों) आदेश (संशोधन) अधिनियम, 2021 (2021 का 18) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 15 मई, 2021 को ऐसी तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध तमिलनाडु राज्य के सम्बन्ध में प्रवृत्त होंगे।

[सं. आर एल-12016/1/2020- आरएल सैल]

सुरेन्द्र सिंह, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

NOTIFICATION

New Delhi, the 17th May, 2021

S.O. 1861(E).—In exercise of powers conferred by sub-section (2) of section 1 of the Constitution (Scheduled Castes) Order (Amendment) Act, 2021 (18 of 2021), the Central Government hereby appoints the 15th day of May, 2021, as the date on which the provisions of the said Act shall come into force in the State of Tamil Nadu.

[No. RL- 12016/1/2020-RL Cell]

SURENDRA SINGH, Jt. Secy.

2631 GI/2021

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 31] नई दिल्ली, शुक्रवार, जुलाई 30, 2021/ श्रावण 8, 1943 (शक)
No. 31] NEW DELHI, FRIDAY, JULY 30, 2021/SRAVANA 8, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 30th July, 2021/Sravana 8, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 30th July, 2021, and is hereby published for general information:—

THE NATIONAL INSTITUTES OF FOOD TECHNOLOGY, ENTREPRENEURSHIP AND MANAGEMENT ACT, 2021

No. 19 OF 2021

[30th July, 2021.]

An Act to declare certain institutions of Food Technology, Entrepreneurship and Management to be the institutions of national importance and to provide for instructions and research in food technology, entrepreneurship and management and for the advancement of learning and dissemination of knowledge in such branches and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the National Institutes of Food Technology, Entrepreneurship and Management Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Declaration
of certain
Institutes as
institutions
of national
importance.
Definitions.

2. Whereas the objects of the Institutes mentioned in the Schedule are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance.

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

(a) "Board" in relation to an Institute means the Board of Governors referred to in section 11;

(b) "Chairperson" means the Chairperson of the Board;

(c) "corresponding Institute" in relation to an Institute mentioned in column (2) of the Schedule, means an Institute as specified in column (3) of the said Schedule;

(d) "Council" means the Council established under section 28;

(e) "Director" means the Director of the Institute appointed under section 19;

(f) "existing Institute" means an Institute mentioned in column (2) of the Schedule;

(g) "Fund" means the Fund of the Institute to be maintained under section 33;

(h) "Institute" means the Institute mentioned in column (3) of the Schedule;

(i) "Member" means a Member of the Board and includes the Chairperson;

(j) "notification" means a notification published in the Official Gazette;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "Registrar" means the Registrar of the Institute appointed under section 20;

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

(n) "Senate" means the Senate of the Institute referred to in section 16;

(o) "Society" means the existing Institute registered as a Society under the Societies Registration Act, 1860; and

(p) "Statutes and Ordinances" in relation to any Institute means, the Statutes and Ordinances of that Institute made under this Act.

21 of 1860.

CHAPTER II

THE INSTITUTES

Incorporation
of Institutes.

4. On and from the date of commencement of this Act, each of the Institute mentioned in column (3) of the Schedule shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

Effect of
incorporation
of Institutes.

5. On and from the date of commencement of this Act,—

(a) any reference to an existing Institute in any other law for the time being in force or in any contract or other instrument shall be deemed as a reference to the corresponding Institute;

(b) all properties, movable and immovable, of or belonging to an existing Institute shall vest in the corresponding Institute;

(c) all rights and liabilities of an existing Institute shall be transferred to, and be the rights and liabilities of the corresponding Institute;

(d) every person employed by an existing Institute immediately before such commencement shall hold his office or service in the corresponding Institute, with the same tenure, for the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held had this Act not been enacted, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration, terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms and conditions of the contract with the said employee or, if no provision is made therein in this behalf, on payment to him by the Institute, of compensation equivalent to three months' remuneration in case of permanent employee and one month's remuneration in the case of other employee:

Provided further that any reference, by whatever form of words, to the Director or Vice-Chancellor, and other officers of an existing Institute under any law for the time being in force, or any instrument or other document, shall be construed as a reference to the Director, and other officers of the corresponding Institute;

(e) every person pursuing, before commencement of this Act, any academic or research course in an existing Institute, shall be deemed to have migrated and registered with the corresponding Institute, on such commencement at the same level of course in the Institute from which such person migrated; and

(f) all suits and other legal proceedings instituted or which could have been instituted by or against an existing Institute, immediately before the commencement of this Act, shall be continued or instituted by or against the corresponding Institute.

6. (1) Subject to the provisions of this Act, each Institute shall exercise the following powers and perform the following functions, namely:—

Powers and functions of Institutes.

(a) to provide for instruction and research in such branches of food science and food technology, and any other branches of engineering, technology, science and management as the Institute may think fit, and for the advancement of learning and dissemination of knowledge in such branches;

(b) to hold examinations and grant degrees, diplomas, certificates and other academic distinctions or titles;

(c) to confer honorary degrees or other distinctions;

(d) to fix, demand and receive fees and other charges;

(e) to establish, maintain and manage halls and hostels for the residence of students;

(f) to supervise and control the discipline of all categories of employees and students of the Institute and to make arrangements for promoting their health, general welfare, cultural and corporate life;

(g) to provide for the maintenance of units of the National Cadet Corps for the students;

(h) to institute academic and other posts and to make appointments thereto except the Director;

(i) to deal with any property belonging to or vested in the Institute in such manner as the Institute may deem fit for advancing the objects of the Institute;

(j) to receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable property from testators, donors or transferors, as the case may be;

(k) to co-operate and collaborate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the Institute by exchange of teachers and scholars and generally in such manner as may be conducive to their common objects;

(l) to institute and award fellowships, scholarships, exhibitions, prizes and medals; and

(m) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institute.

(2) Notwithstanding anything contained in sub-section (1), an Institute shall not dispose of in any manner any immovable property without the prior approval of the Central Government.

Institutes to be open to all races, creed and classes.

7. (1) Each Institute shall be open to all persons irrespective of gender, race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting or appointing members, students, teachers, officers, employees or workers or in any other connection whatsoever.

(2) No bequest, donation or transfer of any property shall be accepted by any Institute, which in the opinion of the Council involves conditions or obligations opposed to the spirit and object of this section.

(3) The admission to every academic course or programme of study in each Institute shall be based on merit, assessed through transparent and reasonable criteria disclosed through its prospectus, prior to the commencement of the process of admission by such Institute:

Provided that nothing in this section shall be deemed to prevent the Institute from making special provisions for the employment or admission of women, persons with disabilities or for persons belonging to any socially and educationally backward classes of citizens and, in particular, for the Scheduled Castes and the Scheduled Tribes:

Provided further that each such Institute shall be a Central Educational Institution for the purposes of the Central Educational Institutions (Reservation in Admission) Act, 2006.

5 of 2007.

Institutes to be not-for-profit legal entity.

8. (1) Each Institute shall be a not-for-profit legal entity and no part of the surplus, if any, in revenue of the Institute, after meeting all expenditures in regard to its operations under this Act, shall be invested for any purpose other than for the growth and development of the Institute or for conducting research therein.

(2) Each Institute shall strive to raise funds for self-sufficiency and sustainability.

Teaching at Institutes.

9. All teaching at each of the Institutes shall be conducted by or in the name of the Institute in accordance with the Statutes and Ordinances made in this behalf.

CHAPTER III

THE AUTHORITIES OF INSTITUTES

Authorities of Institutes.

10. The following shall be the authorities of an Institute, namely:—

(a) a Board of Governors;

(b) a Senate; and

(c) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

Board of Governors.

11. (1) The Board of Governors of each Institute shall be the principal executive body of that Institute.

(2) The Board of each Institute shall consist of the following Members, namely:—

(a) a Chairperson, from amongst eminent persons distinguished in the field of food industry or education or food science or food processing technology or management or such other field, to be appointed by the Central Government;

(b) the Director of the Institute — Member, *ex officio*;

(c) the Chairperson of the Food Safety and Standards Authority of India or his nominee — Member, *ex officio*;

(d) the Director-General of the Indian Council of Agricultural Research or his nominee — Member, *ex officio*;

- (e) one representative, not below the rank of a Director, of the Ministry or Department of the Central Government dealing with Food Processing Industries — Member, *ex officio*;
- (f) two representatives having special knowledge in the field of food processing industry to be nominated by the Central Government — Members;
- (g) one representative from an Indian Institute of Management — Member, *ex officio*;
- (h) one representative from an Indian Institute of Technology — Member, *ex officio*;
- (i) the Dean of Faculty of the Institute, if any — Member, *ex officio*;
- (j) Secretary to the Government of India in the Department of Higher Education or his nominee — Member, *ex officio*;
- (k) three faculty members of the Institute from amongst Professors, Associate Professors and Assistant Professors, by rotation of seniority — Members, *ex officio*;
- (l) one nominee of the concerned State Government not below the rank of a Joint Secretary — Member, *ex officio*; and
- (m) Registrar of the Institute — Member-Secretary, *ex officio*.

(3) The Chairperson shall have the power to invite any number of experts, not being members of the Board, to attend meetings of the Board, but such invitees shall not be entitled to vote at the meeting.

12. (1) Subject to the provisions of this Act, the Board of each Institute shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers of the Institute not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate.

Powers and functions of Board.

(2) Without prejudice to the provisions of sub-section (1), the Board of each Institute shall exercise the following powers and perform the following functions, namely:—

- (a) to take decision on questions of policy relating to the administration and working of the Institute;
- (b) to examine and approve the annual budget estimates of the Institute;
- (c) to examine and approve the plan for development of the Institute and to identify sources of finance for implementation of the plan;
- (d) to establish departments, faculties or schools of studies and initiate programmes or courses of study at the Institute;
- (e) to set-up centres of food processing studies and allied areas within the country after approval of the Central Government;
- (f) to grant degrees, diplomas and other academic distinctions or titles, and to institute and award fellowships, scholarships, prizes and medals;
- (g) to confer honorary degrees in such manner as may be specified by the Statutes;
- (h) to grant honorary awards and other distinctions;
- (i) to create academic, administrative, technical and other posts and determine, by Statutes, the qualification, classification, terms and conditions of service and method of appointment of such posts;

(j) to set-up centres of food processing studies and allied areas outside India in accordance with the guidelines laid down by the Central Government from time to time and in accordance with the provisions of the laws for the time being in force in such foreign country;

(k) to pay, variable pay to the Director of the Institute on the basis of performance objectives as may be specified by the Statutes;

(l) to make, amend and repeal the Statutes;

(m) to consider and modify or cancel the Ordinances; and

(n) to exercise such other powers and perform such other functions as may be conferred on or assigned to it by this Act or the Statutes.

(3) Subject to the provisions of this Act, the Board may, by Statutes, delegate such powers and functions of the Board to the Director as it may deem fit.

(4) The Board shall conduct an annual review of the performance of the Director, in the context of the achievements of objects of the Institute:

Provided that such review shall include performance review of faculty members of the Institute on such parameters, periodicity and terms of reference as may be determined by the Board.

(5) The Board shall, through an independent agency or group of experts, within a period of three years from the date of incorporation of the Institute, and thereafter at least once every three years, evaluate and review the performance of the Institute, including its faculty, on the parameters of long term strategy and rolling plans of the Institute and such other parameters as the Board may decide and the report of such review shall be placed in public domain.

(6) The qualifications, experience and the manner of selection of the independent agency or group of experts, referred to in sub-section (5), shall be such as may be specified by the Statutes.

(7) The report of the evaluation and review under sub-section (5) shall be submitted by the Board to the Central Government along with an action taken report:

Provided that the Central Government may after considering the report, give suggestions to the Board for further actions to be taken by it.

(8) Where in the opinion of the Chairperson or the Director, the situation is so emergent that an immediate decision needs to be taken in the interest of the Institute, the Chairperson, in consultation with the Director, may issue such orders as may be necessary after recording the grounds for his opinion:

Provided that such orders shall be submitted for ratification by the Board in the next meeting.

(9) The Board shall, in exercise of its powers and discharge of its functions under this Act, be accountable to the Central Government, and the Central Government may issue directions to the Board in public interest on the matters of policy.

(10) The Board shall have the power to appoint such Committees as it considers necessary for the exercise of its powers and performance of its functions under this Act.

13. (1) Save as otherwise provided in this section, the term of office of the Chairperson or a Member, other than an *ex officio* Member, shall be for a period of three years from the date of his appointment or nomination.

(2) The term of office of an *ex officio* Member shall continue so long as he holds the office by virtue of which he is a member of the Board.

Term of office of, vacancies among, and allowances payable to, Members of Board.

(3) Notwithstanding anything contained in this section, an outgoing Member, other than an *ex officio* Member, shall, unless the Council otherwise directs, continue in office until another person is nominated as a Member in his place or until the expiry of six months whichever is earlier.

(4) The Members of the Board, other than an *ex officio* Member, shall be entitled to such allowances, as may be provided by the Statutes.

14. When a vacancy occurs in the office of the Chairperson or Member whether by reason of removal, resignation, death or otherwise, such vacancy shall be filled within a period of six months from the date of such vacancy in accordance with the provisions of section 11. Filling of casual vacancy.

15. The Chairperson or a Member, other than an *ex officio* Member, may, by notice in writing under his hand addressed to the Central Government, resign his office: Resignation of Members.

Provided that the Chairperson or a Member, other than an *ex officio* Member, shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of six months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

16. (1) The Senate shall be the principal academic body of the Institute, consisting of the following persons, namely:— Senate.

(a) the Director — Chairperson, *ex officio*;

(b) the Registrar — Member, *ex officio*;

(c) all full time faculty at the level of Professors appointed or recognised as such by the Institute for the purpose of imparting instructions in the Institute — Members, *ex officio*;

(d) three persons, not being employees of the Institute, to be nominated by the Board in consultation with the Director from amongst academicians of repute, one each from the fields of food science, management and food technology — Members; and

(e) such other members of the staff as may be laid down in the Statutes — Members, *ex officio*.

(2) The term of office of a Member nominated under clause (d) of sub-section (1) shall be two years from the date of his nomination.

(3) The term of office of an *ex officio* Member shall continue so long as he holds the office by virtue of which he is a Member.

17. Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of an Institute shall have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examination in the Institute and shall exercise such other powers and perform such other functions as may be conferred on or assigned to it by the Statutes. Functions of Senate.

18. (1) The Chairperson shall ordinarily preside at the meetings of the Board and at the Convocations of the Institute. Powers and functions of Chairperson.

(2) It shall be the duty of the Chairperson to ensure that the decisions taken by the Board are implemented.

(3) The Chairperson shall exercise such other powers and perform such other functions as may be conferred on or assigned to him by this Act or the Statutes.

- Director. **19.** (1) The Director shall be appointed by the Board.
- (2) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the proper administration of the Institute and for imparting of instruction and maintenance of discipline therein.
- (3) The Director shall submit annual reports and accounts to the Board.
- (4) The Director shall exercise such other powers and perform such other functions as may be conferred on or assigned to him by this Act or the Statutes or Ordinances.
- Registrar. **20.** (1) The Registrar of each Institute shall be appointed on such terms and conditions as may be laid down by the Statutes and shall be the custodian of the records, common seal, funds of the Institute and such other property of the Institute as the Board shall commit to his charge.
- (2) The Registrar shall act as the Secretary of the Board, the Senate and such Committees as may be specified by the Statutes.
- (3) The Registrar shall be responsible to the Director for the proper discharge of his functions.
- (4) The Registrar shall exercise such other powers and perform such other functions as may be conferred on or assigned to him by this Act or the Statutes or by the Director.
- Other authorities and officers. **21.** The powers and functions of other authorities and officers, other than those mentioned above, shall be such as may be determined by the Statutes.
- Appointments. **22.** All appointments of the staff of every Institute shall be made in accordance with the procedure laid down in the Statutes, by—
- (a) the Board, if the appointment is of the academic staff in the post of Assistant Professor or above or if the appointment is of the non-academic staff in any post which is above level 7 in the pay matrix; and
- (b) the Director, in any other case.
- Statutes. **23.** Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—
- (a) the conferment of honorary degrees;
- (b) the formation of departments of teaching;
- (c) the fees to be charged for courses of study in the Institute and for admission to the examinations for degrees and diplomas of the Institute;
- (d) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- (e) the qualifications, classification, terms and conditions of service and method of appointment to academic, administrative, technical and other posts;
- (f) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;
- (g) the constitution, powers and functions of the authorities of the Institute;
- (h) the establishment and maintenance of halls and hostels;
- (i) the conditions for residence of students of the Institute and charging of fees for residence in the halls and hostels and other charges;
- (j) the manner of filling up the vacancies of Members of the Board;
- (k) the allowances to be paid to the Chairperson and Members of the Board;
- (l) the authentication of the orders and decisions of the Board;

(m) the financial accountability of the Institute;

(n) the meetings of the Board, the Senate, or any Committee, the quorum at such meetings and the procedure to be followed in the conduct of their business; and

(o) any other matter which, by this Act, is required to be, or may be, specified by the Statutes.

24. (1) The first Statutes of each Institute shall be framed by the Council with the previous approval of the Central Government and a copy of the same shall be laid as soon as may be after they are made before each House of Parliament. Statutes how made.

(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter provided in this section.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of Statute shall require the previous approval of the Central Government which may approve it or remit it to the Board for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been approved by the Central Government.

25. Subject to the provisions of this Act and the Statutes, the Ordinances of the Institute may provide for all or any of the following matters, namely:— Ordinances.

(a) the admission of the students to the Institute;

(b) the courses of study to be laid down for all degrees and diplomas of the Institute;

(c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the Institute, and shall be eligible for degrees and diplomas;

(d) the conditions of award of the fellowships, scholarships, exhibitions, medals and prizes;

(e) the conditions and mode of appointment and duties of examining bodies, examiners and moderators;

(f) the conduct of examinations;

(g) the maintenance of discipline among the students of the Institute; and

(h) any other matter which, by this Act or the Statutes, is to be or may be provided for by the Ordinances.

26. (1) Save as otherwise provided in this section, the Ordinances shall be made by the Senate. Ordinances how made.

(2) All Ordinances made by the Senate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be after it is made, to the Board and shall be considered by the Board at its next meeting.

(3) The Board shall have power by resolution to modify or cancel any Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

27. (1) Any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee concerned, and an umpire appointed by the Central Government. Tribunal of Arbitration.

(2) The decision of the Tribunal of Arbitration shall be final, and no suit shall lie in any civil court in respect of the matters decided by the said Tribunal:

Provided that nothing in this sub-section shall preclude the employee or the Institute, as the case may be, from availing the judicial remedies available under articles 32 and 226 of the Constitution.

(3) The Tribunal of Arbitration shall have power to regulate its own procedure.

(4) Nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

CHAPTER IV

THE COUNCIL

Establishment
of Council.

28. (1) With effect from such date as the Central Government may, by notification, specify in this behalf, there shall be established a central body to be called the Council.

(2) The Council shall consist of the following members, namely:—

(a) the Minister in-charge of Food Processing Industries, Central Government — Chairperson, *ex officio*;

(b) the Minister of the State for Food Processing Industries, Central Government — member, *ex officio*;

(c) Chairperson, Food Safety and Standards Authority of India — member, *ex officio*;

(d) the Secretary to the Government of India in-charge of the Ministry or Department of the Central Government dealing with Finance — member, *ex officio*;

(e) the Chief Executive Officer, National Institution for Transforming India — member, *ex officio*;

(f) the Secretary to the Government of India in-charge of the Ministry or Department of the Central Government dealing with Higher Education — member, *ex officio*;

(g) three representatives of eminence from Food Processing Industry to be nominated by the Chairperson of the Council — members;

(h) three eminent academicians known for their contribution in the field of food processing, to be nominated by the Chairperson of the Council — members;

(i) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States —members:

Provided that the office of member of the Council shall not disqualify its holder for being chosen as or for being a Member of either House of Parliament;

(j) the Secretary to the Government of India in-charge of the Ministry of the Central Government dealing with Food Processing Industries — Member-Secretary, *ex officio*.

(3) The Central Government may, by order, designate one amongst the members as Vice-chairperson to the Council.

Term of office
of, vacancies
among, and
allowances
payable to
members of
Council.

29. (1) Save as otherwise provided in this section, the term of office of a member of the Council, other than an *ex officio* member, shall be for a period of three years from the date of his nomination:

Provided that the term of member referred to in clause (i) of sub-section (2) of section 28 shall come to an end as soon as the member becomes a Minister or Minister of State or Deputy Minister or the Speaker or the Deputy Speaker of the House of the people or the Deputy Chairman of the Council of States or ceases to be a Member of the House from which he was elected.

(2) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

(3) The members of the Council referred to in clauses (g) and (h) of sub-section (2) of section 28 shall hold office during the pleasure of the Central Government.

(4) The vacancy of a member of the Council, other than an *ex officio* member, shall be filled up in such manner as may be prescribed.

(5) The term of office of a member nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been so nominated.

(6) Notwithstanding anything contained in this section, an outgoing member, other than an *ex officio* member, shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place or until the expiry of six months whichever is earlier.

(7) The members of the Council, other than *ex officio* members, shall be paid such travelling and other allowances as may be provided by the Statutes.

(8) A member of the Council other than an *ex officio* member may be removed from his office by the Central Government in such circumstances and manner as may be prescribed.

30. (1) It shall be the general function of the Council to co-ordinate the activities of all the Institutes and it shall facilitate the sharing of experiences, ideas and concerns with a view to enhance the performance of the Institutes.

Functions of Council.

(2) Without prejudice to the provisions of sub-section (1), the Council shall perform the following functions, namely:—

(a) to lay down broader policy framework for the functioning of the Institutes;

(b) to recommend to the Central Government, the institution of scholarships including for research and for the benefit of students belonging to the Scheduled Castes, the Scheduled Tribes and other socially and educationally backward classes of citizens;

(c) to deliberate on such matters of common interest to Institutes as may be referred to it by an Institute;

(d) to promote necessary coordination and co-operation in the working of the Institutes;

(e) to review the achievement of policy objectives; and

(f) to perform such other functions as may be prescribed.

31. The Council shall meet at such time and place and follow such procedure in its meetings (including quorum at such meetings) as may be prescribed.

Meetings of Council.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

32. For the purpose of enabling the Institutes to discharge their functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to each of the Institute in each financial year such sums of money and in such manner as it may think fit.

Grants by Central Government.

33. (1) Each Institute shall maintain a Fund to which shall be credited,—

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

Fund of Institutes.

(2) All moneys credited to the Fund of each Institute shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Board, decide.

(3) The Fund of each Institute shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

Accounts and
audit.

34. (1) Each Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form and manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of each Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of any Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute.

(4) The accounts of each Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament in accordance with such procedure as may be laid down by the Central Government.

Pension,
insurance and
provident
funds.

35. (1) Each Institute shall constitute for the benefit of its employees, including the Director, in such manner and subject to such conditions as may be specified by the Statutes, such pension, insurance and provident funds as it may deem fit.

(2) Where the provident fund referred to in sub-section (1) has been constituted, the Central Government may declare that the provision of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

19 of 1925.

CHAPTER VI

MISCELLANEOUS

Acts and
proceedings
not to be
invalidated by
vacancies, etc.

36. No act of the Council, or any Institute, or Board, or Senate or any other Committee set up under this Act or the Statutes shall be invalid merely by reason of—

(a) any vacancy in, or defect in, the constitution thereof; or

(b) any defect in the nomination or appointment of a person acting as member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

Protection of
action taken
in good faith.

37. No suit, prosecution or other legal proceeding shall lie against the Chairperson or Members of the Board, Senate or Council or any officer or employee of the Institute for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, the Statutes or the Ordinances.

Power to
make rules.

38. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

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

(a) the manner of filling up the vacancy under sub-section (4) of section 29;

(b) the circumstances and the manner in which a member of the Council may be removed from his office under sub-section (8) of section 29;

(c) the other functions of the Council under clause (f) of sub-section (2) of section 30;

(d) the time and place of meeting of the Council, its quorum and the procedure for conducting business therein under section 31;

(e) the form and manner in which the annual statement of accounts including the balance sheet shall be prepared under sub-section (1) of section 34; and

(f) any other matter which is required to be, or may be, prescribed.

39. (1) Every rule, every Statute and every Ordinance made under this Act shall be published in the Official Gazette.

Rules, Statutes and Ordinances to be published in Official Gazette and to be laid before Parliament.

(2) Every rule, every Statute and every Ordinance made under this Act shall be laid, as soon as may be, after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, Statute or Ordinance or both Houses agree that the rule, Statute or Ordinance should not be made, the rule, Statute or Ordinance shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, Statute or Ordinance.

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

41. Notwithstanding anything contained in this Act,—

Transitional provisions.

(a) the Board of Governors of an Institute functioning as such immediately before the commencement of this Act shall continue to function until a new Board is constituted for that Institute under this Act, but on the constitution of a new Board under this Act, the members of the existing Board holding office before such constitution shall cease to hold office;

(b) until the first Statutes and Ordinances are made under this Act, the Statutes and Ordinances of the existing Institutes, as in force immediately before the commencement of this Act, shall continue to apply to the corresponding Institutes in so far as they are not inconsistent with the provisions of this Act.

THE SCHEDULE

[See section 4]

Sl. No.	Name of existing Institute	Name of corresponding Institute
(1)	(2)	(3)
1.	National Institute of Food Technology Entrepreneurship and Management (NIFTEM) Kundli, Haryana.	National Institute of Food Technology, Entrepreneurship and Management, Kundli, Haryana.
2.	Indian Institute of Food Processing Technology (IIFPT) Thanjavur, Tamil Nadu.	National Institute of Food Technology, Entrepreneurship and Management, Thanjavur, Tamil Nadu.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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नई दिल्ली, बृहस्पतिवार, सितम्बर 30, 2021/आश्विन 8, 1943
NEW DELHI, THURSDAY, SEPTEMBER 30, 2021/ASVINA 8, 1943

खाद्य प्रसंस्करण उद्योग मंत्रालय

अधिसूचना

नई दिल्ली, 30 सितम्बर, 2021

का.आ. 4036(अ).—केंद्र सरकार, राष्ट्रीय खाद्य प्रौद्योगिकी उद्यमिता और प्रबंधन संस्थान अधिनियम, 2021 (2021 की संख्या 19) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 1 अक्टूबर, 2021 को इस अधिनियम के प्रभावी होने की तारीख के रूप में एतद्वारा निर्धारित करती है।

[फा. सं. आई-11013/1/2020-आईडी]

मिन्हाज आलम, संयुक्त सचिव

MINISTRY OF FOOD PROCESSING INDUSTRIES

NOTIFICATION

New Delhi, the 30th September, 2021

S.O. 4036(E).—In exercise of the powers conferred by Sub-section (2) of Section 1 of the National Institutes of Food Technology Entrepreneurship and Management Act, 2021 (19 of 2021), the Central Government hereby appoints the 1st day of October, 2021 as the date on which the said Act shall come into force.

[F. No. I-11013/1/2020-ID]

MINHAJ ALAM, Jt. Secy.

5546 GI/2021



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 32] नई दिल्ली, शनिवार, जुलाई 31, 2021/ श्रावण 9, 1943 (शक)
No. 32] NEW DELHI, SATURDAY, JULY 31, 2021/SRAVANA 9, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd August, 2021/ Sravana 11, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 31st July, 2021, and is hereby published for general information:—

THE MARINE AIDS TO NAVIGATION ACT, 2021

No. 20 OF 2021

[31st July, 2021.]

An Act to provide for the development, maintenance and management of aids to navigation in India; for training and certification of operator of aids to navigation, development of its historical, educational and cultural value; to ensure compliance with the obligation under the maritime treaties and international instruments to which India is a party and for matters connected therewith or incidental thereto.

WHEREAS India is signatory to maritime treaties and international instruments such as International Convention for the Safety of Life at Sea, 1974, as amended; and International Association of Marine Aids and Lighthouse Authorities Maritime Buoyage System;

AND WHEREAS it is considered necessary to give effect to the said treaties and instruments which, *inter alia*, provide for aids to navigation, vessel traffic services and marking of wrecks;

AND WHEREAS it is necessary to provide for and create a framework for the development, maintenance and management of vessel traffic services in India; training and certification of operators of aids to navigation; and the development of the historical educational and cultural value of aids to navigation;

AND WHEREAS it is further necessary to create a framework for the levy and collection of marine aids to navigation dues to discharge the sovereign functions of development, maintenance and management of aids to navigation and vessel traffic services in India by Government, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Marine Aids to Navigation Act, 2021.

(2) It extends to the whole of India including the maritime zones of India as specified in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976.

80 of 1976.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

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

(a) “accredited training organisation” means any organisation which is accredited by the Central Government under section 20;

(b) “aid to navigation” means a device, system or service, external to vessels, designed and operated to enhance safe and efficient navigation of individual vessels and vessel traffic, but shall not be construed to include a reference to vessel traffic services, unless otherwise specified;

(c) “Director General” means the Director General of Aids to Navigation appointed under section 4;

(d) “district” means an area demarcated as a district for the purposes of this Act under sub-section (1) of section 4;

(e) “general aid to navigation” means any aid to navigation, which the Central Government may, by notification in the Official Gazette, declare to be a general aid to navigation for the purposes of this Act;

(f) “heritage lighthouse” means an aid to navigation designated as such under section 23;

(g) “local aid to navigation” means any aid to navigation which is not a general aid to navigation;

(h) “local authority” means a State Government or other person having superintendence and management over a local aid to navigation;

(i) “marine aids to navigation dues” means the dues levied under section 24;

(j) “notification” means a notification published in the Official Gazette of India and the expression “notify” with its grammatical variation and cognate expressions shall be construed accordingly;

(k) “owner” means the owner of a vessel including its registered owner, a person to whom a share in the vessel belongs, bareboat charterer, manager and operator of the vessel;

(l) “port” means any port as defined in the Indian Ports Act, 1908;

(m) “prescribed” means prescribed by rules made under this Act;

(n) “proper officer” in relation to any functions to be performed under this Act, means the officer of customs who is assigned those functions by the Central Board of Indirect Taxes and Customs constituted under the Central Boards of Revenue

15 of 1908.

54 of 1963.

Act, 1963, and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;

(o) "rule" means rules made by the Central Government under this Act;

(p) "ship" includes a sailing vessel;

(q) "vessel" includes every description of water craft used or capable of being used in the marine environment, such as ship, boat, sailing vessel, fishing vessel, submersible, semi-submersible, hydrofoils, non-displacement crafts, amphibious crafts, wing-in-ground crafts, pleasure crafts, barges, lighters, mobile offshore drilling units or mobile offshore units;

(r) "vessel traffic service" means a service implemented under this Act to improve the safety and efficiency of vessel traffic and to protect the environment.

44 of 1958.

(2) Words and expressions used but not defined in this Act, and defined in the Merchant Shipping Act, 1958, shall have the same meanings respectively assigned to them in that Act.

CHAPTER II

DESIGNATION OF GENERAL AID TO NAVIGATION

3. The Central Government may, by notification in the Official Gazette, designate any aid to navigation to be a general aid to navigation.

Power to designate general aid to navigation.

CHAPTER III

DIRECTOR GENERAL OF AIDS TO NAVIGATION

4. (1) The Central Government shall, by notification in the Official Gazette, appoint,—

(a) the Director General;

(b) Deputy Director Generals; and

(c) Directors for districts.

Appointment of Director General, Deputy Director Generals and Directors.

(2) For the purposes of sub-section (1), the Central Government may demarcate such areas to be districts.

(3) Every officer appointed under sub-section (1) shall discharge his functions under the general superintendence and control of the Director General.

5. The Director General shall advise the Central Government on matters relating to aids to navigation and perform such other duties as may be prescribed by the Central Government under this Act or in any other law for the time being in force.

Duties of Director General.

6. (1) The Central Government shall, by notification in the Official Gazette, appoint a Central Advisory Committee.

Central Advisory Committee.

(2) The Central Government shall consult the Central Advisory Committee in regard to—

(a) the establishment or position of aids to navigation or of any works appertaining thereto; or

(b) additions to or the alteration or removal of, any aid to navigation; or

(c) variations to any aid to navigation or of the mode of use thereof; or

(d) the cost of any proposal relating to aids to navigation; or

(e) appointment of any sub-committee under sub-section (3); or

(f) the making or alteration of any rules or rates of marine aids to navigation dues under this Act.

(3) The Central Government may, if it deems necessary, appoint sub-committees for the purposes of advising it in regard to any of the matters specified under this Act.

(4) The Central Advisory Committee and the sub-committees referred to in sub-section (3) shall consist of such persons representing the interests affected by this Act or having special knowledge of the subject matter thereof.

(5) The procedure and conduct of business of the Central Advisory Committee and the sub-committees referred to in sub-section (3) shall be such as may be prescribed.

Proceedings of Central Advisory Committee not to be invalidated.

7. No act or proceeding of the Central Advisory Committee shall be invalidated merely by reason of—

- (a) any vacancy in, or any defect in its constitution; or
- (b) any defect in appointment of a person acting as its member; or
- (c) any irregularity in its procedure not affecting the merits of the case.

CHAPTER IV

MANAGEMENT OF GENERAL AIDS TO NAVIGATION

Management of general aids to navigation.

8. The development, maintenance and management of all general aids to navigation shall be vested in the Central Government.

Powers of Central Government relating to aids to navigation.

9. (1) The Central Government, shall have the following powers relating to the development, maintenance and management of general aids to navigation, namely:—

- (a) establish and maintain aids to navigation;
- (b) add to, alter or remove any aid to navigation;
- (c) alter or vary any aid to navigation;
- (d) authorise to inspect any aid to navigation which may affect the safety of navigation;
- (e) authorise to enter any property, whether public or private, for the purposes of inspection of any aid to navigation;
- (f) transport, or cause to be transported, any goods through any property, whether public or private, for any purpose in connection with—
 - (i) the maintenance of an aid to navigation; or
 - (ii) the establishment of any aid to navigation;
- (g) acquire any land as may be necessary for the purposes of this Act—
 - (i) to exercise its powers; or
 - (ii) for the maintenance of works.

(2) The Central Government shall, for the purposes of exercising its powers under sub-section (1), authorise any of the officers referred to in sub-section (1) of section 4, by general or special order in writing.

CHAPTER V

MANAGEMENT OF VESSEL TRAFFIC SERVICES

Management of vessel traffic services.

10. (1) The development, maintenance and management of vessel traffic services shall be vested in the Central Government.

(2) For the purposes of sub-section (1), the Central Government may, by order, authorise any person as vessel traffic service provider.

Powers of Central Government relating to vessel traffic services.

11. The Central Government, shall have the following powers relating to the development, maintenance and management of vessel traffic services, namely:—

- (a) declare and authorise vessel traffic service provider to operate a vessel traffic service within an authorised area;

- (b) accredit and approve vessel traffic service training and certification;
- (c) establish and operate vessel traffic services, where it deems necessary;
- (d) add to or alter or require any person to add to or alter any aspect of a vessel traffic service.

12. (1) The Central Government shall, for the purposes of exercising its powers under section 11, appoint a Competent Authority for Vessel Traffic Services by notification in the Official Gazette.

Competent Authority for Vessel Traffic Services.

(2) The manner of appointment of the Competent Authority shall be such as may be prescribed.

(3) The Competent Authority shall discharge such functions in such manner, as may be prescribed.

13. The standards for establishing and operating vessel traffic services in India shall be such, as may be prescribed.

Standards for establishment and operation of vessel traffic services.

CHAPTER VI

INSPECTION AND MANAGEMENT OF LOCAL AIDS TO NAVIGATION

14. (1) The Central Government may authorise any officer referred to in sub-section (1) of section 4 in writing, to enter upon at any time and inspect any local aid to navigation and make such inquiries in respect thereof or of the management thereof as such officer thinks fit.

Power to inspect local aids to navigation.

(2) Every person having the charge of, or concerned in the management of, any local aid to navigation shall furnish to the officer authorised under sub-section (1) to inspect such aid to navigation, all such information as the officer may require.

(3) Every local authority shall furnish to the Central Government all such returns and other information in respect of the aids to navigation under its supervision and management, or of any of them, as the Central Government may require.

15. (1) If the Central Government is satisfied, after an inspection under section 14 or such other inquiry, that a direction under this sub-section is necessary or expedient for the safety, or otherwise, in the interests of vessels, it may direct any local authority—

Control of local aids to navigation by Central Government.

(a) to remove or discontinue or to refrain from moving or discontinuing any aid to navigation under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such aid to navigation; or

(b) to erect, place or maintain, or to refrain from erecting, placing or maintaining any aid to navigation within the local limits within which the local authority exercises its powers.

(2) A local authority shall not erect, place, remove or discontinue any aid to navigation or vary the character or mode of use of any aid to navigation, unless it has given to the Central Government at least one month's notice in writing of its intention so to do:

Provided that, in cases of emergency, a local authority may take such action as it deems necessary and shall give immediate notice of the same to the Central Government and, so far as is possible, to all vessels approaching or in the vicinity of such aid to navigation.

(3) If any local authority—

(a) fails to comply with any direction made under sub-section (1); or

(b) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of any aid to navigation conferred or imposed upon it by or under any law for the time being in force; or

(c) fails to make adequate financial provision for the performance of any such duty,

the Central Government may, by order in writing, require such local authority to comply with the direction, or to make arrangements to the satisfaction of that Government for the proper exercise of the power or performance of the duty, or to make financial provision to the satisfaction of that Government for the performance of the duty, as the case may be, within such period as it may specify.

(4) If the local authority fails to comply with an order made under sub-section (3) within the specified period or within such further time as the Central Government may allow, the Central Government may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local authority shall be liable to reimburse to the Central Government any expenditure incurred by it in so doing.

Management of local aids to navigation by Central Government.

16. The Central Government may, at the request of a local authority, undertake the superintendence and management of any local aids to navigation on its behalf, and the local authority shall pay to the Central Government such sums to defray the cost of superintendence and management, as may be agreed.

CHAPTER VII

OBSTRUCTION TO FUNCTIONING OF AIDS TO NAVIGATION

Power of Central Government to remove or alter obstructions to aids to navigation.

17. (1) The Central Government may, by notification in the Official Gazette, specify restrictions on activities that interfere with or obstruct the operation of any aid to navigation within the specified distance of such aid to navigation.

(2) Notwithstanding anything contained in any other law for the time being in force, where the functioning of any aid to navigation or vessel traffic service is being obstructed, directly or indirectly, the Central Government may, if it deems fit, issue such directions as may be necessary for the removal or alteration of such obstruction.

CHAPTER VIII

TRAINING AND CERTIFICATION

Power of Central Government to train and certify operators of aids to navigation and vessel traffic services.

18. (1) No person shall be allowed to operate or work on, including any ancillary activities as may be prescribed, any aid to navigation in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of such aid to navigation.

(2) No person shall be allowed to operate or work on, including any ancillary activities as may be prescribed, a vessel traffic service in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of vessel traffic services.

(3) A certificate of training issued under this Act shall be valid and effective throughout the territory of India.

Certification.

19. A certificate mentioned in sub-sections (1) and (2) of section 18 shall be issued by an accredited training organisation referred to in section 20, in such form, subject to such conditions and in such manner, as may be prescribed.

Accreditation of training organisations.

20. (1) The Central Government shall accredit training organisations for imparting training to, or conduct assessments of, persons in the operation of aids to navigation and vessel traffic services.

(2) The Central Government shall accredit such training organisations which meet the criteria, as may be prescribed, for imparting training to trainees or conduct assessment of persons in the operation of aids to navigation and vessel traffic services.

CHAPTER IX

MARKING OF WRECKS

Marking of wrecks.

21. The Central Government may, if considers necessary, give directions to any officer referred to in sub-section (1) of section 4 to mark any wreck in such manner as may be prescribed.

22. The cost for marking the wreck shall be borne by or recovered from the owner or the operator of such vessel in such manner as may be prescribed.

Reimbursement for marking wrecks.

CHAPTER X

DEVELOPMENT OF HERITAGE LIGHTHOUSES

23. (1) The Central Government may, by notification in the Official Gazette, designate any aid to navigation under its control as a heritage lighthouse.

Power of Central Government to designate any aid to navigation as heritage lighthouse.

(2) The Central Government shall develop the heritage lighthouses designated under sub-section (1), in addition to their function as aids to navigation or otherwise, for educational, cultural and tourism purposes, in such manner as may be prescribed.

CHAPTER XI

MARINE AIDS TO NAVIGATION DUES

24. (1) There shall be levied and collected the marine aids to navigation dues, at such rates, as the Central Government may, by notification in the Official Gazette, specify from time to time.

Levy and collection of marine aids to navigation dues.

(2) The marine aids to navigation dues levied under sub-section (1) shall be collected by the proper officer in respect of every ship arriving at or departing from any port in India, from such person, in such manner and at such time, as may be prescribed.

(3) The proceeds of the marine aids to navigation dues collected shall be credited to the Consolidated Fund of India in such manner as may be prescribed.

(4) Every owner causing any ship to arrive at or depart from any port in India shall, self-assessing its liability to pay dues, file a return before the proper officer in such form and manner, as may be prescribed.

25. The marine aids to navigation dues levied under this Act shall be utilised for fulfilling the obligations and carrying out the purposes of this Act.

Utilisation of marine aids to navigation dues.

26. (1) The owner shall credit the marine aids to navigation dues into the account of the Central Government in such manner as may be prescribed.

Receipts relating to marine aids to navigation dues and their verification.

(2) The payment of marine aids to navigation dues shall be verified by the proper officer in respect of—

(a) the port at which the marine aids to navigation dues has been paid;

(b) the amount of the payment;

(c) the date on which the marine aids to navigation dues became payable; and

(d) the name, tonnage and other proper description of the ship in respect of which the payment is made,

for the purpose of granting clearance.

27. (1) The proper officer to whom the return has been furnished under sub-section (4) of section 24 shall, after making or causing to be made such inquiry as he thinks fit and after satisfying himself that the particulars stated in the return are correct, by order, assess the amount of marine aids to navigation dues payable by the owner or the master of the ship.

Assessment of marine aids to navigation dues and ascertainment of tonnage.

(2) If the return has not been furnished to the proper officer under sub-section (4) of section 24, he shall, after making or causing to be made such inquiry as he thinks fit, by order, assess the amount of marine aids to navigation dues payable by the owner or the master of the ship.

(3) For the purposes of levy of marine aids to navigation dues, the tonnage of a ship or sailing vessel shall be reckoned as under the Merchant Shipping Act, 1958, for such dues payable on a ship's tonnage including the tonnage of any space added under the said Act to the tonnage of ships by reason of such space being utilised for carrying cargo.

(4) In order to ascertain the tonnage of any ship for the purpose of levying marine aids to navigation dues, the proper officer may, if he deems it fit, require the production of any

documents, the appearance of any person and the inspection of any vessel, in such manner as may be prescribed.

Recovery of marine aids to navigation dues.

28. (1) If the owner of any ship refuses or neglects to pay the amount of marine aids to navigation dues payable under this Act in respect of the ship, the proper officer may seize the ship along with its equipment or any part thereof, and detain the same until the amount of the marine aids to navigation dues, together with the costs of the seizure and detention is paid.

(2) If any part of such marine aids to navigation dues remains unpaid after the expiry of thirty days following the date of the seizure, the proper officer may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the marine aids to navigation dues remaining unpaid, together with the costs of the sale and shall repay the surplus, if any, to the person by whom the same were payable.

Refusal of port clearance.

29. The officer whose duty it is to grant a port clearance for any ship shall not grant the port clearance until the amount of marine aids to navigation dues payable in respect of the ship under this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction.

Determination of disputes as to liability for payment.

30. If any dispute arises as to whether marine aids to navigation dues, expenses or costs are payable in respect of any ship under this Act or as to the amount of such dues, expenses or costs, such dispute shall, on an application made in this behalf by either of the disputing parties, be heard and determined by a civil court having jurisdiction at the place where the dispute arose.

Marine aids to navigation dues payable at one port recoverable at another.

31. (1) If the master of any ship in respect of which marine aids to navigation dues is payable at any port causes the ship to leave such port without having paid such dues, the proper officer at that port may, by writing, require the proper officer at any other port in India to which the ship may proceed, to recover the marine aids to navigation dues remaining unpaid.

(2) Any proper officer to whom such a requisition is directed, shall proceed to levy such sum as if it were payable under this Act at the port at which he is the proper officer, and a certificate by the proper officer at the port at which the marine aids to navigation dues first became payable, stating the amount payable, shall be sufficient proof in any proceeding under this Act that such amount is payable.

Exemption.

32. The Central Government may, by notification in the Official Gazette, exempt—

(a) any ship belonging to the Central Government or any State Government, which is not carrying cargo or passengers for freight or fares; or

(b) any other ship, or classes of ships or ships performing specified voyages,

from the payment of marine aids to navigation dues either wholly or to such extent as may be specified in that notification.

Refund of excess payments.

33. Where the marine aids to navigation dues has been paid in respect of any ship in excess of the amount payable under this Act, no claim to refund of such excess payment shall be admissible, unless it is made within six months from the date of such payment.

Fees.

34. The fees to be charged for providing assistance to ships for rendering special services to vessels shall be at such rates as may be prescribed.

CHAPTER XII

FINANCE, ACCOUNTS AND AUDIT

Receipt and expenditure.

35. The Central Government shall cause to be maintained a separate account of all amounts received by way of marine aids to navigation dues, expenses, costs and fines under this Act and of all expenditure incurred for the purposes of this Act, and shall cause such account to be laid before the Central Advisory Committee, as soon as possible after the close of each financial year.

Annual report.

36. (1) The Central Government shall cause to be laid before the Central Advisory Committee before the close of each financial year a statement of the estimated receipts under,

and expenditure for the purposes of this Act, during the forthcoming year.

(2) The statement of estimated receipts and expenditure shall be prepared in consultation with the Comptroller and Auditor-General of India, in such manner as may be prescribed.

CHAPTER XIII

OFFENCES AND PENALTIES

37. (1) Whoever, intentionally commits any act or omits to do any act, which results in obstruction of, or reduction in, or limitation of, the effectiveness of, any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to six months or with fine which may extend up to one lakh rupees, or with both.

Intentionally obstructing aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the obstruction, reduction or limitation.

38. (1) Whoever, negligently commits any act or omits to do any act, which results in obstruction of, or reduction in, or limitation of, the effectiveness of, any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to three months or with fine which may extend up to fifty thousand rupees, or with both.

Negligently obstructing aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the obstruction, reduction or limitation.

39. (1) Whoever, intentionally commits any act or omits to do any act, which results in damage to or destruction of any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to twelve months or with fine which may extend up to five lakh rupees, or with both.

Intentionally destroying or damaging aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the damage or destruction.

40. (1) Whoever, negligently commits any act or omits to do any act, which results in damage to or destruction of any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to six months or with fine which may extend up to one lakh rupees, or with both.

Negligently destroying or damaging aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the damage or destruction.

41. (1) Whoever, commits any act or omits to do any act, which results in damage to or destruction of any heritage lighthouse, shall be liable to imprisonment for a term which may extend up to six months or with fine which may extend up to one lakh rupees, or with both.

Causing damage to heritage lighthouse.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the destruction, fouling, damage, reduction or limitation.

Evading payment of marine aids to navigation dues.

42. Every owner or master of a ship, who evades or attempts to evade the payment of marine aids to navigation dues, expenses or costs payable in respect of the ship under this Act, shall be liable for fine, which may extend up to five times the amount of the sum so payable.

Non-compliance with directions of vessel traffic service provider.

43. Every owner or master of a ship, who fails to comply with any direction issued by a vessel traffic service provider relating to a vessel traffic service under this Act, shall be liable to fine which may extend up to one lakh rupees.

Cognizance of offences.

44. (1) No court shall take cognizance of any offence under this Act, except upon a complaint in writing made by any officer authorised in this behalf by the Central Government.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

Place of trial and jurisdiction of court.

45. Whoever, commits any offence under this Act or any rules made thereunder, may ordinarily be inquired into and tried by a court within whose local jurisdiction—

(a) such offence was committed; or

(b) such person may be found; or

(c) in any court which the Central Government may, by notification, direct in this behalf; or

(d) in any court in which he might be tried under any other law for time being in force.

CHAPTER XIV

MISCELLANEOUS

Power of Central Government to make rules.

46. (1) The Central Government may, after previous publication, make rules for carrying out the purposes of this Act.

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

(a) duties of the Director General under section 5;

(b) procedure and conduct of business of Central Advisory Committee and sub-committees constituted under sub-section (5) of section 6;

(c) manner of appointment of the Competent Authority under sub-section (2) and its functions under sub-section (3), of section 12;

(d) standards for establishment and operation of vessel traffic services under section 13;

(e) ancillary activities relating to aids to navigation under sub-section (1) and ancillary activities relating to vessel traffic services under sub-section (2), of section 18;

(f) form and manner of certificate, to be issued and the conditions subject to which such certificate is to be issued by the accredited training organisation and validated by the Director General under section 19;

(g) criteria for accreditation of training organisation under sub-section (2) of section 20;

(h) manner of marking wrecks under section 21;

(i) manner of recovering cost from the owner of the vessel for marking the wreck under section 22;

(j) development of heritage lighthouses designated under sub-section (2) of section 23;

(k) manner of, collection of marine aids to navigation dues by proper officer levied under sub-section (2) and crediting the proceeds of the dues so collected under sub-section (3), of section 24;

(l) form and manner of filing return under sub-section (4) of section 24;

(m) manner of payment of marine aids to navigation dues to the Central Government under sub-section (1) of section 26;

(n) manner of production of documents, appearance of any person and inspection of any vessel by proper officer under sub-section (4) of section 27;

(o) rates of fees for special services under section 34;

(p) form and manner of statement of estimated receipts and expenditure to be prepared in consultation with the Comptroller and Auditor-General of India under sub-section (2) of section 36;

(q) any other matter which is required to be, or may be, prescribed, for the purposes of carrying out the purposes of this Act.

47. The Central Government may delegate to any of its officers all or any of the functions and powers conferred upon it under this Act.

Delegation of powers by Central Government.

48. (1) Notwithstanding anything contained in this Act, the Director General shall, in the discharge of his functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give to him in writing from time to time.

Power of Central Government to issue directions.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

49. No suit, prosecution or other proceedings shall lie against the Central Government or any officer appointed under this Act for anything done or in good faith purporting to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

50. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

51. Every rule made and every notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in such rule, or notification or both Houses agree that the rule, should not be made or the notification should not be issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Laying of rules and notifications before Parliament.

17 of 1927.

52. (1) The Lighthouse Act, 1927 is hereby repealed.

Repeal and savings.

17 of 1927.

(2) Notwithstanding the repeal of the Lighthouse Act, 1927 (herein referred to as the repealed Act),—

(a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under the repealed Act shall, until revoked, have effect as if it had been issued, made or granted under the provisions of this Act;

(b) any office established or created, officer appointed and anybody elected or constituted under the repealed Act shall continue and shall be deemed to have been established, created, appointed, elected, or constituted, as the case may be, under this Act;

(c) any document referring to the repealed Act shall be construed as referring to this Act or to the provision of this Act;

(d) any fine levied under the repealed Act may be recovered as if it had been levied under this Act;

(e) any offence committed under the repealed Act may be prosecuted and punished as if it had been committed under this Act;

(f) any proceeding pending before any court under the repealed Act may be tried or disposed of under the corresponding provisions of this Act;

(g) the officers appointed under the provisions of the repealed Act and continuing during the commencement of this Act shall continue as if they have been appointed under this Act;

(h) any person appointed under or by virtue of the repealed Act shall be deemed to have been appointed to that office under or by virtue of this Act;

(i) any inspection, investigation or inquiry ordered to be done under the provisions of the repealed Act shall continue to be proceeded with as if such inspection, investigation or inquiry was ordered to be done under the corresponding provisions of this Act.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

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सं० 33] नई दिल्ली, सोमवार, अगस्त 9, 2021/ श्रावण 18, 1943 (शक)
No. 33] NEW DELHI, MONDAY, AUGUST 9, 2021/SRAVANA 18, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 9th August, 2021/Sravana 18, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 7th August, 2021, and is hereby published for general information :—

THE FACTORING REGULATION (AMENDMENT) ACT, 2021

No. 21 OF 2021

[7th August, 2021.]

An Act to amend the Factoring Regulation Act, 2011.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Factoring Regulation (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Factoring Regulation Act, 2011 (hereinafter referred to as the principal Act),—

Amendment of section 2.

(i) in clause (a), for the words commencing with "transfer by agreement" and ending with "outside India", the words "transfer by agreement to a factor of an undivided interest, in whole or in part, in the receivables of an assignor due from a

debtor and includes such transfer where either the assignor or the debtor is situated or established outside India" shall be substituted;

(ii) in clause (j),—

(A) in the opening portion, for the words commencing with "acquisition of receivables" and ending with "any receivables but", the words "acquisition by way of assignment of receivables of assignor for a consideration for the purpose of collection of such receivables or for financing, whether by way of making loans or advances or otherwise, against such assignment, but" shall be substituted;

(B) in sub-clause (i), after the word "bank", the words "or a non-banking financial company" shall be inserted;

(iii) for clause (p), the following clauses shall be substituted, namely:—

'(p) "receivables" means the money owed by a debtor and not yet paid to the assignor for goods or services and includes payment of any sum, by whatever name called, required to be paid for the toll or for the use of any infrastructure facility or services;

(pa) "regulations" means regulations made by the Reserve Bank under this Act;'

(iv) after clause (s), the following clause shall be inserted, namely:—

'(sa) "Trade Receivables Discounting System" means a payment system authorised by the Reserve Bank under section 7 of the Payment and Settlement Systems Act, 2007 for the purpose of facilitating financing of trade receivables;'. 51 of 2007.

Amendment of section 3.

3. In section 3 of the principal Act,—

(i) in sub-section (2), the proviso and the *Explanation* shall be omitted;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The Reserve Bank may grant the certificate of registration in such manner as may be specified by regulations."

Amendment of section 19.

4. In section 19 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every factor shall register the particulars of every transaction of assignment of receivables in his favour with the Central Registry set-up under section 20 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, within such time from the date of such assignment, in such manner and subject to payment of such fee, as may be prescribed."; 54 of 2002.

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Where any trade receivables are financed through a Trade Receivables Discounting System, the particulars specified in sub-section (1) and sub-section (3) shall be filed with the Central Registry on behalf of the factor by the Trade Receivables Discounting System concerned, in such manner as may be specified by regulations."

Insertion of new section 31A.

5. After section 31 of the principal Act, the following section shall be inserted, namely:—

Power to make regulations.

"31A. (1) The Reserve Bank may, by notification, make regulations consistent with this Act to carry out the provisions of this Act.

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

(a) the manner of granting certificate of registration under sub-section (4) of section 3;

(b) the manner of filing of particulars of transactions with the Central Registry on behalf of factors under sub-section (1A) of section 19;

(c) any other matter which is required to be, or may be, specified by regulations.

(3) Every regulation shall, as soon as may be after it is made by the Reserve Bank, be forwarded to the Central Government and that Central Government shall cause a copy of the same to be laid before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."

6. In section 32 of the principal Act, in sub-section (2), in clause (a), for the words "the form and manner", the words "the time within which, the form and manner" shall be substituted. Amendment of section 32.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

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वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)
अधिसूचना

नई दिल्ली, 19 अगस्त, 2021

का.आ. 3406(अ).—फैक्टरिंग विनियमन (संशोधन) अधिनियम, 2021 (2021 का 21) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, अगस्त, 2021 के तेईसवें दिन को उस दिन के रूप में नियत करती है, जब उक्त अधिनियम के उपबंध लागू होंगे।

[फा. सं. 6/3/2010-बीओ.II]

डॉ. मदनेश कुमार मिश्र, संयुक्त सचिव

MINISTRY OF FINANCE
(Department of Financial Services)

NOTIFICATION

New Delhi, the 19th August, 2021

S.O. 3406(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Factoring Regulation (Amendment) Act, 2021 (21 of 2021), the Central Government hereby appoints the 23rd day of August, 2021, as the date on which the provisions of the said Act shall come into force.

[F. No. 6/3/2010-BO.II]

Dr. MADNESH KUMAR MISHRA, Jt. Secy.

4676 GI/2021



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भाग II — खण्ड 1

PART II — Section 1

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 9th August, 2021/ Sravana 18, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 7th August, 2021, and is hereby published for general information:—

THE COCONUT DEVELOPMENT BOARD (AMENDMENT) ACT, 2021

No. 22 OF 2021

[7th August, 2021.]

An Act further to amend the Coconut Development Board Act, 1979.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Coconut Development Board (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

5 of 1979.

2. In section 3 of the Coconut Development Board Act, 1979 (hereinafter referred to as the principal Act), for clause (b), the following clauses shall be substituted, namely:—

Amendment of section 3.

'(b) "Chairman" means the non-executive Chairman of the Board appointed under clause (a) of sub-section (4) of section 4;

'(ba) "Chief Executive Officer" means the Chief Executive Officer of the Board appointed under sub-section (1) of section 7;'

Amendment
of section 4.

3. In section 4 of the principal Act, in sub-section (4),—

(A) for clause (a), the following clauses shall be substituted, namely:—

"(a) a non-executive Chairman, to be appointed by the Central Government;

(aa) the Chief Executive Officer, to be appointed by the Central Government;

(ab) the Joint Secretary to the Government of India, in-charge of Mission for Integrated Development of Horticulture, *ex officio*;"

(B) in clause (f), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

"(ii) Consumer Affairs;"

(C) for clauses (g), (h) and (i), the following clauses shall be substituted, namely:—

(g) four members to be appointed by the Central Government one each to represent the Governments of the States of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu, being States where coconut is grown on a large scale;

(h) four members to be appointed by the Central Government by rotation in the alphabetical order to represent the States of Assam, Bihar, Chhattisgarh, Goa, Gujarat, Maharashtra, Nagaland, Odisha, Telangana, Tripura, West Bengal and the Union territories of Andaman and Nicobar Islands, Lakshadweep and Puducherry;

(i) six members to be appointed by the Central Government, two to represent the coconut growers of the State of Kerala and one each to represent the coconut growers of the States of Andhra Pradesh, Gujarat, Karnataka and Tamil Nadu;"

Substitution of
new section
for section 5.

4. For section 5 of the principal Act, the following section shall be substituted, namely:—

"5. The Chairman and members of the Board shall receive such allowances as may be fixed by the Central Government."

Allowances
payable to
Chairman and
members.

Amendment
of section 7.

5. In section 7 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) There shall be a Chief Executive Officer of the Board, not below the rank of Joint Secretary to the Government of India, to be appointed by the Central Government.

(1A) The Chief Executive Officer shall exercise such powers and perform such duties as may be prescribed.

(1B) The salaries and allowances payable to, and other conditions of service of, the Chief Executive Officer shall be such as may be prescribed;"

(b) in sub-section (2), for the word "Chairman", the words "Chief Executive Officer" shall be substituted;

(c) in sub-section (4), after the words "the Chairman", the words "or the Chief Executive Officer" shall be inserted;

(d) in sub-section (5), for the words "The Chief Coconut Development Officer", the words "The Chief Executive Officer, the Chief Coconut Development Officer" shall be substituted;

(e) in sub-section (7), for the words "the Chairman", the words "the Chief Executive Officer" shall be substituted.

6. In section 10 of the principal Act, in sub-section (2),—

Amendment of
section 10.

(A) in clause (b), for the words "in India", the words "within or outside India" shall be substituted;

(B) in clause (i), the words "on a large scale" shall be omitted.

7. In section 19 of the principal Act, in sub-section (2), for clause (d), the following clauses shall be substituted, namely:—

Amendment of
section 19.

"(d) the powers to be exercised and the duties to be performed by the Chief Executive Officer under sub-section (1A) of section 7;

(da) the salaries and allowances payable to, and other conditions of service of, the Chief Executive Officer under sub-section (1B) of section 7;"

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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सं० 35] नई दिल्ली, सोमवार, अगस्त 9, 2021/ श्रावण 18, 1943 (शक)
No. 35] NEW DELHI, MONDAY, AUGUST 9, 2021/SRAVANA 18, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 9th August, 2021/ Sravana 18, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 7th August, 2021, and is hereby published for general information:—

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT ACT, 2021

No. 23 OF 2021

[7th August, 2021.]

An Act to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 2016.

2. In section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the principal Act),—

Amendment of section 2.

(i) clause (4) shall be omitted;

(ii) in clause (14),—

(a) in sub-clause (ii), after the words “contravention of”, the words “the provisions of this Act or” shall be inserted;

(b) for sub-clause (vi), the following sub-clause shall be substituted, namely:—

“(vi) who does not have parents and no one is willing to take care of and protect or who is abandoned or surrendered;”;

(c) in sub-clause (ix), for the words “is likely to be”, the words “has been or is being or is likely to be” shall be substituted;

(iii) in clause (17), for the words “Children’s Home”, the words “child care institution” shall be substituted;

(iv) in clause (26), for the words “which is the focal point”, the words “which shall function under the supervision of the District Magistrate” shall be substituted;

(v) after clause (26), the following clause shall be inserted, namely:—

“(26A) “District Magistrate” includes Additional District Magistrate of the District;”;

(vi) in clause (46), the words “the person in-charge of which is willing” shall be omitted;

(vii) for clause (54), the following clause shall be substituted, namely:—

“(54) “serious offences” includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is,— 45 of 1860.

(a) minimum imprisonment for a term more than three years and not exceeding seven years; or

(b) maximum imprisonment for a term more than seven years but no minimum imprisonment or minimum imprisonment of less than seven years is provided.’.

Amendment of section 3. **3.** In section 3 of the principal Act, for the words “the Board, and”, the words “the Board, the Committee, or” shall be substituted.

Amendment of section 4. **4.** In section 4 of the principal Act, in sub-section (7), in clause (iii), for the words “less than”, the word “minimum” shall be substituted.

Amendment of section 8. **5.** In section 8 of the principal Act, in sub-section (3), in clause (m), for the words “of such a child to the observation home”, the words “that child to an observation home or place of safety, as the case may be,” shall be substituted.

Amendment of section 12. **6.** In section 12 of the principal Act, in sub-section (2), after the words “observation home”, the words “or a place of safety, as the case may be,” shall be inserted.

Amendment of section 16. **7.** In section 16 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The District Magistrate may, as and when required, in the best interest of a child, call for any information from all the stakeholders including the Board and the Committee.”.

Amendment of section 18. **8.** In section 18 of the principal Act, in sub-section (1), after the words “heinous offence,”, the words and figures “or a child above the age of sixteen years has committed a heinous offence and the Board has, after preliminary assessment under section 15, disposed of the matter” shall be inserted.

9. In section 27 of the principal Act,—Amendment of
section 27.*(i)* for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) No person shall be appointed as a member of the Committee unless he has a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children and has been actively involved in health, education or welfare activities pertaining to children for seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children.

(4A) No person shall be eligible for selection as a member of the Committee, if he—

(i) has any past record of violation of human rights or child rights,

(ii) has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence,

(iii) has been removed or dismissed from service of the Government of India or State Government or an undertaking or corporation owned or controlled by the Government of India or State Government,

(iv) has ever indulged in child abuse or employment of child labour or immoral act or any other violation of human rights or immoral acts, or

(v) is part of management of a child care institution in a District.”;

(ii) in sub-section (7), in clause *(iii)*, for the words “less than”, the word “minimum” shall be substituted;

(iii) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) The Committee shall submit a report to the District Magistrate in such form as may be prescribed and the District Magistrate shall conduct a quarterly review of the functioning of the Committee.”;

(iv) for sub-section (10), the following sub-section shall be substituted, namely:—

“(10) The District Magistrate shall be the grievance redressal authority to entertain any grievance arising out of the functioning of the Committee and the affected child or anyone connected with the child, as the case may be, may file a complaint before the District Magistrate who shall take cognizance of the action of the Committee and, after giving the parties an opportunity of being heard, pass appropriate order.”.

10. In section 32 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—Amendment of
section 32.

“(2) The information regarding a child referred to in sub-section (1) shall be uploaded by the Committee or the District Child Protection Unit or the child care institution, as the case may be, on a portal as may be specified by the Central Government in this behalf.”.

11. In section 37 of the principal Act, in sub-section (1), the words “submitted by Child Welfare Officer” shall be omitted.Amendment of
section 37.**12.** In section 38 of the principal Act, in sub-section (5), after the words “shall inform”, the words “the District Magistrate,” shall be inserted.Amendment of
section 38.

- Amendment of section 40. **13.** In section 40 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—
- “(4) The Committee shall submit a quarterly report regarding restored, dead and runaway children to the State Government and the District Magistrate in such form as may be prescribed.”.
- Amendment of section 41. **14.** In section 41 of the principal Act,—
- (i) in sub-section (1), the words “, within a period of six months from the date of commencement of this Act,” shall be omitted;
- (ii) in sub-section (2), for the words “shall determine”, the words “shall, after considering the recommendations of the District Magistrate, determine” shall be substituted.
- Amendment of section 54. **15.** In section 54 of the principal Act,—
- (i) in sub-section (2), for the words “District Child Protection Units or State Government, as the case may be”, the words “District Magistrate” shall be substituted;
- (ii) in sub-section (3), for the words “District Child Protection Unit or the State Government”, the words “District Magistrate” shall be substituted.
- Amendment of section 55. **16.** In section 55 of the principal Act, in sub-section (1), after the words “State Government”, the words “or District Magistrate” shall be inserted.
- Amendment of section 56. **17.** In section 56 of the principal Act, in sub-section (5), for the word “Court”, the words “District Magistrate” shall be substituted.
- Amendment of section 58. **18.** In section 58 of the principal Act,—
- (i) in sub-section (3), for the words “in the court”, the words “before the District Magistrate” shall be substituted;
- (ii) in sub-section (4), for the words “court order”, the words “order passed by the District Magistrate” shall be substituted.
- Amendment of section 59. **19.** In section 59 of the principal Act,—
- (i) in sub-section (7), for the words “in the court”, the words “before the District Magistrate” shall be substituted;
- (ii) in sub-section (8), for the words “court order”, the words “order passed by the District Magistrate” shall be substituted.
- Amendment of section 60. **20.** In section 60 of the principal Act, in sub-section (1), for the word “court”, the words “District Magistrate” shall be substituted.
- Amendment of section 61. **21.** In section 61 of the principal Act,—
- (i) for the marginal heading, the following marginal heading shall be substituted, namely:—
- “Procedure for disposal of adoption proceedings.”;
- (ii) in sub-section (1), for the word “court”, the words “District Magistrate” shall be substituted;
- (iii) in sub-section (2), for the word “court”, the words “District Magistrate” shall be substituted.
- Amendment of section 63. **22.** In section 63 of the principal Act, for the word “court”, the words “District Magistrate” shall be substituted.

- 23.** In section 64 of the principal Act, for the words “concerned courts”, the words “District Magistrate” shall be substituted. Amendment of section 64.
- 24.** In section 65 of the principal Act, in sub-section (4), for the word “court”, the words “District Magistrate” shall be substituted. Amendment of section 65.
- 25.** In section 74 of the principal Act, in sub-section (2), for the words “in cases where the case”, the words “in the pending case or in the case which” shall be substituted. Amendment of section 74.
- 26.** For section 86 of the principal Act, the following section shall be substituted, namely:— Substitution of section 86.
- “86. (1) Where an offence under this Act is punishable with imprisonment for a term of more than seven years, then, such offence shall be cognizable and non-bailable. Classification of offences and designated court.
- (2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be non-cognizable and non-bailable.
- (3) Where an offence, under this Act is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable and bailable.
- (4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or the Commission for Protection of Child Rights Act, 2005 or the Protection of Children from Sexual Offences Act, 2012, offences under this Act shall be triable by the Children’s Court.”.
- 27.** In section 87 of the principal Act, for the “Explanation”, the following *Explanation* shall be substituted, namely:— Amendment of section 87.
- ‘*Explanation.*—For the purposes of this section, the expression “abetment” shall have the same meaning as assigned to it in section 107 of the Indian Penal Code.’.
- 28.** In section 101 of the principal Act,— Amendment of section 101.
- (i) for sub-section (3), the following sub-section shall be substituted, namely:—
- “(3) No appeal shall lie from any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years.”.
- (ii) after sub-section (5), the following sub-sections shall be inserted, namely:—
- “(6) Any person aggrieved by an adoption order passed by the District Magistrate may, within a period of thirty days from the date of such order passed by the District Magistrate, file an appeal before the Divisional Commissioner.
- (7) Every appeal filed under sub-section (6), shall be decided as expeditiously as possible and an endeavour shall be made to dispose it within a period of four weeks from the date of filing of the appeal:
- Provided that where there is no Divisional Commissioner, the State Government or Union territory Administration, as the case may be, may, by notification, empower an officer equivalent to the rank of the Divisional Commissioner to decide the appeal.”.
- 29.** In section 110 of the principal Act, in sub-section (2),— Amendment of section 110.
- (a) after clause (xiv), the following clause shall be inserted, namely:—
- “(xiva) the form of report submitted to the District Magistrate under sub-section (8) of section 27;”;

2 of 1974.
4 of 2006.
32 of 2012.

45 of 1860.

(b) after clause (xxii), the following clause shall be inserted, namely:—

“(xxiii) the form of quarterly report regarding restored, dead and runaway children under sub-section (4) of section 40;”.

—————
ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 37] नई दिल्ली, बृहस्पतिवार, अगस्त 12, 2021/ श्रावण 21, 1943 (शक)
No. 37] NEW DELHI, THURSDAY, AUGUST 12, 2021/SRAVANA 21, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th August, 2021/ Sravana 21, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 11th August, 2021, and is hereby published for general information:—

THE INLAND VESSELS ACT, 2021

No. 24 OF 2021

[11th August, 2021.]

An Act to promote economical and safe transportation and trade through inland waters, to bring uniformity in application of law relating to inland waterways and navigation within the country, to provide for safety of navigation, protection of life and cargo, and prevention of pollution that may be caused by the use or navigation of inland vessels, to ensure transparency and accountability of administration of inland water transportation, to strengthen procedures governing the inland vessels, their construction, survey, registration, manning, navigation and such other matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Inland Vessels Act, 2021.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for bringing into force different provisions of this Act in different States or Union territories, as it may deem fit by the Central Government.

Application
and scope.

2. (1) Save as otherwise expressly provided in this Act, the provisions of Chapters I, III, X, XVI and XVIII shall apply to all inland vessels plying within inland waters of India, and—

(a) Chapters IV, V, VI, VIII, IX, X, XI, XII, XIII and XIV shall apply to all mechanically propelled vessels registered under this Act;

(b) Chapters VIII, IX, X, XI, XII and XIII shall apply to vessels registered under such laws in force in India other than this Act, or registered in such laws in force in any country other than India; but endorsed or recognised under this Act for the purpose of plying within inland waterways;

(c) Chapters IV, V, VI, VII, VIII, IX, X, XI, XII, XIII and XIV shall apply to all vessels identified as special category vessels plying or using inland waterways;

(d) Chapter XVII shall apply to all non-mechanically propelled inland vessels.

(2) Notwithstanding anything contained in sub-section (1), the Central Government or the State Government, as the case may be, may extend the application of any Chapter or provision of this Act to any class or category of inland vessels, or to any region of inland waters, by notification in the Official Gazette.

Definitions.

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

(a) "authorised insurer" means any insurance company carrying on any class of marine insurance business, which is registered or recognised by the Central Government under any law for the time being in force in India;

(b) "bareboat charter" means an arrangement for the hiring of a vessel without crew, where the charterer is responsible for appointing the crew and making other arrangements;

(c) "bareboat charter-cum-demise" is a bareboat charter where the ownership of the vessel is intended to be transferred after a specified period to the company to which it has been chartered;

(d) "cargo terminal" means a place designated for the loading, or unloading, or any other allied processes of such loading or unloading of cargo in a port, jetty, wharf or such other places developed within inland waters for the purpose of loading and unloading of cargo;

(e) "casualty" includes any vessel which—

(i) is lost, abandoned, materially damaged;

(ii) causes loss of material or damage to any other vessel;

(iii) causes any loss of life or personal injury;

(iv) causes pollution as a result of or in connection with its operation;

(f) "central database" means the centralised record maintained for recording the data and details of—

(i) vessels;

(ii) registration of vessels;

(iii) crew and manning in the vessels;

(iv) certificates issued in respect of vessels;

(v) reception facilities; and

(vi) such other data,

to be recorded and maintained in the form of an electronic portal or in such other form and manner as may be prescribed by the Central Government;

(g) "certificate of insurance" means a certificate issued by an authorised insurer in pursuance of the insurance premium paid by the insured, and includes a cover note complying with such requirements as may be prescribed by the Central Government;

(h) "competent authority" means the authority referred to in section 6;

(i) "court" means any civil court, revenue court or High Court having jurisdiction over the matters of liabilities and offences as provided in this Act including investigation and inquiry into claims arising out of causalities and accidents within its jurisdiction;

(j) "cover note" includes any note of undertaking issued by the insurer who promises to cover the liability and to indemnify the losses incurred by the insured as provided in the contract of insurance;

(k) "crew" means personnel employed for operation or serving on an inland vessel other than master or passengers as a part of performing the functions of manning;

(l) "dangerous cargo" means any cargo, which, due to its nature, form or content as a whole or in part, are declared as dangerous or potentially dangerous while carried in on any class or category of inland vessels in inland waters under this Act or any other law for the time being in force;

(m) "dangerous goods" means any goods, which, due to its nature, form or content as a whole or in part, are declared as dangerous or potentially dangerous while carried in on any class or category of inland vessels in inland waters under this Act or any other law for the time being in force;

(n) "designated authority" means the authorities appointed by State Government under sub-section (3) of section 5;

(o) "fishing vessel" means a vessel fitted with mechanical mode of propulsion, which is exclusively engaged in fishing for profit, within inland waters;

(p) "hazardous chemical" means any chemical, which has been designated as pollutants under this Act or any other law for the time being in force in India;

(q) "inland vessel" includes any mechanically propelled inland vessel or non-mechanically propelled inland vessel which is registered and plying in inland waters, but does not include—

(i) a fishing vessel registered under the Merchant Shipping Act, 1958 or the Marine Products Export Development Authority Act, 1972; and

(ii) any vessel that are specified as not to be inland vessels by notification by the Central Government.

Explanation—For the purposes of this clause, it is clarified that a vessel registered under the Merchant Shipping Act, 1958 and plying within the inland waters shall be deemed to be an inland vessel registered under this Act;

(r) "inland waters", for the purpose of inland navigation, includes any—

(i) canal, river, lake or other navigable water inward of baseline or as may be declared by notification in the Official Gazette by the Central Government;

(ii) tidal water limit, as may be declared by notification in the Official Gazette by the Central Government;

44 of 1958.
13 of 1972.

44 of 1958.

(iii) national waterways declared by the Central Government; and

(iv) other waters as may be declared by notification in the Official Gazette by the Central Government;

(s) "lien" is a legal right or interest that a creditor has in the inland vessel or any property thereof, retained until a debt or duty is secured, or the performance of some other obligation is satisfied;

(t) "limitation of liability" means the rate or extent of liability within which the owner or such other persons entitled under this Act, may limit the liability or be permitted to limit or cap the liability arising out of claims, in accordance with the procedure laid down and the rates, as may be specified in this Act or as may be prescribed by the Central Government;

(u) "load line" means a water line which is marked on an inland vessel to denote the safe carrying or loading capacity of such vessel;

(v) "master" includes any person including serang or such other person, who is in command or in charge of any inland vessel, and does not include a pilot or harbour master;

(w) "material fact" means a fact of such a nature, which determines the judgment of a prudent insurer, in assessing the extent of his liability, premium to be charged, conditions to be specified and such other terms to be entered and incorporated in a policy of insurance governing the relationship with the insured;

(x) "material particular" means any particular of such a nature, which determines the judgment of a prudent insurer, in assessing the extent of his liability, premium to be charged, conditions to be specified and such other terms to be entered and incorporated in a policy of insurance governing the relationship with the insured;

(y) "mechanically propelled inland vessel" means—

(i) any inland vessel in the inland waters which is propelled by mechanical means of propulsion; or

(ii) floating units, floating surfaces, dumb vessels, barges, rigs, jetties or such other non-mechanically propelled inland vessel, which are towed or pushed with the assistance of another mechanically propelled vessel and used for carriage, storage, transportation and accommodation of passengers and cargo in or through inland waters;

(z) "minimum manning requirement" means the standard and number of persons required for safe manning and navigation of vessels, as may be prescribed by the Central Government;

(za) "non-mechanically propelled inland vessel" means any vessel which is not a mechanically propelled inland vessel;

(zb) "notification" means a notification published in the Gazette of India or the Official Gazette of a State, as the case may be, and the expression "notify" with its grammatical variation and cognate expressions shall be construed accordingly;

(zc) "obnoxious substance" means any substance, which has been designated as pollutants under this Act or any other law for the time being in force in India;

(zd) "official number" means the number assigned to any vessel by the Registrar of Inland Vessels or such other person appointed under this Act, to be affixed or displayed on a conspicuous part of such vessel to refer, distinguish and identify one vessel from another;

(ze) "oil" means any edible oil carried on vessel as cargo or persistent oil such as crude oil, heavy diesel oil, lubricating oil and white oil, carried on board of a vessel as cargo or fuel;

(zf) "oily mixture" means a mixture with any oil content;

(zg) "owner" means operator, charterer, beneficial owner or registered owner, who is responsible for the activities of the vessel and shall be under obligation to comply with the provisions of this Act in relation to, or in possessing express or implied title under this Act or any other law for the time being in force;

(zh) "passenger" means any person carried on board of a vessel, except persons employed or engaged in any capacity on board of the vessel in connection with the business of the vessel;

(zi) "passenger terminal" means the terminal designated for the embarking or dis-embarking of passengers and the permitted cargo, in a port, jetty, wharf or like places;

(zj) "passenger vessel" means any vessel permitted to carry more than twelve passengers;

(zk) "pilot" means a person appointed by the owner of the vessel to assist the master or to steer the vessel in such area of inland water in accordance with the mandatory requirements, as specified in section 83;

(zl) "prescribed" means prescribed by rules by the Central Government or a State Government, as the case may be;

(zm) "priority of lien" means the ranking of liens in the order in which they are perfected or recorded in the book of registry maintained at every port or place of registry;

(zn) "reciprocating country" means any country, as may on the basis of reciprocity, specified by notification by the Central Government to be a reciprocating country for the purposes of this Act;

(zo) "recognised organisation" means any organisation recognised and authorised by the Central Government to perform and execute the functions involved in survey, classification or certification of vessels;

(zp) "salvage" means an act of the salvor in retrieving or saving any property or life in danger due to wreck or accident and includes all expenses incurred by the salvor in the performance of salvage services;

(zq) "salvor" means any person who conducts salvage operations;

(zr) "service provider" includes any person, who in the capacity of owner or operator of an inland vessel used or plying in inland waters, providing services to any service user for the purposes of transportation, storage or accommodation;

(zs) "service user" includes any person who as a passenger or owner of cargo or freight forwarder, uses the services of any inland vessel in the inland waters for transportation, storage or accommodation purposes;

(zt) "special category vessel" means a mechanically propelled inland vessel that is identified under this Act as special by considering its use, purpose, function or utility or the means of propulsion including the fuelling system or source of power for propulsion, such as liquefied natural gas, electrical propulsion, the design, dimensions of construction or areas of operation or such other criteria or standards;

(zu) "vessel" includes every description of water craft used or capable of being used in inland waters, including any ship, boat, sailing vessel, tug, barge or other

description of vessel including non-displacement craft, amphibious craft, wing-in-ground craft, ferry, roll on-roll-off vessel, container vessel, tanker vessel, gas carrier or floating unit or dumb vessel used for transportation, storage or accommodation within or through inland waters;

(zv) "wreck" means a state of any vessel, or goods or a part or property of such vessel or carried on the vessel,—

(i) which have been cast into or have fallen into the inland waters and then sunk and remain under water or remains floating on the surface; or

(ii) which have sunk in the inland waters, but are attached to a floating object in order that they may be found again; or

(iii) which are intentionally thrown away or abandoned without hope or intention of recovery; or

(iv) which by its presence in inland waters, is a hazard or causes impediment to navigation, or adversely affects safety of life or causes pollution.

CHAPTER II

DECLARATION OF INLAND WATER AREA INTO ZONES

Declaration of inland water area into Zones.

4. (1) The State Government may, for the purposes of this Act, declare by notification any inland water area to be a "Zone" depending on the maximum significant wave height criteria specified in sub-section (2).

(2) For the purposes of sub-section (1), the State Government may classify the maximum significant wave height criteria into the following Zones, namely:—

(i) Zone 1 refers to the area (other than Zone 2 or Zone 3) where the maximum significant wave height does not exceed 2.0 metres;

(ii) Zone 2 refers to the area (other than Zone 3) where the maximum significant wave height does not exceed 1.2 metres; and

(iii) Zone 3 refers to the area where the maximum significant wave height does not exceed 0.6 metres.

CHAPTER III

ADMINISTRATIVE PROVISIONS

Administrative role of Central Government and State Governments.

5. (1) The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by it under, or in relation to any such provision of this Act, or the rules made thereunder, or as may be specified in the order allocating the duties, shall, subject to such conditions and restrictions as may be so specified, also be exercisable by the competent authority or by such other officer as may be specified in that order.

(2) On and from the date of issue of notifications or rules made by the Central Government under the provisions of this Act, the provisions shall,—

(a) uniformly apply in whole or in any part of India, as may be specified therein; and

(b) prevail over such notifications or rules, as the case may be, issued or made by the State Governments.

(3) The State Governments may, by notification, appoint one or more designated authorities within their respective jurisdiction for the purposes of exercising or discharging the powers, authority or duties conferred, by or under this Act and the rules made thereunder.

(4) Notwithstanding anything contained in sub-section (1) and section 6, the existing administrative authorities constituted under State Governments or Union territory Administrations may continue to be the designated authorities for the purposes of sub-section (3).

(5) The State Government may, for the purposes of implementing the various provisions of this Act and the rules made thereunder, by general or special order, direct that any power or authority conferred under this Act, subject to such conditions and restrictions as it may think fit, be exercised or discharged by the respective designated authorities or any officer or any other organisation or body.

(6) Save as otherwise provided in this Act, the State Government shall have the power to make rules and shall exercise the powers conferred on it, as provided by or under this Act.

(7) Notwithstanding anything to the contrary in this Act, for the purposes of administration of the non-mechanically propelled inland vessels, as specified in Chapter XVII, the Central Government shall have no powers of administration and shall only provide assistance to the respective State Government, on receipt of official request from such State Government.

82 of 1985. **6.** The Inland Waterways Authority of India, constituted under section 3 of the Inland Waterways Authority of India Act, 1985 shall be the competent authority for the purpose of exercising or discharging the powers, authority or duties conferred, by or under this Act. Competent authority.

CHAPTER IV

SURVEY OF INLAND VESSELS

7. (1) For the purposes of this Chapter,—

(a) the classification of mechanically propelled vessels;

(b) the criteria for such classification; and

(c) the standards of design, construction, fitness and crew accommodation of such vessels,

Power to classify and categorise for purpose of survey.

shall be such, as may be prescribed by the Central Government.

(2) The State Government shall classify and categorise mechanically propelled inland vessels on the basis of criteria and standards referred to in sub-section (1).

8. (1) No person shall construct any mechanically propelled inland vessel, or alter or modify any mechanically propelled inland vessel so as to affect its strength, stability or safety, except with prior approval of the designated authority, in such manner as may be prescribed by the Central Government.

Construction, alteration or modification of mechanically propelled inland vessel.

(2) The list of alterations or modifications referred to in sub-section (1), which would affect the strength, stability or safety of any mechanically propelled inland vessel, and the criteria therefor, shall be such as may be specified by the Central Government, by notification.

9. (1) The standard for type and periodicity of surveys for every mechanically propelled inland vessel shall be such as may be prescribed by the Central Government.

Survey of vessels.

(2) The owner, operator, master or construction yard or any other applicant, as the case may be, shall submit a request for survey in such form and content as may be prescribed by the Central Government.

45 of 1860. **10.** (1) For the purposes of this Act, the State Government may, by notification, appoint officers or persons as surveyors of inland vessels and such surveyors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Appointment and qualifications of surveyors.

(2) The minimum criteria and qualifications for the appointment of surveyors, which the State Governments shall adopt in the appointment of surveyors, shall be such as may be prescribed by the Central Government.

11. (1) On receipt of the application from the owner or master or construction yard for conducting survey, in such form and within such time as may be prescribed by the Central Government, the surveyor may board or enter and inspect a mechanically propelled inland vessel:

Powers of surveyors.

Provided that the surveyor shall not unnecessarily hinder the loading or unloading of cargo or; embarking or dis-embarking of passengers of the mechanically propelled inland vessel, or unnecessarily detain or delay her from proceeding on any voyage.

(2) The owner, operator, master and crew of the mechanically propelled inland vessel shall render the surveyor, all reasonable facilities for conducting survey, and all information with respect to such mechanically propelled inland vessel, and her machinery or any part thereof, and all equipment and articles on board, as he may require for the purposes of a survey.

Grant of certificate of survey and procedures.

12. (1) On completion of survey of a mechanically propelled inland vessel, the surveyor shall forthwith issue the applicant, a declaration of survey, valid for such period and in such form, as may be prescribed by the Central Government.

(2) The State Government shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration submitted under sub-section (1), and on receipt of payment of fee, as may be prescribed by the State Government, issue a certificate of survey to the applicant.

(3) A certificate of survey granted under this section shall be in such form as may be prescribed by the Central Government, and shall contain a statement to the effect that all the provisions of this Act with respect to the survey of the mechanically propelled inland vessel and the declaration of surveyor have been complied with, and shall set forth such particulars or such other terms and conditions, as may be prescribed by the Central Government.

(4) The State Government may, by notification in the Official Gazette, delegate all or any of the functions assigned to it by the Central Government under this section:

Provided that no delegation shall be made to authorise the grant of a certificate of survey by the surveyor, who made the declaration of survey under sub-section (1).

Provisional certificate of survey and its effect.

13. (1) On receipt of application and the fee from the owner or operator of any mechanically propelled inland vessel, the surveyor who conducted the survey, may grant a provisional certificate of survey extending the validity of the prevailing certificate of survey by endorsement, in such form and for such period, as may be prescribed by the Central Government.

(2) Any mechanically propelled inland vessel, which has been issued with a provisional certificate of survey or endorsement under sub-section (1), may proceed on voyage or use in service, temporarily, pending the issue of the certificate of survey, in such manner and subject to the conditions as may be prescribed by the State Government.

Mechanically propelled inland vessels not to proceed without certificate of survey, and requirement of Zone to be specified in such certificate.

14. (1) No mechanically propelled inland vessel shall be used nor proceed on voyage, without a valid certificate of survey that shall provide or indicate among others, the Zone intended for operation or applicable voyage or service of such vessel.

(2) The certificate of survey shall have effect throughout India, unless otherwise specified therein and subject to such other conditions as may be specified by the competent authority.

(3) The certificate of survey shall be valid for such period as may be specified by notification by the Central Government and shall not be in force—

(a) after the expiration of the period specified in the certificate of survey; or

(b) after notice has been issued to cancel or suspend such certificate.

(4) Nothing in this section shall prevent the State Government from excluding a mechanically propelled inland vessel from the requirement under sub-section (1), on an application made by the owner or master of the vessel for permission to proceed on a voyage; during the interval between the date on which the certificate of survey expires and the earliest possible date of renewal.

(5) After cessation of a certificate of survey, a valid certificate of survey shall be obtained only after a fresh survey of the mechanically propelled inland vessel has been conducted by any surveyor appointed under this Act.

15. (1) The State Government may suspend or cancel a certificate of survey, if it has reason to believe that—

(a) the declaration of the surveyor of the sufficiency and good condition of the hull, engines or other machinery or of any of the equipment of the mechanically propelled vessel has been fraudulently or erroneously made; or

(b) the certificate has otherwise been granted upon false or erroneous information; or

(c) since the making of the declaration, the hull, engine or other machinery, or any of the equipment of the mechanically propelled vessel have sustained any material damage, or have otherwise become insufficient.

(2) The State Government shall issue the notice of suspension of certificate of survey to the owner, operator, master or construction yard by stating the errors to be rectified and conditions that have to be complied with by the owner, operator, master or construction yard within three months from the date of issuance of such notice, in such manner as may be prescribed by that Government.

(3) In the event of non-compliance of the notice of suspension by the owner, operator, master or construction yard within the period specified therein, the State Government shall record such non-compliance and shall issue the notice of cancellation of certificate of survey, which shall come into force with immediate effect.

16. (1) The owner or master shall deliver the certificate of survey, which has expired or has been suspended or cancelled, to such officer as the State Government may, by notification in the Official Gazette, appoint in this behalf.

(2) The State Government shall record the details of the cancelled certificate in the book of registry maintained by the Registrar of Inland Vessels.

Suspension and cancellation of certificate of survey.

Delivery of expired, suspended or cancelled certificate of survey.

CHAPTER V

REGISTRATION

17. (1) Any mechanically propelled inland vessel, which is wholly owned by—

(a) a citizen of India; or

(b) a co-operative society registered or deemed to be registered under the Co-operative Societies Act, 1912; or

(c) a body established under any Act relating to co-operative societies for the time being in force in any State; or

(d) a company registered under the Companies Act, 2013; or

(e) a partnership firm registered under the Limited Liability Partnership Act, 2008; or

(f) any other body including a partnership firm, trust or societies established by or under any Central or State enactment and which has its principal place of business in India;

(g) any legal business combination, otherwise allowed under the existing commercial law for the time being in force in India, within the permissible foreign direct investment limits in the sector and having its principal place of business in India,

shall be registered under the provisions of this Act.

Registration.

2 of 1912.

18 of 2013.

6 of 2009.

(2) A foreign vessel, other than vessels registered or obligated to register under the Merchant Shipping Act, 1958, chartered on bareboat charter-cum-demise by an Indian charterer, for the purposes of plying exclusively within inland waters, shall be registered under the provisions of this Chapter. 44 of 1958.

(3) The inland vessels registered under this Act may also be registered under the Merchant Shipping Act, 1958. 44 of 1958.

Explanation.—For the purposes of sub-section (2), "Indian charterer" shall mean a person referred to in clauses (a) to (g) of sub-section (1), who has chartered a vessel on bareboat charter-cum-demise contract.

Requirement of certificate of registration.

18. (1) A mechanically propelled inland vessel required to be registered under this Chapter, shall not proceed on any voyage or be used for any service, unless it has a valid certificate of registration granted under this Act in respect thereof.

(2) Notwithstanding anything contained in sub-section (1), the authority appointed or authorised under this Chapter may—

(a) permit any mechanically propelled inland vessel, built at any place other than a port or place of registry, to make her first voyage through the inland waters to any such port or place for the purpose of registration; or

(b) permit the vessel registered under any law for the time being in force in India for which provisions have been made under this Act to conduct voyage within the inland waters; or

(c) permit any mechanically propelled vessel registered under such laws of countries other than India, which shall only be permitted to ply within the inland waters subject to compliance of such terms and conditions as may be prescribed by the Central Government.

Owner or master to carry certificate of registration.

19. (1) The owner or master of an inland vessel shall carry a valid certificate of registration issued under this Chapter and shall make available for inspection, when demanded by the officers appointed by the State Government.

(2) The State Government or such other officer appointed or authorised under this Chapter may detain any mechanically propelled inland vessel required to be registered under this Act, until the respective owner, operator or master of such vessel furnishes a valid certificate of registration.

Appointment of ports or places of registry and Registrars of Inland Vessels.

20. (1) For the purposes of this Chapter, the State Government may, by notification,—

(a) appoint ports or places of registry; and

(b) appoint Registrar of Inland Vessels at the said ports or places of registry, who shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

(2) A Registrar of Inland Vessels shall, in respect to the port or place of registry for which he is appointed, perform his functions as may be prescribed by the State Government.

Book of registry.

21. (1) The Registrar of Inland Vessels shall maintain and keep a book of registry, which shall have record of all particulars contained in the form of certificate of registration as may be prescribed by the Central Government.

(2) The Registrar of Inland Vessels shall report the details of the book of registry or entries made therein, to the State Government at regular intervals, in such manner and period as may be prescribed by the State Government.

(3) The State Government shall report and update the Central Government in respect of—

(a) the designated ports and places of registry;

- (b) the details of officers appointed or authorised under this Chapter; and
- (c) the details of registrations as entered in the book of registry,

to facilitate and administer the registration processes under this Chapter.

22. The Central Government shall appoint officers to maintain a central data base for inland vessels, in such form and manner, and the functions of the officers so appointed shall be such, as may be prescribed by that Government.

Central data base of inland vessels.

23. (1) The owner or master, may make an application for registration of a mechanically propelled inland vessel, which has a valid certificate of survey issued under this Act, in such form, manner and along with such particulars, as may be prescribed by the Central Government.

Application and processes of registration of vessels.

(2) The list of documents to be submitted or adduced by the applicants for registration, in addition to the particulars referred to in sub-section (1), shall be such as may be prescribed by the Central Government.

(3) Every application for registration shall be made to the Registrar of Inland Vessels, within the jurisdiction of the respective State in which the owner of the mechanically propelled inland vessel—

- (a) ordinarily resides; or
- (b) has the principal place of business or the officially registered office.

(4) If the Registrar of Inland Vessels is satisfied that the vessel or the application submitted for registration is not in compliance with the provisions of this Act, he may refuse to register a mechanically propelled inland vessel for reasons to be recorded in writing and shall provide the applicant a note containing the reasons for such refusal.

24. (1) Subject to the provisions of section 23, the Registrar of Inland Vessels shall, grant the certificate of registration to the applicant, who has paid such fee, as may be prescribed by the State Government, and assign the official number to such registered vessel.

Grant of certificate of registration and marking of vessel.

(2) The certificate of registration shall be in such form and content, as may be prescribed by the Central Government, and shall contain the following particulars, namely:—

- (a) registered address of the owner and other ownership details;
- (b) details of mortgage, if any;
- (c) official number;
- (d) classification and category of vessel;
- (e) any other particular, as may be prescribed by the State Government.

(3) The owner shall display the official number on a conspicuous part of the vessel, as may be prescribed by the State Government.

25. (1) The certificate of registration granted under section 24 shall be deemed to be valid in all States and Union territories, unless otherwise specified therein.

Effect of certificate of registration.

(2) The certificate of registration issued under this Chapter shall be conclusive proof of ownership and title, as declared by the applicant and as entered in the book of registry by the Registrar of Inland Vessels.

(3) Notwithstanding anything contained in this Act, any person who has beneficial interest of ownership in the mechanically propelled inland vessel or shares therein, shall have the same rights as that of the registered owner and shall be deemed as owner of such vessel for the purposes of this Act.

Duplicate certificate.

26. (1) If the certificate of registration issued under this Chapter is lost or destroyed, the registered owner shall apply for a duplicate certificate to the Registrar of Inland Vessels, who has issued such certificate of registration, in such form and manner as may be prescribed by the State Government.

(2) The Registrar of Inland Vessels shall, on receipt of application under sub-section (1) and such fees or additional fees, as may be prescribed by the State Government, issue the duplicate certificate of registration.

Provisional certificate of registration.

27. (1) The Registrar of Inland Vessels may, pending issuance of the certificate of registration, upon an application and on payment of fee, by the applicant, issue a provisional certificate of registration valid for such period as may be prescribed under sub-section (2).

(2) The application, fee and the issuance of provisional certificate of registration referred to in sub-section (1) shall be in such form, rate and manner, as may be prescribed by the Central Government.

(3) During the period of validity of the provisional certificate of registration, the owner, operator, master or construction yard shall implement and comply with all necessary steps to be taken to have the vessel registered under this Chapter.

Registration of modifications or alterations.

28. (1) The owner, operator or master of any mechanically propelled inland vessel, shall make an application, in such form, manner and within such period as may be prescribed by the State Government, to effect any alteration or modification affecting the strength, stability or safety of such mechanically propelled inland vessel along with the respective certificate of survey, in which such alteration or modification have been approved, to the respective Registrar of Inland Vessels, who has issued the certificate of registration.

(2) The Registrar of Inland Vessels shall, on receipt of application and the certificate of survey and on receipt of such fee, as may be prescribed by the State Government, either cause the alteration or modification to be registered and entered in the certificate of registration, or direct that the vessel be registered anew:

Provided that, where the Registrar of Inland Vessels, directs that the vessel be registered anew, he shall grant a provisional certificate for a specific period describing the vessel as altered or endorse on the existing certificate about the particulars of the alteration.

(3) Any mechanically propelled inland vessel found plying without complying with sub-section (1) or sub-section (2) shall be detained by such authority or officer as the State Government may, by general or special order, appoint in this behalf.

Change of residence or place of business.

29. (1) If the owner of a mechanically propelled inland vessel ceases to reside or carry on business at the registered address recorded in the certificate of registration of the vessel, such person shall comply with the procedures prescribed under sub-section (2) by the Central Government.

(2) For the purposes of sub-section (1), the procedures to be complied with by the owner of any mechanically propelled inland vessel, who ceases to be the owner or applies for the requirement of transfer of registry or any such circumstances leading to change of the registered address, shall be such as may be prescribed by the Central Government.

Prohibition against transfer of ownership of registered vessel.

30. No mechanically propelled inland vessel registered with the registering authority of a State Government under this Chapter, shall be transferred to a person residing in any country other than India, without the prior approval of the Registrar of Inland Vessels, who has originally granted the certificate of registration and such a transfer shall be validated only if made in compliance with such procedures as may be prescribed by the Central Government.

Suspension of certificate of registration.

31. (1) The Registrar of Inland Vessels may at any time, require any mechanically propelled inland vessel within the local limits of his jurisdiction to be inspected by such authority as the State Government may, by general or special order, appoint in this behalf.

(2) As a result of such inspection, if the Registrar of Inland Vessels has reason to believe that after the granting of the certificate of registration, the mechanically propelled inland vessel became unfit to ply in inland waters, order suspension of the certificate of registration of the said vessel for such period as he may deem fit.

(3) The Registrar of Inland Vessels shall, before suspending a certificate of registration, provide to the owner, operator or master an opportunity of being heard, and record the reasons for such suspension.

(4) The Registrar of Inland Vessels who suspends the certificate of registration under sub-section (2), shall issue a notice of suspension to the registered owner stating the reasons for suspension and the conditions to be complied within such period, as may be prescribed by the State Government, for withdrawal of such order of suspension.

(5) Where the registration of a mechanically propelled inland vessel is suspended under sub-section (2) by any Registrar of Inland Vessels, other than the Registrar of Inland Vessels who has originally issued the certificate of registration, the former shall intimate the latter, regarding such order of suspension or withdrawal of such order of suspension; and the latter shall enter such order in the book of registry in which the registration of the vessel is originally recorded.

(6) The Registrar of Inland Vessels suspending the certificate of registration, shall confiscate such certificate and return the certificate to the owner or master only upon withdrawal of the order of suspension.

32. (1) If any mechanically propelled inland vessel registered under this Act is declared missing, destroyed, lost, abandoned or has been rendered permanently unfit for service or destined for scrapping or dismantling or sold abroad; the owner of the vessel shall, within such time as may be prescribed by the Central Government, report the fact to the Registrar of Inland Vessels of the place where the vessel is registered and shall also forward to that authority, along with the report, the certificate of registration of the vessel and thereupon such Registrar of Inland Vessels shall have the certificate of registration cancelled.

Cancellation
of
registration.

(2) Any Registrar of Inland Vessels may at any time require that any mechanically propelled inland vessel within the local limits of his jurisdiction may be inspected by such designated authority as the State Government may, by general or special order, appoint in this behalf and, if as a result of such inspection, such Registrar of Inland Vessels is satisfied that the vessel is in such a condition that it is not fit to ply in any inland water, the Registrar of Inland Vessels may, after giving the owner of the vessel an opportunity of being heard, cancel the registration of the vessel and require the owner thereof to surrender forthwith to him, the certificate of registration in respect of that vessel, if it has not already been so surrendered.

33. (1) A registered mechanically propelled inland vessel or a share therein may be mortgaged as a security for a loan or other valuable consideration, and the instrument creating the security shall be in such form, as may be prescribed by the Central Government, and on the production of such instrument, the Registrar of Inland Vessels who granted the certificate of registration shall record it in the book of registry.

Mortgage of
mechanically
propelled
inland vessel
or share
therein.

(2) The manner and the conditions, subject to which a mechanically propelled inland vessel or a share therein may be mortgaged, shall be such as may be prescribed by the Central Government.

CHAPTER VI

MANNING, QUALIFICATION, TRAINING, EXAMINATION AND CERTIFICATION

34. (1) The standards for qualification, training, training institutes, examination and grant of certificate of competency for the purposes of this Chapter shall be such as may be prescribed by the Central Government.

Training and
minimum age
for
employment.

(2) No person under the age of eighteen years shall be employed on a mechanically propelled inland vessel registered under this Act.

Minimum
manning scale
and manning
requirements.

35. The minimum manning scale applicable to different class or category of mechanically propelled inland vessels, categorised under this Act or such other laws for the time being in force in India, shall be such as may be prescribed by the Central Government.

Appointment
and duties of
examiners.

36. (1) The State Government may appoint examiners, in accordance with the criteria and qualifications, as may be prescribed by the Central Government, for the purpose of examining the qualifications of persons desirous of obtaining certificates under this Chapter to the effect that they are competent to undertake the responsibilities of and act as, masters, or as engineers or engine-drivers, or as such other persons, as the case may be, on the mechanically propelled inland vessels.

(2) The examiners shall evaluate the persons who have undergone the training required for qualifying as masters, or as engineers or engine-drivers, or as such other persons, as the case may be, and shall report the list of successful candidates who possess the required qualifications to the Central Government or such other officer appointed or authorised by notification by the State Government.

Grant of
certificate of
competency.

37. (1) The State Government may evaluate the report provided by the examiners, and upon confirmation as to the correctness of such report; shall grant to every candidate; who is reported by the examiners to possess the required qualifications, with the certificate of competency, certifying that the candidate specified in the report is competent to serve, in such capacity as may be specified therein, on any class or category or whole of the mechanically propelled inland vessel as specified in the certificate.

(2) The State Government shall require for further examination or a re-examination of all or any of the candidates, if it is found that the report submitted by examiners is defective, or there exists reason to believe that such a report has been unduly made.

(3) The certificate of competency shall be in such form and manner as may be prescribed by the Central Government.

Certificate of
service.

38. (1) The State Government may, on an application, without examination, grant a certificate of service to any person who has served as a master, or as an engineer, of a vessel of the Coast Guard, Indian Navy or regular Army for such period as may be prescribed in this behalf by the Central Government, to the effect that he is competent to act, as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver or in such capacity as may be specified therein, as the case may be, on board the mechanically propelled inland vessel.

(2) For the purposes of granting of certificate of service under sub-section (1), the State Government shall verify the certificate, certifying the competence of the applicant as issued by the Coast Guard, Indian Navy or regular Army, as submitted to it by such applicant along with his application.

(3) Notwithstanding anything contained herein, the State Government may by recording reasons thereof, refuse granting of certificate of service under sub-section (1).

(4) A certificate of service so granted under sub-section (1), shall be in such form and manner; and shall be subject to such conditions, as may be prescribed by the Central Government, and shall have the same effect as a certificate of competency granted under section 37.

Effect of
certificate of
competency
or certificate
of service.

39. Subject to the provisions of this Act and such conditions as may be prescribed by the Central Government, a certificate of competency or certificate of service shall be valid throughout India.

40. (1) If the holder of any certificate issued under this Chapter is found to have acted in contravention to the provisions of this Act or the rules made thereunder; the said certificate shall be liable to be suspended or cancelled.

Suspension and cancellation of certificate.

(2) The State Government or any officer appointed or authorised under this Chapter shall issue notice to the holder of certificate and shall provide him an opportunity of being heard before suspension or cancellation of certificates issued under this Chapter.

(3) Notwithstanding anything contained in sub-section (2), the State Government or any officer appointed or authorised under this Chapter, may suspend or cancel the certificate of competency or the certificate of service granted under this Chapter by recording reasons thereof.

(4) If a certificate issued under the provisions of this Chapter is suspended or cancelled, the holder of such certificate shall deliver it to the State Government or such officer, appointed or authorised by that Government by notification in Official Gazette under this Chapter.

41. (1) The State Government shall maintain registers in electronic format to record, the details and data of the certificate, and the respective certificates, issued under this Chapter in such form and manner as may be prescribed by it.

Registry of certificate holders and central registry.

(2) The State Government shall report and update the Central Government with the information on data and details of certificates issued, granted, cancelled or suspended or such other remarks, made by the respective authority in regular intervals, as may be prescribed by the Central Government.

(3) The Central Government shall update the central data base with the reports and information received from all the State Governments under this Chapter in electronic format.

CHAPTER VII

SPECIAL CATEGORY VESSELS

42. (1) For the purposes of this Chapter, the Central Government may, by rules to be made in this behalf, specify the criteria and standards to identify any class or category of mechanically propelled inland vessels as special category vessels based on their design, construction, use, purpose, area of plying, source of energy or fuelling, or any other criteria or standards.

Special category vessels.

(2) The requirements of construction, design, survey, registration, manning, qualification, competency, or the requirements in addition to those contained elsewhere in this Act shall be such, as may be prescribed by the Central Government.

(3) The State Governments shall identify the mechanically propelled inland vessels as special category vessels based on the criteria and standards prescribed by the Central Government under sub-section (1).

43. (1) The State Government shall appoint or authorise such number of officers for the purpose of performing duties and implementing the provisions of this Chapter.

Appointment or authorisation of officers to implement provisions, grant certificate of fitness, etc.

(2) On an application made by owner, operator or master of any mechanically propelled inland vessel in such form as may be prescribed by the State Government, any officer appointed or authorised under sub-section (1), on being satisfied that such vessel complies with the provisions of this Act and falls under the special category vessels as identified in this Chapter, and subject to such other conditions including validity as may be prescribed by the State Government, may grant a certificate of fitness, in such form and manner as may be prescribed by that Government.

(3) The officer appointed or authorised under sub-section (1) may, for reasons to be recorded in writing, refuse to grant the certificate of fitness in respect of an application made under sub-section (2).

Safety of passengers or service users.

44. (1) The safety features, gears and such other measures by which any mechanically propelled inland vessel, identified as special category vessel under this Chapter, shall comply with and be equipped in accordance with the categorisation of such vessel, shall be such as may be prescribed by the State Government.

(2) The maximum carrying capacity of the vessel identified as special category vessel by specifying the safety loadline or the limits of loadline to keep them afloat, or such other criteria and conditions, other than those mentioned elsewhere in this Act for the safe voyage of such inland vessel, shall be such as may be prescribed by the State Government.

Inspection of vessel.

45. (1) The surveyor may, other than for the purpose of survey, at any reasonable time, go on board any special category vessel, and inspect the respective vessel including the hull, equipment and machinery or any part or properties of such vessel.

(2) The owner, operator, agent, master and any such person in-charge of the special category vessel, shall make available all necessary facilities to the surveyor for inspection and survey, and all such information regarding the vessel and her machinery and equipment, or any part thereof, respectively, as the surveyor or such other officer may reasonably require.

Suspension or cancellation of certificate of fitness.

46. (1) If any special category vessel does not comply with the provisions of this Act or the rules made thereunder, the State Government may issue notice to the owner or operator or master or any person in-charge of such vessel, for rectifying the non-compliance within such time as may be specified therein.

(2) In case of continuance of non-compliance by the owner or operator or master or any person in-charge of the special category vessel even after receipt of the notice issued under sub-section (1), the State Government may, after providing an opportunity of being heard and for reasons to be recorded in writing, suspend or cancel the certificate of fitness issued to such vessel under this Chapter.

(3) If the certificate of fitness of a special category vessel has been suspended or cancelled under sub-section (2), then such vessel shall cease to operate till the suspension is revoked, or in the event of cancellation, shall cease to operate till a new certificate of fitness is granted.

CHAPTER VIII

NAVIGATION SAFETY AND SIGNALS

Navigation safety, lights and signals.

47. (1) The specifications and requirements of signals and equipment based on classification and categorisation of mechanically propelled vessels, to be complied with by such vessels shall be such as may be prescribed by the Central Government.

(2) The fog and distress signals to be carried and used, the steering and sailing rules to be complied with and the different protocols for exhibition and display of different standards of lights, shapes and signals, by any mechanically propelled vessel plying in inland waters shall be such, as may be prescribed by the Central Government.

(3) The owner or master of every mechanically propelled vessel, while in the inland water limit, shall comply with the rules made under sub-sections (1) and (2), and shall not carry or exhibit any lights or shapes or use any fog or distress signals, other than that required to be exhibited under this Chapter or the rules made thereunder.

Obligation to ensure safe navigation.

48. (1) Every mechanically propelled vessel shall adopt necessary measures to prevent collision and to ensure safe navigation through inland waters.

(2) If any damage to person or property arises in the inland water limit due to non-observance of any of the rules made under this Chapter by any mechanically propelled vessel, the damage shall be deemed to have been occasioned by the wilful default of the person in-charge of such vessel at that time, unless it is shown to the satisfaction of the court that the circumstances of the case demanded deviance from the applicable rules.

49. The master of a mechanically propelled vessel, while in the inland water limit, on finding or encountering a dangerous derelict or any other hazard to navigation in the inland waterways, shall immediately send a signal to indicate the danger or distress, or any such information to other mechanically propelled vessels in the vicinity and to the concerned State Government:

Distress signal.

Provided that no fees or charges shall be levied on any mechanically propelled vessel, in using any device for communicating any information under this section.

50. (1) The master of any mechanically propelled vessel, while in the inland water limit, who has received any signal of distress from any vessel or aircraft within the inland water limit, shall proceed immediately to the assistance of the persons in distress by acknowledging the receipt of such signal to the vessel in distress.

Assistance to vessels in distress and persons in distress.

(2) Notwithstanding anything contained in sub-section (1), the master of a mechanically propelled vessel shall be released from the obligation to render assistance as provided in the said sub-section, if he is unable to do so, or in the special circumstances of the case, considers it unreasonable to act as provided in the said sub-section, or if the requirement for assistance is being complied with by other vessels, or the assistance is no longer required.

(3) The master of any mechanically propelled vessel, while in the inland water limit, shall render assistance to every person found in danger of being lost in the inland waters.

(4) The master of any mechanically propelled inland vessel may abstain from complying with sub-section (3), if in his judgment, he is unable to or, in the special circumstances of the case, such assistance may not be rendered without serious danger to his vessel, or to the persons on board and, in such event shall inform the respective authorities regarding his inability of such non-compliance.

51. (1) The Central Government shall, by rules made in this behalf, specify the class or category of mechanically propelled inland vessels to be equipped with navigation aids, life saving appliances, fire detection and extinguishing appliances and communication appliances.

Life saving, fire safety and communication appliances.

(2) The owner, operator or master of all mechanically propelled inland vessels shall comply with the requirements of navigation aids, life saving appliances, fire detection and extinguishing appliances and communication appliances as specified in sub-section (1).

(3) The State Government may appoint or authorise such officers as surveyors to inspect and ensure that the mechanically propelled inland vessels comply with the applicable requirements specified in sub-section (1).

(4) If the surveyor, on inspection, finds that the mechanically propelled inland vessel is not so provided with life saving and fire appliances in conformity with the provisions of this Act and the rules made thereunder, he shall issue a notice to the master or owner or operator in writing pointing out the deficiency, and unless the master or owner or operator complies with the said notice and report such compliance to the surveyor, the said vessel shall not proceed to conduct any voyage.

CHAPTER IX

PREVENTION OF POLLUTION CAUSED BY INLAND VESSEL

52. (1) The Central Government shall, by notification, designate the list of chemicals, any ingredients or substance carried as bunker or as cargo, or any substance in any form discharged from any mechanically propelled inland vessel, as pollutants.

Chemicals, etc., to be designated as pollutants.

(2) The owner or master of any mechanically propelled inland vessel shall discharge or dispose of the sewage and garbage in accordance with such standards and manner as may be prescribed by the Central Government.

(3) No mechanically propelled inland vessel shall cause pollution by discharging or dumping of pollutants designated under sub-section (1):

Provided that nothing in this sub-section shall apply to the discharge dump or emission of such oil or oily mixture, hazardous chemical or obnoxious substance or any other pollutant, as the case may be, from a mechanically propelled inland vessel for the purpose of securing the safety of any mechanically propelled inland vessel, preventing damage to another mechanically propelled inland vessel, cargo or saving of life at inland waters.

Certificate of prevention of pollution.

53. (1) The Central Government shall, by rules made in this behalf, specify the standards of construction and equipment of the mechanically propelled inland vessels to ensure compliance with the requirements of this Chapter.

(2) The State Government shall appoint or authorise such officers to ensure construction, installation and maintenance of equipment of all mechanically propelled inland vessels and issue certificate of prevention of pollution, in compliance with the provisions of this Chapter.

(3) Every mechanically propelled inland vessel, which has been constructed and equipped in compliance with this Chapter shall be issued with a certificate of prevention of pollution in such form, validity and content as may be prescribed by the Central Government.

(4) Every mechanically propelled inland vessel shall carry on board a valid certificate of prevention of pollution and shall furnish the same on demand by concerned officers appointed or authorised under this Chapter.

Reception facilities and containment of pollution.

54. (1) The Central Government shall, by rules made in this behalf, specify the conditions for construction, use and maintenance of reception facilities for the containment of pollution and removal of pollutants arising from spillage or discharge arising from mechanically propelled inland vessels at all cargo terminals or passenger terminals.

(2) The owner or operator of all cargo terminals or passenger terminals shall provide reception facilities to discharge oil, oily mixture, hazardous chemicals, sewage or obnoxious substances at such cargo or passenger terminal, as the case may be, in compliance of sub-section (1).

(3) The owner or operator of all cargo terminals or passenger terminals, providing reception facilities shall receive charges, at such rates as may be prescribed by the State Government.

(4) For the purposes of minimising the pollution already caused, or for preventing the imminent threat of pollution, the Central Government or such other officer appointed by the State Government may, by order in writing, direct the owner or operator of cargo or passenger terminal to provide or arrange for the provision of such pollution containment equipment and pollutant removing materials, at such cargo and passenger terminal, as may be specified in such order.

(5) The owner or operator of the passenger or cargo terminal shall submit a report of compliance to the Central Government or such other officer appointed under sub-section (4), in such form as may be prescribed by the State Government.

(6) The owner, operator or master of any mechanically propelled vessel used or plying within inland waters, shall discharge the pollutants at the port reception facilities in such manner as may be prescribed by the State Government.

Appointment of surveyor or officer to inspect.

55. (1) The State Government may appoint or authorise such officers as surveyors to inspect any cargo or passenger terminal lying within its respective jurisdiction.

(2) The surveyor authorised under sub-section (1) may, at any reasonable time, enter and inspect any cargo or passenger terminal to—

(a) ensure that the provisions of this Chapter are complied with;

(b) verify whether such cargo or passenger terminal is equipped for pollution containment and removal, in conformity with the order of the State Government or any of the rules made under this Chapter; and

(c) satisfy himself of the adequacy of the measures taken to prevent pollution.

(3) If the surveyor, on inspection, finds that the cargo or passenger terminal is not provided with the required pollution containment equipment and pollutant removing materials, he shall give a notice in writing pointing out the deficiencies and the recommended remedial measures to rectify such deficiency, that is identified during the inspection, to the owner or operator of such cargo or passenger terminal, as the case may be.

(4) No owner or operator of such cargo or passenger terminal, as the case may be, served with the notice under sub-section (3), shall proceed with any work at such cargo or passenger terminal, until he obtains a certificate signed by the surveyor to the effect that the cargo or passenger terminal, is properly provided with the required pollution containment equipment and pollutant removing materials in conformity with the rules made under this Chapter.

56. (1) The State Government shall direct any designated authority or such other authorised officer appointed under Chapter XIII to conduct investigation into incidents of pollution.

Investigation into incidents of pollution.

(2) The State Government shall update the Central Government with such information or report of the court, if so directed by such court concerned, on incidents of pollution that occurs within its jurisdiction.

CHAPTER X

WRECK AND SALVAGE

57. The owner, operator, master or person in-charge of a vessel plying in inland waters shall not intentionally abandon, desert, dump, throw overboard or jettison the vessel or property or parts or cargo, so as to cause wreck.

Prohibition against intentionally causing wreck.

58. (1) The State Government may, by notification, appoint or authorise any officer to act as receiver of wreck within the respective jurisdiction.

Receivers of wreck.

(2) The owner, operator, master or person in-charge of vessel, property or cargo, which is wrecked, stranded or in distress or who has found any vessel, property or cargo wrecked, stranded or in distress in the inland waters, shall immediately inform, by all means of communication to the receiver of wreck in whose jurisdiction the vessel, property or cargo is found to be wrecked, stranded or in distress.

(3) The owner of the wreck, whose property or cargo, is wrecked or stranded or is in distress in the inland waters shall inform the receiver of wreck in writing of the finding thereof and of the marks by which such wreck can be distinguished, and in cases, where the wreck is in possession of any person other than the owner, operator, master or person in-charge of vessel, property or cargo, such person shall deliver such wreck to the receiver of wreck.

Explanation.—For the purposes of this Chapter, the word "person" shall have the meaning assigned to it in clause (42) of section 3 of the General Clauses Act, 1897.

10 of 1897.

59. For the purposes of this Chapter, the—

- (a) powers and functions of the receiver of wreck;
- (b) responsibilities and obligations of the owner, operator, master or person in-charge of vessel, property or cargo with respect to the wreck;
- (c) measures adopted for the removal of obstruction to navigation;
- (d) disposal of wreck, including its sale and proceeds of unsold property;
- (e) measures to be adopted for protection of wreck, fouling of government moorings;
- (f) rights and duties of salvors and performance of salvage operations or resolution of disputes pertaining to amount payable to salvors; and
- (g) such other matter, which the Central Government may deem necessary for the efficient administration and removal of wrecks,

Powers of Central Government to make rules for Chapter X.

shall be such as may be prescribed by the Central Government.

CHAPTER XI

LIABILITY AND LIMITATION OF LIABILITY

Liability under Act.

60. (1) The owner, operator, master, a member of crew or an insurer shall be liable for the offences and contraventions of the provisions of this Act or the rules made thereunder.

(2) Where any person is beneficially interested otherwise than by way of mortgage or in the share in any mechanically propelled inland vessel registered in the name of some other person as owner, the person so interested, and the registered owner, shall be liable to all the pecuniary penalties imposed by this or any other Act on the owners of mechanically propelled inland vessels or shares therein.

Apportionment of loss.

61. (1) Whenever by the fault of two or more mechanically propelled inland vessels, damage or loss is caused to one or more of them or to the cargo of one or more of them or to any property on board one or more of them, the liability to make good the damage or loss shall be in proportion to the degree in which each of such vessel was at fault:

Provided that—

(a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally;

(b) nothing in this section shall operate so as to render any vessel liable for any loss or damage to which such vessel has not contributed;

(c) nothing in this section shall affect the liability of any person under any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by the provisions of any law for the time being in force, or as affecting the right of any person to limit his liability in the manner provided by such law.

(2) For the purposes of this Chapter, reference to damage or loss caused by the fault of a mechanically propelled inland vessel shall be construed as including reference to any salvage or other expenses, consequent upon that fault, recoverable under the provisions of any law for the time being in force by way of damages.

(3) The person who has suffered damage or injured or his representative may apply to any court having appropriate jurisdiction on the claim, for the detention or attachment of the vessel.

Liability for personal injury, loss of life or pollution to environment.

62. (1) Where, loss of life or personal injuries is suffered, damage to property or pollution is caused by any person on any mechanically propelled inland vessel or any other vessel, owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of such vessels concerned shall be joint and several.

(2) No liability for any claim other than loss of life, personal injury or pollution, shall attach to the owner, operator, master, or a member of crew or insurer under this Chapter, if he proves that the cause for claim—

(a) was a result of an act of war, hostility, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(b) was wholly caused by an act or omission with intent to cause such damage by any other person; or

(c) was wholly caused by the negligence or other wrongful act of a State Government or other authority responsible for the maintenance of lights or other navigational aids in exercise of its functions in that behalf.

Detention of mechanically propelled inland vessel.

63. The State Government may appoint or authorise any officer under this Chapter, for the purpose of detaining any mechanically propelled inland vessel in connection with a claim, or an offence under this Chapter, and the procedure thereof shall be such as may be prescribed by that Government.

64. (1) The owner, operator, master or any person in-charge of a vessel or member of crew of any mechanically propelled vessel may limit the extent of his liability for— Limitation of liability.

(a) claims in respect of loss of life or personal injury, or loss of, or damage to, property including damage to jetties, wharfs, harbour basins and waterways and aids to navigation, occurring on board or in direct connection with the operation of such vessels or with salvage operations, and consequential loss resulting therefrom;

(b) claims arising out of loss resulting from delay in the carriage of cargo and passengers or their luggage by inland waters;

(c) claims arising out of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of such vessel or salvage operations;

(d) claims in respect of the raising, removal, destruction or rendering harmless of a vessel or the cargo which is sunk, wrecked, stranded or abandoned;

(e) claims of a person, other than the person liable, in respect of measures taken by such person in order to avert or minimise loss and for further loss caused by such measure;

(f) claims for the loss of life or personal injury to passengers of such vessel brought by or on behalf of any person—

(i) under the contract of passenger carriage; or

(ii) who, with the consent of the carrier, is accompanying a vessel for live animals which are covered by a contract for the carriage of goods, carried in such vessel.

(2) Notwithstanding anything contained in this section, no person shall be entitled to limit his liability for—

(a) claims for salvage; or

(b) claims stipulated as exempted from the application of limitation of liability under any other law for the time being in force in India.

(3) Notwithstanding anything contained in this section, the act of invoking limitation of liability shall not be construed as constituting an admission of liability by any person who takes the defence.

(4) For the purposes of this Chapter, the liability of the owner or operator of a mechanically propelled inland vessel shall include the liability in an action brought against such vessels.

(5) The limits of liability and the criteria in determining compensation for any claim as provided under sub-section (1) shall be such as may be prescribed by the Central Government.

(6) The person entitled to limit liability under sub-section (1) may apply to the High Court of respective jurisdiction for constituting a limitation fund for the consolidated rate as provided for under this Chapter.

(7) Where a vessel or other property is detained in connection with a claim, covered under this Chapter, the High Court may order release of such vessel or other property, upon an application made by the person, who is entitled to limit their liability and by—

(a) ensuring that such person, who is entitled to constitute the limitation fund has submitted his availability in person to the jurisdiction of the High Court; or

(b) depositing sufficient fund or financial guarantee as determined by the High Court as security; or

(c) constituting the limitation fund,

as the case may be.

Non-
applicability
of limitation.

65. No person shall be entitled to limit the liability against any claim, if such claim has arisen due to intentional act or negligence of the person or his employee, who otherwise would have been entitled to limit his liability under this Chapter.

CHAPTER XII

INSURANCE OF MECHANICALLY PROPELLED VESSELS PLYING IN INLAND WATERS

Insurance to
cover.

66. No mechanically propelled vessel shall be used for voyage in inland waters, unless there is in force—

(a) a policy of insurance which shall cover liability that may be incurred by the insured—

(i) in respect of the death of or bodily injury to any person or damage to any property caused by or arising out of the use of the mechanically propelled vessel;

(ii) in respect of liability of operational pollution and accidental pollution of inland waters;

(b) a policy of insurance in compliance of the Public Liability Insurance Act, 1991, if the mechanically propelled inland vessel is carrying or meant to carry, dangerous or hazardous goods;

(c) a policy of insurance covering the mechanically propelled vessel to—

(i) a value not less than the liability incurred; or

(ii) entitle it to be covered under limitation of liability as provided under this Act, a value not less than the specified and applicable limitation amount:

Provided that any policy of insurance issued with a value not less than the limitation of liability in force, immediately before the commencement of this Act, shall continue to be effective for a period of twelve months after such commencement or till the date of expiry of such policy, whichever is earlier.

Contractual
liability not to
cover.

67. Notwithstanding anything contained in this Chapter, a policy shall not be required to cover any contractual liability of the insured that arises due to any performance or non-performance of a contract or of agreement in the capacity of a service provider.

Issuance and
terms of
insurance
policy.

68. (1) For the purposes of section 66, the policy of insurance issued shall be a policy, which—

(a) is issued by an authorised insurer;

(b) insures the mechanically propelled inland vessel, any person or any classes of persons specified in the policy to the extent specified in section 66; and

(c) is a certificate of insurance issued by the insurer to the insured in such form and content, and subject to such conditions as may be prescribed by the Central Government.

(2) The terms and conditions to be incorporated in the contract of insurance entered between insurer and insured to cover the risks as provided in section 66 shall be such as may be prescribed by the Central Government.

Duty to
indemnify and
direct action
against insurer.

69. (1) Notwithstanding anything contained in any law for the time being in force, an insurer issuing a policy of insurance under this section shall be liable to indemnify the insured or any person, as specified in the policy in respect of any liability which the policy purports to cover in the case of the insured or that person.

(2) Any claim for compensation against the loss or damage under this Act and covered by the insurance may be brought directly against the insurer in respect of the liability incurred by the registered owner.

- 39 of 1925.
- 70.** Notwithstanding anything contained in section 306 of the Indian Succession Act, 1925, the death of a person in whose favour a certificate of insurance had been issued, if it occurs after the happening of an event which has given rise to a claim under the provisions of this Chapter, shall not be a bar to the survival of any cause of action arising out of the said event against his estate or against the insurer.
- 71.** When an insurer has issued a certificate of insurance in respect of a contract of insurance between the insurer and the insured person, then,—
- (a) if and so long as the policy described in the certificate has not been issued by the insurer to the insured, the insurer shall, as between himself and any other person except the insured, be deemed to have issued to the insured person a policy of insurance conforming in all respects with the description and particulars stated in such certificate; and
- (b) if the insurer has issued to the insured the policy described in the certificate, but the actual terms of the policy are less favourable to the person claiming under or by virtue of the policy against the insurer either directly or through the insured than the particulars of the policy as stated in the certificate, the policy shall, as between the insurer and any other person except the insured, be deemed to be in terms conforming in all respects with the particulars stated in the said certificate.
- 72.** Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter transfers to another person, the ownership of the mechanically propelled vessel covered under this Chapter, in respect of which such insurance was taken together with the policy of insurance relating thereto, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the mechanically propelled inland vessel is transferred with effect from the date of its transfer.
- Explanation.*—For the removal of doubts, it is hereby clarified that such deemed transfer shall include transfer of rights and liabilities covered under the said certificate of insurance and the policy of insurance.
- 73.** The Central Government shall, by rules made in this behalf, specify the terms, conditions and procedures to be complied with by the insurers and insured including—
- (a) cover note of insurance and its validity;
- (b) rights and duties of the insured;
- (c) procedures and processes involved in processing of claims;
- (d) duties and obligations of the insurers to satisfy the judgments and awards;
- (e) rights of claimants, liability of the insured and the insurers in special circumstances such as the insured becomes insolvent and the procedures to be followed;
- (f) procedures, processes and minimum terms of conditions for the settlement between the insurers and insured persons;
- (g) procedures to be followed in the transfer of certificate of insurance; and
- (h) such other matters directly or indirectly related to insurance of mechanically propelled vessels, for the purposes of effective implementation and administration of this Chapter.

Effect of death on certain causes of action.

Effect of certificate of insurance.

Transfer of certificate of insurance.

Powers of Central Government to make rules for Chapter XII.

Reporting of casualty, accident, wreck, etc.

CHAPTER XIII

INQUIRY INTO CASUALTY, ACCIDENT OR WRECK

- 74. (1)** The State Government, may by notification, appoint any designated authority for the purposes of this Chapter.

(2) The owner, operator or master of a mechanically propelled inland vessel, shall give information of any wreck, abandonment, damage, casualty, accident, explosion or loss occurred to or on board such a vessel while in the inland waters, to the officer in-charge of the nearest police station and to the designated authority appointed under sub-section (1), in such form and manner as may be prescribed by the State Government.

(3) The designated authority shall at once report the contents of the information referred to in sub-section (2) to the District Magistrate.

(4) The officer in-charge of the police station shall, on receipt of information referred to in sub-section (2), investigate into the matter and submit a report to the jurisdictional Judicial Magistrate in accordance with the provisions of Chapter XII of the Code of Criminal Procedure, 1973.

2 of 1974.

(5) The Judicial Magistrate may, on receiving the report referred to in sub-section (4), take action as he may deem fit in accordance with the provisions of Chapter XVI.

Preliminary enquiry by designated authority and inquiry by District Magistrate.

75. (1) The designated authority may, in pursuance of the information referred to in sub-section (2) of section 74, conduct a preliminary enquiry and submit a report thereof to the District Magistrate, who shall transmit the same to the concerned State Government.

(2) The State Government may, on receipt of the report referred to in sub-section (1), if deemed necessary, direct the District Magistrate to submit an additional report to it and send a copy thereof to the Judicial Magistrate of the first class referred to in sub-section (4) of section 74 through the jurisdictional police.

(3) The powers of the District Magistrate referred to in sub-section (2) and the procedures to be followed by him in holding the inquiry for submission of additional report shall be such as may be prescribed by the State Government.

Assessors.

76. (1) For the purposes of this Chapter, the State Government may appoint and maintain a list of assessors, which may be revised from time to time.

(2) The State Government shall, by rules made in this behalf, specify the qualifications, criteria and consideration, fees or charges for the assessors, who are conversant with the maritime affairs and have experience in the merchant service or in the navigation of the mechanically propelled inland vessels and willing to act as an assessor.

(3) The District Magistrate may, for the purposes of assisting in the inquiry under this Chapter, appoint any number of assessors, from the list of assessors provided to him by the State Government.

(4) In every inquiry, other than the one specified in sub-section (3), the District Magistrate may, if he thinks fit, appoint an assessor, for the purposes of such inquiry, any person.

(5) Every person appointed as an assessor under this section shall assist the District Magistrate in the inquiry and deliver his opinion as may be sought for, which shall be recorded in the proceedings.

Report of District Magistrate to be notified by State Government.

77. (1) The District Magistrate shall, in the case of every inquiry under this Chapter, make a full report of the conclusions at which he has arrived, together with the evidence recorded and the written opinion of any assessor.

(2) The State Government shall, on receipt of the report referred to in sub-section (1) from the District Magistrate, cause it to be published by notification in its Official Gazette.

Powers of District Magistrate subsequent to inquiry.

78. (1) The District Magistrate may, after inquiry, recommend in his report for cancellation or suspension or confiscation of a certificate of competency or a certificate of service granted to a master, crew or engineer by the State Government under Chapter VI, if such District Magistrate finds that—

(a) the accident or casualty, including loss, stranding or abandonment of, or damage to, any mechanically propelled inland vessel, or loss of life, has been caused by the wrongful act or default of such master or engineer;

(b) such master or engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or in a case of collision, has failed to render such assistance or give such information or notice as may be required under this Act.

(2) At the conclusion of the inquiry, or as soon thereafter as possible, the District Magistrate shall state in open sitting, the decision arrived at by him with respect to the cancellation or suspension or confiscation of any certificate of competency or a certificate of service and, if suspension is ordered, the period for which the certificate is suspended.

(3) Without prejudice to the provisions of this section, the District Magistrate may also make such order and require such security in respect of the costs of the matter as he may deem fit and necessary in the circumstances of the case.

79. (1) The State Government, in whose jurisdiction the certificate of competency or a certificate of service was granted under Chapter VI, may cancel or suspend any such certificate or, in the event of the vessel being found in the jurisdiction of another State Government, such State Government may confiscate the certificate, if,—

Power of State Government to suspend, cancel and confiscate certificate.

(a) on any inquiry made under this Chapter, the District Magistrate reports for cancellation or suspension or confiscation of that certificate under section 78; or

(b) the holder of such certificate is proved to have been convicted of any non-bailable offence; or

(c) the holder of such certificate is proved to have deserted his vessel or has absented himself without leave and without sufficient reason, from his vessel or from his duty; or

(d) in the case of a person holding any designation as provided by the certificate of competency or certificate of service, is or has become, in the opinion of the State Government, unfit to act in such designation, as the case may be.

(2) Every person whose certificate of competency or a certificate of service is suspended or cancelled under this Chapter shall deliver it to such person as the State Government, which suspended or cancelled it, may direct.

(3) If any State Government cancels, suspends or confiscates the certificate of competency or a certificate of service granted under Chapter VI, the proceedings and the fact of confiscation and recommendation for suspension or cancellation, shall be reported to the State Government which has originally issued, granted or endorsed such certificates.

(4) The State Government may, at any time, revoke any order of suspension or cancellation or confiscation which it may have made under this Chapter, or grant a certificate anew, for reasons to be recorded in writing, to any person whose certificate it has so cancelled and such certificate granted anew, shall have the same effect as a certificate of competency granted under this Act after examination.

CHAPTER XIV

REGULATION OF TRADE PRACTICES

80. The Central Government may, prescribe the minimum standards, terms and conditions to protect the interests of service providers and service users and to ensure safety of such persons.

Powers of Central Government to protect interests of service providers and service users.

Prohibited goods and dangerous goods.

81. The Central Government shall, by notification, declare the list of dangerous goods that may be carried subject to such conditions, as may be prescribed by it, and prohibited goods that are prohibited from being carried on any class or category of mechanically propelled inland vessels, while plying in the inland waters.

Trade permission and endorsement of certificates of foreign vessels.

82. (1) No vessel registered in any country other than India shall be permitted to be used or employed for the purposes of, carriage of goods, transportation of passengers, storage units, accommodation, floating units or for such other purposes within the inland waters, unless such vessel has secured prior permission from the Central Government for its use or employment for such purposes and subject to such terms and conditions as may be prescribed by the Central Government:

Provided that, where the Central Government has entered or in the event of that Government entering into bilateral or multilateral treaties pertaining to the inland navigation, whereby the permission is provided to the vessels belonging to foreign countries to ply within inland waters of India, the Central Government or the State Government, as the case may be, shall impose or apply such vessels belonging to the foreign countries, with the same conditions to the service providers in India.

(2) For the purposes of sub-section (1), any certificate granted by any other foreign country in accordance with the provisions of any law for the time being in force in that country corresponding to the provisions as provided in Chapters IV, V and VI under this Act may, on payment of such fees as may be prescribed by the Central Government, for the grant of a similar certificate or licence under this Act, be endorsed by—

(a) any State Government in India; or

(b) with the general or special sanction and subject to such other terms and conditions of such State Government, by any authority competent to grant a similar certificate under this Act.

(3) Upon endorsement of any such certificate as provided in sub-section (2), it shall have effect for such period and to such extent as may be prescribed by the Central Government and shall be treated as if it had been granted under this Act.

CHAPTER XV

PILOTAGE, VESSEL DETENTION AND DEVELOPMENT FUND

Pilotage.

83. (1) The Central Government may, by notification, specify the requirement of pilotage in whole or part of inland waterways declared as national waterways.

(2) The State Government may, by notification, specify the requirement of pilotage in whole or part or any stretch of designated inland waterways or such passages that lie within the respective territory of such State Governments and in respect of which the Central Government has not specified under sub-section (1).

Certified master to be deemed pilot under Act 15 of 1908.

84. Subject to the provisions of section 83, every master of any mechanically propelled inland vessel, who possesses a master's certificate granted under this Act and in force, shall, in ports to which section 31 of the Indian Ports Act, 1908 has been extended, be deemed, for the purposes of that section, to be the pilot of the mechanically propelled inland vessel of which he is in-charge.

Vessel detention and forfeiture.

85. (1) The State Government or any officer authorised under this Act may, detain, forfeit or remove from the inland waters, any mechanically propelled inland vessel, which is required to be registered under the provisions of this Act, if found—

(a) plying or being used in inland waters without a valid certificate of registration;

(b) plying without a valid certificate of survey;

(c) plying with passengers beyond the permitted carrying capacity;

(d) to have not affixed the registration number assigned to such vessels as provided under this Act;

(e) not complying with the manning requirements under Chapter VI;

(f) not complying with the provisions of Chapter VIII;

(g) to act in contravention to the provisions of Chapter X;

(h) not in compliance with the provisions of Chapter XII;

(i) to carry dangerous goods or prohibited goods in contravention to the provisions of section 81 or the rules made thereunder.

(2) The owner, operator or any such person recognised as responsible for the vessel under detention, shall pay the respective and applicable fees and charges for the safe custody and maintenance of the detained or forfeited vessel, which shall be pre-condition for release of the vessel and which if unpaid, shall create a lien over such vessel to comply with the provisions of this Act.

(3) Upon compliance with the provisions of this Act and the rules made thereunder, and after rectifying the mistakes that lead to detention, the State Government shall, without any unreasonable delay, release the vessel and her custody to the owner, operator or any such person recognised as responsible for the vessel under this Act.

(4) Unless specifically provided elsewhere in this Act, the procedures for detention, formality, fees and conditions to be followed and observed by the concerned officer or authority or court, appointed or authorised or constituted under this Act, for the purpose of detaining a vessel, shall be such as may be prescribed by the State Government.

(5) An officer so authorised to enter any vessel may, for the purpose of enforcing the order of detention or forfeiture, call to his aid, any police officer or any other person authorised under this Act or such other laws in force in India.

86. (1) There shall be a Fund constituted by the State Government to be called the Development Fund, to be utilised for—

Constitution
of
Development
Fund.

(a) meeting emergency preparedness;

(b) meeting containment of pollution caused by discharge of oil, mixtures, obnoxious substances, chemicals and other noxious and harmful substances, to preserve and protect inland waters;

(c) supporting, part or whole of expenses of owners or economically backward sector involved in activities of trade and living depending solely on inland waters;

(d) removal of unidentified wreck or obstruction affecting and impeding navigation; and

(e) boosting up development works of inland water navigation with respect to safety and convenience of conveyance.

(2) For the purposes of constitution of the Development Fund under sub-section (1), endeavour shall be made to design schemes of contribution from—

(a) the State Government;

(b) stake holders;

(c) the amount collected from sale of wreck or cargo or remains thereof after deducting the expenses incurred;

(d) excess fund out of judicial sale of vessels or any property or cargo after meeting the expenses incurred or set-off against the court to meet damages or functioning of the court or administrative machinery; and

(e) part or proportionate disbursement of fees collected by the respective State Government as provided in this Chapter.

CHAPTER XVI

OFFENCES AND PENALTIES

Offences and penalties.

87. (1) Whoever, contravenes any of the provisions of this Act, shall be punishable with penalty as mentioned in the third column of the Table provided in sub-section (2).

(2) The classification of offences for contravention of the provisions of this Act and the corresponding penalties therefor shall be as provided in the following Table, namely:—

Section	Offence	Penalty
(1)	(2)	(3)
8	Any owner, operator or construction yard, found guilty of construction, alteration or modification of mechanically propelled inland vessel in contravention of section 8.	Fine which may extend to ten thousand rupees for every non-compliance found.
14(1)	Owner, operator or master of any mechanically propelled inland vessel, using such vessel, without a valid certificate of survey has acted in contravention of sub-section (1) of section 14.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.
18(1)	Owner, operator or master of any mechanically propelled inland vessel proceeding on any voyage or use a mechanically propelled inland vessel required to be registered, for any service, without a valid certificate of registration and in contravention of sub-section (1) of section 18.	Fine which may extend to ten thousand rupees for the first offence and fifty thousand rupees for subsequent offences.
19(1)	Owner or master who does not carry a valid certificate of registration or not making the same available for inspection, has acted in contravention of sub-section (1) of section 19.	Fine which may extend to ten thousand rupees for every non-compliance found.
24(3)	Owner not displaying the official number on the conspicuous part of a vessel has acted in contravention of sub-section (3) of section 24.	Fine which may extend to ten thousand rupees.
27	Owner, operator or any person responsible for the operation of the vessel, has acted in contravention of section 27.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.

(1)	(2)	(3)
28 (2)	Owner, operator or master of any mechanically propelled inland vessel not registering the details of alterations that are mandated to be registered as specified in sub-section (2) of section 28.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.
29	Owner or operator of any mechanically propelled inland vessel, who does not comply with the requirements or has acted in contravention of section 29.	Fine which may extend to five hundred rupees for every day of non-compliance.
30	Owner of any mechanically propelled inland vessel, has acted in contravention of section 30.	Fine which may extend to ten thousand rupees per day or imprisonment which may extend to one year, or with both.
32 (1)	Owner of any mechanically propelled inland vessel, has acted in contravention of sub-section (1) of section 32.	Fine which may extend to five thousand rupees for every day of non-compliance.
34 (2)	Owner or operator on whose vessel, persons under the age of eighteen years are employed, has acted in contravention of sub-section (2) of section 34.	Fine which may extend to five thousand rupees for every day of non-compliance or imprisonment not exceeding six months, or with both.
35	Owner or operator of any mechanically propelled inland vessel without complying with the specified minimum manning scale has acted in contravention to section 35.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.
40 (1) and (4)	The holders of certificate of competency, has acted in contravention to the provisions of this Act or not surrendered the suspended, cancelled or varied certificate issued under non-submission of suspended or cancelled certificates.	Fine up to five thousand rupees per day or imprisonment extending up to six months, or with both.
44	Owner or operator or any person responsible for the operation of special category vessel, which does not comply with the provisions of Chapter VII.	Fine which may extend to ten thousand rupees for every day of non-compliance or imprisonment extending up to six months, or with both.
47	Owner, operator or master of any mechanically propelled vessel registered, recognised or identified under this Act, for not equipping the vessels or exhibiting the lights and signals specified under Chapter VIII.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.

(1)	(2)	(3)
48	Owner, operator or master not ensuring safe navigation or causing damage due to non-observance of regulations.	Fine which may extend to twenty-five thousand rupees.
49 and 50 (1)	Owner, operator or master of any mechanically propelled vessel plying in inland waters abstaining from proceeding to render assistance after answering to the distress signal.	Fine which may extend to ten thousand rupees.
51 (2)	The owner, operator or master of any mechanically propelled inland vessel proceeding to conduct any voyage without complying with the requirements of navigation aids, life-saving appliances, fire detection and extinguishing appliances and communication appliances as specified under sub-section (2) of section 51.	Fine which may extend up to fifty thousand rupees.
52 (2) and (3)	The owner, operator or master of any mechanically propelled vessel causing pollution by discharging or dumping of pollutants in inland waters.	Fine which may extend to fifty thousand rupees.
53 (4)	The owner, operator or master of any mechanically propelled vessel, who are required under this Act to possess a valid prevention of pollution certificate, plying or using the vessel without the said valid certificate.	Fine which may extend to twenty-five thousand rupees.
54 (2) and (5)	The owner or operator of any reception facility who does not comply with the standards and obligations stipulated.	Fine which may extend to fifty thousand rupees.
55 (4)	The owner or operator of the terminal who operates without complying with the notice issued under sub-section (4) of section 55.	Fine which may extend to ten thousand rupees per day of non-compliance beyond period of notice.
57	Any owner, operator or any person who intentionally cause wreck within inland waters.	Fine amounting to fifty thousand rupees and imprisonment which may extend to three years.
58 (2)	Any person who is guilty of offence committed by contravention of sub-section (2) of section 58.	Fine which may extend to ten thousand rupees.

(1)	(2)	(3)
66	Any owner or master plying any mechanically propelled inland vessel without a valid insurance as provided under section 66.	Fine which may extend to ten thousand rupees and detention of the vessel till certificate of insurance is procured.
74 (2)	The owner, operator or master of any mechanically propelled inland vessel not complying with sub-section (2) of section 74.	Fine which may extend to ten thousand rupees.
79 (2)	Any person who holds a certificate issued under Chapter VI and fails to surrender suspended or cancelled certificates.	Fine which may extend to ten thousand rupees for every day of non-submission.
80	Any person, in the capacity of a service provider or a service user, who acts in contravention of section 80.	Fine which may extend to fifty thousand rupees.
82	Master or operator of any foreign vessels acting in contravention of sub-section (1) of section 82.	Fine which may extend to fifty thousand rupees or imprisonment which may extend to one year, or with both.
83	Owner, operator or master of mechanically propelled inland vessel, who does not comply with the requirement of pilotage in contravention of section 83.	Fine which may extend to fifty thousand rupees or imprisonment which may extend to three years, or with both.
97	Any person employed on inland vessel for neglect or refusal to join or desertion of vessel in violation of his obligation as provided under section 97.	Forfeiture of a sum not exceeding two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute, from his wages and also to imprisonment which may extend to two months.
102	Any person found guilty of causing obstruction or has acted in contravention of section 102.	Fine which may extend to fifty thousand rupees or imprisonment which may extend to three years, or with both.

(3) Any person who acts in contravention of the provisions of this Act or the rules made thereunder, but for which an offence is not specifically provided in this Act, shall be punishable with fine not exceeding three lakh rupees or with imprisonment up to a term which may extend to three years, or with both.

(4) Where the owner or master of any mechanically propelled inland vessel is convicted of an offence under this Act or any rule made thereunder, committed on board, or in relation

to that mechanically propelled vessel, and is sentenced to pay a fine, the Magistrate who passes the sentence may direct the amount of the fine to be levied by distress and sale of the mechanically propelled vessel, or its appurtenance so much thereof as is necessary.

(5) Where an inland vessel has been used in contravention of the provisions of this Act or the rules made thereunder, the details of the offence, the offender and the vessel shall be recorded in such form and manner, as may be specified by the Central Government by notification.

(6) The State Government shall appoint courts not inferior to that of a Magistrate of the first class, for the purpose of conducting trial of any person who is charged of any offence as provided under this Act or the rules made thereunder.

Offences by company, limited liability partnership firm or any such arrangement.

88. (1) Where an offence under this Act has been committed by a company or a limited liability partnership firm or any such arrangement, every person who, at the time the offence was committed was in-charge of, and was responsible to the company or the limited liability partnership firm or any such arrangement, for the conduct of the business, and the company or the limited liability partnership firm or any such arrangement, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Fees, additional fee, payment and collection.

89. (1) Unless otherwise specified, the State Government shall collect, the fees and additional fees for the services provided under this Act and any other charges or payment made to it against payments towards penalties, at such rates and intervals, as may be prescribed by the State Government.

(2) The State Government shall appoint or authorise such officers, or constitute such offices within its jurisdictions, by notification, to act as single point collection offices within the districts or ports, considering proximity and convenience of remittance.

(3) The procedures, forms and format of receipts, maintenance of accounts and any other matter that is necessary for the purpose of the remittance, collection, accounts and accountability of collected fees, additional fees, charges or payment against penalties of pecuniary nature shall be such as may be prescribed by the State Government.

(4) The owner, operators or their representatives, as the case may be, shall remit the fees or additional fees in such manner and at such rates as may be prescribed by the State Government.

(5) All fees payable under this Act may be recovered as fine under this Act.

Cognizance of offence.

90. No court shall take cognizance of any offence under this Act, except on a complaint in writing made by the Central Government or any officer authorised by the State Government, as the case may be, for this purpose.

CHAPTER XVII

NON-MECHANICALLY PROPELLED INLAND VESSEL

Local self-governance.

91. (1) The State Government may authorise any of its department (herein in this Chapter referred to as the authorised department) to administer and implement the provisions of this Chapter.

(2) The office of the authorised department shall be located at such places which are accessible to owners, operators of non-mechanically propelled inland vessel and service users of such vessels.

(3) The offices of the authorised department shall in the order of hierarchy of power, be at district, taluk and panchayat or village level, or any other hierarchy as may be prescribed by the State Government, and shall exercise the powers and functions as may be prescribed by that Government, which shall include the powers and functions to—

(a) enrol the non-mechanically propelled inland vessel under this Chapter;

(b) collate data with regard to the non-mechanically propelled inland vessel enrolled under this Act and report it to the higher authority in the hierarchy of power;

(c) administer the welfare fund constituted under this Chapter in accordance with such authority and obligation;

(d) advise and conduct awareness programmes for assisting the owners, operators or service users of non-mechanically propelled inland vessel enrolled under this Act; and

(e) perform such other functions as may be assigned under this Act or the rules made thereunder.

92. (1) The owner or operator may enrol, by submitting the details of the ownership of non-mechanically propelled inland vessel, undertaking that the vessel is put into motion by solely employing human labour and such other details as may be prescribed by the State Government, at the office of the authorised department, which is located nearest to the place of residence of the owner or area of plying of the non-mechanically propelled inland vessel, in such form and manner as may be prescribed by the State Government.

Obligation to enrol.

(2) The form prescribed by the State Government under sub-section (1) shall be published in the respective vernacular language, apart from Hindi or English, as the case may be.

(3) For the purposes of identification and categorisation of non-mechanically propelled inland vessels, to be enrolled in accordance with the provisions of sub-section (1), the State Government shall publish such criteria for categorisation which may include the size, purpose of employment, age, construction, design or such other criteria of the vessels.

(4) The enrolment of non-mechanically propelled inland vessels shall be a prerequisite for such vessels to be entitled for the benefits and preferential treatment accorded under this Chapter.

(5) The details of the enrolled vessels shall be recorded in the registry of enrolment and be reported by the offices of lowest order in the hierarchy of power to the highest hierarchy and the collated list of enrolled vessels shall be maintained by the office of District Magistrate or such officer appointed or authorised under this Chapter, for the said purpose.

(6) The State Government shall maintain a central data base to record the details of the non-mechanically propelled inland vessel enrolled within the respective jurisdiction, in such form and manner as may be prescribed by it.

(7) The lowest ranking officer of the office of the authorised department shall report of any change to the registry of enrolment maintained by him and bring to the notice of the authority higher in the hierarchical order, and the changes shall be brought out accordingly, in every such register maintained by the respective authorities including the central data base maintained by the Principal Secretary or Secretary of the State Government.

93. (1) The officer of the authorised department appointed or authorised to maintain the registry under this Chapter, shall issue a certificate of enrolment to the non-mechanically propelled inland vessels that have enrolled in the registry of enrolment.

Certificate of enrolment and marking of vessel.

(2) The certificate of enrolment shall be issued, in such form and manner as may be prescribed by the respective State Government, and details to be specified in such certificate shall include—

- (a) name, permanent address as given in the Unique Identification Document issued by Unique Identification Authority of India, electoral identification document or such other document of the owner, as may be prescribed by the State Government;
- (b) details such as year of construction, laying of keel or such other information;
- (c) details of design, if identified or categorised under this Chapter;
- (d) details of officer issuing or granting the certificate; and
- (e) number given to the vessels enrolled by the issuing authority.

(3) The authorised department in every State shall issue a number to the non-mechanically propelled inland vessel enrolled within the respective jurisdiction, which shall be unique for the purpose of identification of enrolment with the authorised department of the respective State.

(4) The number so issued under sub-section (3) shall be exhibited on a conspicuous part of the non-mechanically propelled inland vessel in such form and manner as may be prescribed by the respective State Government.

Standards of construction and safety.

94. (1) The basic minimum standards that may be reasonably observed during the construction of any non-mechanically propelled inland vessel, shall be such as may be prescribed by the State Government.

(2) Notwithstanding anything contained in sub-section (1), the State Government shall specify, the standards of construction, which any class or category of non-mechanically propelled inland vessel shall comply with, in such manner as may be prescribed by it:

Provided that the standards prescribed by the State Government shall be in harmony with the traditional knowledge and practices passed on as customary or ancestral means that are applied by skilled and talented persons involved in the designing and construction of non-mechanically propelled inland vessel.

(3) The State Government may specify the minimum safety gears and equipment by notification in the Official Gazette with which the non-mechanically propelled inland vessel shall be equipped with for the purpose of ensuring safety of such vessels.

(4) The State Government may provide for standards of overhauling, modifying, altering or refitting the non-mechanically propelled inland vessel for the purpose of ensuring safe navigation.

(5) The non-mechanically propelled inland vessels enrolled under this Act, shall comply with the safety standards as stipulated under this Chapter or the rules made in this regard.

(6) For the purposes of ensuring safe navigation of non-mechanically propelled inland vessels, the State Government may, by notification, specify the routes, areas or stretch of inland waters that are prohibited from being used or subject to such terms and conditions, for the navigation of non-mechanically propelled inland vessel.

Power of State Government to make rules to regulate non-mechanically propelled inland vessels.

95. (1) The State Government may, by rules made in this behalf, specify the measures to regulate non-mechanically propelled inland vessels.

(2) For the purposes of sub-section (1), the State Government may make rules for the following, namely:—

- (a) for prevention and minimising pollution caused by the non-mechanically propelled inland vessels;
- (b) for removal of obstructions to safe navigation;

(c) measures that may be adopted to avert accidents and casualty; and

(d) any other measure which the State Government may deem fit in implementing the provisions of this Chapter.

96. (1) Every State Government shall, by notification, constitute a welfare fund at district level, for allocation of such fund to assist the non-mechanically propelled inland vessels enrolled under this Chapter.

Constitution of welfare fund.

(2) Any officer appointed or authorised under this Chapter to be in-charge of the fund for the non-mechanically propelled inland vessel shall, with the previous approval in writing of the respective State Government or such other authority appointed for the said purpose, utilise the fund to—

(a) create awareness and conduct knowledge dissemination sessions for educating the owner, operator and service user on improvements required for safe navigation;

(b) provide equipment and devices of safety and navigation at a subsidised rate;

(c) provide support or relief during casualties, accidents or such emergencies; and

(d) for such other purposes as it may deem fit.

CHAPTER XVIII

MISCELLANEOUS

97. No person employed or engaged in any capacity on board a mechanically propelled vessel shall—

Desertion and absence without leave.

(a) neglect or refuse, without reasonable cause, to join his mechanically propelled vessel or to proceed on any voyage in his vessel;

(b) cause to be absent from his vessel or from his duty at any time without leave and without sufficient cause;

(c) desert from his mechanically propelled vessel;

(d) fail to act or behave with discipline befitting his duty and mandate.

98. (1) The Central Government may make rules for—

General powers of Central Government to make rules.

(a) implementation of standards for the use of special category of vessels within inland waterways;

(b) providing the requirements and standards of—

(i) river information services;

(ii) vessel traffic and transport management, safety and information services;

(iii) vessel tracing and tracking information;

(iv) to tackle calamities and furtherance of emergency preparedness;

(v) to quarantine the vessels and to adopt such other measures to effectively control any epidemic or disease of contagious nature;

(c) enforcing standards to avoid and tackle pollution arising in inland waterways;

(d) exemption, inclusion or extension of the application of any or all the provisions of this Act to any vessel registered, recognised or identified and intended to ply, or plying in the inland waters;

(e) any other matter as it may deem fit and necessary in the proper implementation of this Act for the purposes of ensuring safe navigation, safety of life and prevention of pollution caused by inland vessel.

(2) For the purposes of administration of the notifications mentioned in sub-section (1), the Central Government or the State Government, as the case may be, shall authorise or appoint officers by notification.

Emergency preparedness.

99. (1) Every State Government may, appoint or authorise the advisory committee or officers, by notification, to take adequate measures, as may be prescribed by the State Government, to minimise or counter emergency.

(2) The owner, operator, master, crew or any other person connected with inland vessel plying in inland waters shall upon finding or apprehending a situation of crisis, which could adversely affect or is adversely affecting the safety of navigation, safety of human life or preservation of inland waters, inform or report the advisory committee or such other officers, appointed under sub-section (1) having respective jurisdiction or jurisdictions over such crisis that is found or is anticipated to affect adversely.

(3) The advisory committee or officers, who are appointed or authorised under sub-section (1), on receipt of information under sub-section (2), or as directed by the Central Government or the State Government or on their own initiative, may record the crisis as emergency and, shall adopt such measures as prescribed under sub-section (1), and such other measures which are feasible and in best of the judgment necessary to minimise or counter such emergency.

(4) The advisory committee or officers, appointed or authorised under sub-section (1) may request the navy, coast guard, any other emergency force, or any inland vessel available for such assistance as necessary.

(5) No mechanically propelled inland vessel directed or acting voluntarily in rendering assistance as mentioned in sub-section (4) shall be bound by the provisions of this Act or the rules made thereunder.

(6) Any mechanically propelled inland vessel acting voluntarily, for the purpose of saving life or vessel or providing basic amenities, shall report to the advisory committee or officers appointed or authorised under sub-section (1) regarding the presence and reasons for the acts in writing, at the earliest possible.

(7) The advisory committee or officers appointed or authorised under sub-section (1) shall disburse all basic amenities necessary and essential as it may deem fit, to the persons or vessels affected by such emergency.

(8) The advisory committee or officers appointed or authorised under sub-section (1) shall report to the Central Government or the State Government, the complete description of the events, consequences and such measures adopted under sub-section (3) and the effectiveness of such measures in countering the emergency.

Removal of lawful obstruction.

100. (1) If any obstruction or impediment to the navigation of any inland water has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the authorised officer shall report the same for the information of the State Government and shall, with the sanction of the State Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(2) Any dispute arising out of or concerning such compensation shall be determined according to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Validity of certificates issued under laws other than this Act.

101. (1) Every certificate issued in respect of any person or vessel, under any other enactment in force in India, by the Central Government, shall be valid and effective as a certificate issued under this Act and the relevant provisions of this Act shall apply in relation to such persons or vessel as they apply to, any person who has been issued with a certificate

under Chapter VI or any mechanically propelled inland vessel registered, recognised or identified under this Act.

(2) Notwithstanding anything contained herein, the State Government may impose additional conditions and requirements for the purpose of recognition of certificates as provided under sub-section (1).

102. No person shall wilfully cause obstruction or attempt to obstruct any authority or officer appointed under this Act in exercise of the respective functions and powers conferred upon such authority or officer, or in the discharge of any duty imposed by or under this Act; by abstinence, failure to facilitate inspection, or restraining or physically objecting the entry or movement or non-production of books or records as and when demanded by such authority or authorised officers.

Obstruction to officer appointed or authorised.

103. Whoever contravenes any of the provisions of this Act or the rules made thereunder, shall be triable for the offence in any place where he may be found or at the place of occurrence or at the place in the State where the offence has been committed or a place which the Central Government or the State Government, as the case may be, by notification, specify in this behalf, or any other place in which he might be tried under any other enactment for the time being in force.

Place of trial.

2 of 1974.

104. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by competent authority or in the event of the matter being referred to the court of competent jurisdiction, such offence may be compounded by the competent authority with the permission of such court.

Composition of offences.

(2) The competent authority referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the appropriate Government.

(3) Every application for the compounding of an offence shall be made in such manner as may be prescribed.

(4) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(5) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the competent authority referred to in sub-section (1) in writing, to the notice of the court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(6) Any person who fails to comply with an order made by the competent authority referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty per cent. of the maximum fine provided for the offence, in addition to such fine.

(7) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section.

105. (1) Unless otherwise provided in this Act, any person aggrieved by an order made by the officers or authorities under this Act, may appeal to the State Government against refusal, suspension, cancellation, detention, removal or such other order, issued under this Act, within thirty days from the date of receipt of such order.

Appeal.

(2) The State Government shall cause notice of every such appeal to be given to concerned officers or authorities whose order is made the subject matter of the appeal, and after giving an opportunity to the appellant; shall pass appropriate order by recording reasons thereof, which shall be final.

Power of
Central
Government
to make rules.

106. (1) For the purposes of effective implementation of the provisions of this Act, the Central Government shall, subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

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

(a) the centralised record to be maintained in e-portal, for recording the data and details of vessel, vessel registration, crew, manning, certificates issued, reception facilities and such other data to be recorded under clause (f) of section 3;

(b) the requirements for compliance to be specified in a cover note for the purpose of issuance of certificate of insurance under clause (g) of section 3;

(c) the procedure to be laid down and rates to be specified so as to calculate the rate of extent of liability within which the owner or such other persons entitled under this Act, may limit the liability or be permitted to limit or cap the liability arising out of claims under clause (t) of section 3;

(d) the standard and number of persons required for safe manning and navigation of vessels under clause (z) of section 3;

(e) the classification, criteria for such classification and standards of design, construction, fitness and crew accommodation to classify or categorise any mechanically propelled inland vessel under sub-section (1) of section 7;

(f) the manner of carrying out construction and any alteration or modification of mechanically propelled inland vessels with the prior approval of design from the designated authority under section 8;

(g) the standards for type and periodicity of surveys for all mechanically propelled inland vessels, which are newly constructed and already in service under sub-section (1) and the form and content of request for survey to be submitted by the applicant under sub-section (2) of section 9;

(h) the minimum criteria and qualifications for the appointment of surveyors, which the State Governments shall adopt in the appointment of surveyors under section 10;

(i) the form of application for conducting survey to be submitted by owners, masters or construction yard under sub-section (1) of section 11;

(j) the form and contents of the declaration of survey of a mechanically propelled inland vessel and the time period for which such certificate shall be valid, under sub-section (1) of section 12;

(k) the form of the certificate of survey including any particulars or terms and conditions under sub-section (3) of section 12;

(l) the form of provisional certificate of survey and the period of validity provided under sub-section (1) of section 13;

(m) the terms and conditions to be complied with for permitting any mechanically propelled vessels registered under such laws of countries other than India; which shall only be permitted to ply within the inland waters under clause (c) of sub-section (2) of section 18;

(n) the form, contents or particulars of the book of registry as provided under sub-section (1) of section 21;

(o) the form and manner for maintenance of central data base for inland vessels by the officers appointed by the Central Government under section 22;

(p) the functions to be performed by the officers appointed by the Central Government under section 22;

(q) the form and manner of making application for registration of a mechanically propelled inland vessel and the particulars along with which such application is to be made under sub-section (1) of section 23;

(r) the list of documents to be submitted or adduced by the applicants for registration under sub-section (2) of section 23;

(s) the form and content of certificate of registration under sub-section (2) of section 24;

(t) the form of application, fee and the manner of issuance of provisional certificate of registration under sub-section (2) of section 27;

(u) the procedures to be complied with by the owner of any mechanically propelled inland vessel who ceases to be the owner or applies for the requirement of transfer of registry or any such circumstances leading to change of the registered address under sub-section (2) of section 29;

(v) the procedures for validating the transfer of mechanically propelled inland vessel from India to outside India under section 30;

(w) the time within which the owner of the mechanically propelled inland vessel shall report to the Registrar of Inland Vessels of the place where such vessel is registered, if that vessel is declared missing, destroyed, lost, abandoned or has been rendered permanently unfit for service or destined for scrapping or dismantling or sold abroad;

(x) the form of instrument creating the security for a mortgage for a loan or other valuable consideration under sub-section (1) of section 33;

(y) the manner and conditions governing mortgage and its procedures under sub-section (2) of section 33;

(z) the standards for qualification, training, training institute, examination and grant of competency certificates under sub-section (1) of section 34;

(za) the minimum manning scale applicable to different class or category of mechanically propelled inland vessels, categorised under this Act or such other laws for the time being in force in India, under section 35;

(zb) the criteria and qualifications for appointment of examiners under sub-section (1) of section 36;

(zc) the form, contents and particulars of certificate of competency specified under sub-section (3) of section 37;

(zd) the period of validity of certificate of service issued under sub-section (1) of section 38;

(ze) the form of certificate of service and the conditions subject to which such certificate is issued under sub-section (4) of section 38;

(zf) the conditions subject to which the certificate of competency shall be valid throughout India under section 39;

(zg) the intervals and manner in which the State Government shall report and update the Central Government with the information on data and details of certificates issued, granted, cancelled or suspended or such other remarks, made by the respective authority under sub-section (2) of section 41;

(zh) the criteria and standards to identify any class or category of mechanically propelled inland vessels as special category vessels based on their design, construction,

use, purpose, area of plying, source of energy or fuelling or any other criteria under sub-section (1) of section 42;

(zi) the requirements of construction, design, survey, registration, manning, qualification, competency, or the requirements in addition to those contained elsewhere in this Act under sub-section (2) of section 42;

(zj) the specifications and requirements of signals and equipment based on classification and categorisation of mechanically propelled vessels, to be complied with by such vessels under sub-section (1) of section 47;

(zk) the fog and distress signals to be carried and used, the steering and sailing rules to be complied with and the different protocols for exhibition and display of different standards of lights, shapes and signals, by any mechanically propelled vessel plying in inland waters under sub-section (2) of section 47;

(zl) the class or category of mechanically propelled inland vessels to be equipped with navigation aids, life saving appliances, fire detection and extinguishing appliances and communication appliances under sub-section (1) of section 51;

(zm) the standards to be followed by the owner or master of any mechanically propelled inland vessel and the manner for discharge or dispose of sewage and garbage under sub-section (2) of section 52;

(zn) the standards of construction and equipment of the mechanically propelled inland vessels to ensure compliance with the requirements of the provisions of Chapter IX under sub-section (1) of section 53;

(zo) the form, validity and content of prevention of pollution certificate under sub-section (3) of section 53;

(zp) the conditions for construction, use and maintenance of reception facilities for the containment of pollution and removal of pollutants arising from spillage or discharge arising from mechanically propelled inland vessels at all cargo terminals or passenger terminals under sub-section (1) of section 54;

(zq) the purposes for Chapter X as specified in clauses (a) to (g) of section 59;

(zr) the limits of liability and the criteria in determining compensation for any claim specified in sub-section (5) of section 64;

(zs) the form, content, and the conditions subject to which a certificate of insurance is issued by the insurer to the insured under clause (c) of sub-section (1) of section 68;

(zt) the terms and conditions to be incorporated in the contract of insurance entered between insurer and insured to cover the risks, as provided in section 66, under sub-section (2) of section 68;

(zu) the terms, conditions and procedures to be complied with by insurers and insured including those specified in clauses (a) to (h) therein, under section 73;

(zv) minimum standards, terms and conditions to protect the interests and to ensure safety of service providers and service users under section 80;

(zw) the conditions for carrying the list of dangerous goods under section 81;

(zx) the terms and conditions subject to which permission of the Central Government is granted for use or employment of a vessel, registered in any country other than India, for the purposes of, carriage of goods, transportation of passengers, storage units, accommodation, floating units or for such other purposes within the inland waters under sub-section (1) of section 82;

(zy) the fees for grant of a certificate or licence under this Act similar to any certificate granted by any other foreign country in accordance with the provisions of any law for the time being in force in that country under sub-section (2) of section 82;

(zz) the period and extent of validity of certificate granted under sub-section (2) of section 82, as specified in sub-section (3) of the said section;

(zza) any other matter which is required to be, or may be, prescribed under the provisions of this Act for the purpose of implementation and administration of such provisions.

107. (1) The State Government may, after previous publication, make rules for the provisions specified to be administered by it under this Act or as delegated to it by the Central Government for the purposes of effective implementation of the provisions of this Act. Power of State Government to make rules.

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

(a) the requirements for the appointment of qualified persons as pilots under clause (zk) of section 3;

(b) the fee for issuance of certificate of survey under sub-section (2) of section 12;

(c) the manner and conditions subject to which any mechanically propelled inland vessel, which has been issued with a provisional certificate of survey or endorsement may proceed on voyage or use in service, temporarily, pending the issue of certificate of survey under sub-section (2) of section 13;

(d) the manner of issue the notice of suspension of certificate of survey to the owner, operator, master, or construction yard under sub-section (2) of section 15;

(e) the functions to be performed by the Registrar of Inland Vessels in respect to the port or place of registry for which he is appointed under sub-section (2) of section 20;

(f) the manner and period in which the Registrar of Inland Vessels shall report the details of the book of registry or entries made therein, to the State Government at regular intervals, under sub-section (2) of section 21;

(g) the fee for granting the certificate of registration to the applicant under sub-section (1) of section 24;

(h) other particulars to be contained in the certificate of registration under clause (e) of sub-section (2) of section 24;

(i) the conspicuous part of the vessel where the owner shall display the official number under sub-section (3) of section 24;

(j) the form and manner in which the registered owner shall apply for a duplicate certificate to the Registrar of Inland Vessels under sub-section (1) of section 26;

(k) the fees or additional fees for applying for a duplicate certificate to the Registrar of Inland Vessels under sub-section (2) of section 26;

(l) the form, manner and period within which the owner, operator or master of the mechanically propelled inland vessel shall make an application, for entry of alterations or modifications made, in the certificate of registration, under sub-section (1) of section 28;

(m) the fee for applying to the Registrar of Inland Vessels for registration of alterations under sub-section (2) of section 28;

(n) the conditions to be complied with and the period for such compliance to be stated in the notice of suspension issued by the Registrar of Inland Vessels under sub-section (4) of section 31;

(o) the form and manner for maintenance of registers to record, the details and data of the certificate, and the certificates specified therein, under sub-section (1) of section 41;

(p) the form of application, form of certificate of fitness and such other conditions including validity, subject to which and the manner of granting the certificate of fitness under sub-section (2) of section 43;

(q) the safety features, gears and such other measures by which any mechanically propelled inland vessel, identified as special category vessel, shall comply with and be equipped in accordance with the categorisation of such vessel, under sub-section (1) of section 44;

(r) the maximum carrying capacity of the vessel identified as special category vessel by specifying the safety waterline or the limits of load water line to keep them afloat, or such other criteria and conditions, for the safe voyage of such inland vessel under sub-section (2) of section 44;

(s) the rates of charges to be received by the owner or operator of all cargo terminals or passenger terminals, providing reception facilities shall receive charges under sub-section (3) of section 54;

(t) the form of report of compliance to be submitted by the owner or operator of the passenger or cargo terminal under sub-section (5) of section 54;

(u) the manner in which the owner, operator or master of any mechanically propelled vessel used or plying within inland waters, shall discharge the pollutants at the port reception facilities under sub-section (6) of section 54;

(v) the procedure for detaining any mechanically propelled inland vessel in connection with a claim, or an offence under section 63;

(w) the form and manner of giving information of any wreck, abandonment, damage, casualty, accident, explosion or loss occurred to or on board such a vessel while in the inland waters, to the officer in-charge of the nearest police station and to the designated authority appointed under sub-section (2) of section 74;

(x) the powers of the District Magistrate and the procedures to be followed in holding inquiry under sub-section (3) of section 75;

(y) the qualifications, criteria and consideration, fees or charges for the assessors, who have experience in the merchant service or in the navigation of the mechanically propelled inland vessels under sub-section (2) of section 76;

(z) the procedures for detention, formality, fees and conditions, if not specified in this Act, to be followed and observed by the concerned officer or authority or court, appointed or authorised or constituted under this Act, for the purpose of detaining a vessel, under sub-section (4) of section 85;

(za) the rates of fees and additional fees to be charged for the services provided under this Act, and any other charges or payment made to it against penalties of pecuniary nature to be collected by the State Government, and the intervals at which such fees, charges or penalties shall be collected, under sub-section (1) of section 89;

(zb) the procedures, forms and format of receipts, maintenance of accounts and any other matter that is necessary for the purpose of the remittance, collection, accounts and accountability of collected fees, additional fees, charges or payment against penalties of pecuniary nature under sub-section (3) of section 89;

(zc) the manner and rates of fees or additional fees, the owner, operators or their representatives, as the case may be, shall remit under sub-section (4) of section 89;

(zd) the hierarchy of the offices of the authorised department and the powers and functions to be exercised by such offices under sub-section (3) of section 91;

(ze) the authority and obligation to administer the welfare fund constituted for the purposes of Chapter XVII under clause (c) of sub-section (3) of section 91;

(zf) such other details to be submitted by the owner or operator of non-mechanically propelled inland vessel at the office of the authorised department and the form and manner of making such submission, under sub-section (1) of section 92;

(zg) the form and manner of central data base to record the details of non-mechanically propelled inland vessels under sub-section (6) of section 92;

(zh) the form and manner of issuance of certificate of enrolment and such other document containing details of the owner, to be specified in the said certificate, under sub-section (2) of section 93;

(zi) the form and manner of exhibiting a number issued to a non-mechanically propelled inland vessel under sub-section (4) of section 93;

(zj) the basic minimum standards that may be reasonably observed during the construction of any non-mechanically propelled inland vessel under sub-section (1) of section 94;

(zk) the manner of complying with the standards of construction specified by the State Government, by any class or category of non-mechanically propelled inland vessel under sub-section (2) of section 94;

(zl) the measures to regulate the non-mechanically propelled inland vessel under section 95;

(zm) the measures to be taken by the advisory committee or officers authorised in this behalf to minimise or counter emergency under sub-section (1) of section 99;

(zn) for the purposes of implementation and administration of Chapter XVII of this Act, pertaining to non-mechanically propelled inland vessels;

(zo) any other matter which is required to be, or may be, prescribed under the provisions of this Act.

108. The Central Government may, for carrying into execution of this Act in the State, give directions to the State Government, and the State Government shall abide by such directions.

Power of Central Government to give directions.

109. (1) No suit, prosecution or other legal proceeding shall lie against any person or officer appointed or authorised under this Act, in respect of anything done or intended to be done in good faith under this Act.

Protection of action taken in good faith.

(2) For the purpose of claiming immunity under sub-section (1), the officers appointed or authorised under this Act, shall perform and carry out the respective functions and responsibilities, with utmost care and due diligence.

110. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of a period of three years, from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Consistency with other laws.

111. (1) The provisions of this Act shall be in addition to, and not be construed in derogation of the provisions of any other law, and shall be construed as consistent with such law, for the time being in force.

(2) In the event of any conflict between a provision of this Act and a provision of any other law for the time being in force in the whole of India or restricted to the application within the territory of any State, the provision of this Act shall prevail to the extent of such conflict.

Suspension or alteration of application and operation of Act.

112. (1) The Central Government may, by notification, declare that all or any of the provisions, under this Act or the rules made thereunder—

(a) other than that provided for safety, manning and prevention of pollution, shall not apply to any specified class or category of the mechanically propelled inland vessels; or

(b) shall apply to any specified class or category of the mechanically propelled inland vessels with such modifications, as may be specified in the notification.

(2) Notwithstanding anything contained in this section, the Central Government may, by notification, suspend or relax to a specified extent, either indefinitely or for such period as may be specified in that notification, the operation of all or any of the provisions of this Act.

Laying of rules and notifications.

113. (1) Every rule made or notification issued under this Act, by the Central Government shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification, or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(2) Every rule made or notification issued under this Act by the State Government shall, as soon as after it is made or issued, be laid before the State Legislature.

Repeal and savings.

114. (1) The Inland Vessels Act, 1917 is hereby repealed.

1 of 1917.

(2) Notwithstanding the repeal of the enactment referred to in sub-section (1),—

(a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under the enactment hereby repealed shall, if it is not inconsistent with the provisions of this Act, continue to be in force unless and until revoked, and shall have effect as if it had been issued, made or granted under the corresponding provision of this Act;

(b) any officer appointed and anybody elected or constituted under any enactment hereby repealed shall continue and shall be deemed to have been appointed, elected or constituted unless specifically removed or replaced by appointment of officer or offices, as the case may be, under this Act;

(c) any document referring to the enactment hereby repealed shall be constructed as referring to this Act or to the corresponding provision of this Act;

(d) any fine levied or penalty imposed under the enactment hereby repealed may be recovered as if it had been levied under this Act;

(e) any offence committed under the enactment hereby repealed may be prosecuted and punished as if it had been committed under this Act;

(f) sailing vessels or sailing boats registered under the enactment hereby repealed shall be deemed to have been registered under the Act;

(g) mortgages of any mechanically propelled inland vessels recorded in any register book maintained at any port in India under the enactment hereby repealed shall be deemed to have been recorded in the register book under the corresponding provision of this Act;

(h) any licence, certificate of competency or service, certificate of survey, licenses or any other certificate or document issued, made or granted under the enactment hereby repealed and in force at the commencement of this Act shall be deemed to have been issued, made or granted under this Act and shall, unless cancelled under this Act, continue in force until the date shown in the certificate or document, as the case may be.

X of 1897. (3) The matters specifically provided in this section, shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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No. 36] NEW DELHI, THURSDAY, AUGUST 12, 2021/SRAVANA 21, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th August, 2021/ Sravana 21, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 11th August, 2021, and is hereby published for general information:—

THE ESSENTIAL DEFENCE SERVICES ACT, 2021

No. 25 OF 2021

[11th August, 2021.]

An Act to provide for the maintenance of essential defence services so as to secure the security of nation and the life and property of public at large and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Defence Services Act, 2021.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 30th day of June, 2021.

(4) It shall cease to have effect on the expiry of one year from the date on which this Act receives the assent of the President except as respects things done or omitted to be done before such cesser of operation of this Act, and section 6 of the General Clauses Act, 1897, shall apply upon such cesser of operation of this Act as if it had then been repealed by a Central Act.

Short title,
extent and
commencement.

Definitions.

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

(a) "essential defence services" means—

(i) any service in any establishment or undertaking dealing with production of goods or equipment required for any purpose connected with defence;

(ii) any service in any establishment of, or connected with, the armed forces of the Union or in any other establishment or installation connected with defence;

(iii) any service in any section of any establishment connected with defence, on the working of which the safety of such establishment or employee employed therein depends;

(iv) any other service, as the Central Government may, by notification in the Official Gazette, declare to be essential defence services, the cessation of work of which would prejudicially affect the—

(I) production of defence equipment or goods; or

(II) operation or maintenance of any industrial establishment or unit engaged in production of goods or equipment required for any purpose connected with defence; or

(III) repair or maintenance of products connected with defence;

(b) "strike" means the cessation of work, go-slow, sit down, stay-in, token strike, sympathetic strike or mass casual leave, by a body of persons engaged in the essential defence services, acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so engaged to continue to work or to accept employment, and includes—

(i) refusal to work overtime, where such work is necessary for the maintenance of the essential defence services;

(ii) any other conduct which is likely to result in, or results in, cessation or retardation or disruption of work in the essential defence services.

(2) Words and expressions used herein and not defined but defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act.

14 of 1947.

Power to prohibit strikes in essential defence services.

3. (1) If the Central Government is satisfied that in the—

(a) public interest; or

(b) interest of the sovereignty and integrity of India; or

(c) security of any State; or

(d) public order; or

(e) decency; or

(f) morality,

it is necessary or expedient so to do, it may, by general or special order, prohibit strikes in the essential defence services.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government may deem fit to bring it to the notice of the persons affected by such order.

(3) An order made under sub-section (1) shall be in force for six months, but the Central Government may, by a like order, extend it for any period not exceeding six months, if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order made under sub-section (1)—

(a) no person engaged in the essential defence services shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of such order, by persons engaged or employed in such services shall be illegal.

4. Where any order has been issued under sub-section (1) of section 3, any police officer may take all such measures as such officer may deem fit including the use of police force, if he considers necessary, to remove any person, whose presence in any area connected with the—

Removal of persons.

(a) defence equipment production services; or

(b) operation or maintenance of any industrial establishment or unit engaged in production or manufacturing of goods or equipment required for any purpose connected with defence; or

(c) repair or maintenance of products connected with defence,

would be prejudicial to the functioning, safety or maintenance of the essential defence services.

5. (1) Any person—

(a) who commences a strike which is illegal under this Act or goes or remains on, otherwise takes part in, any such strike; or

(b) who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike,

Dismissal of employees participating in illegal strikes.

shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

(2) Notwithstanding anything contained in any other law for the time being in force or under the terms and conditions of service applicable to any person employed in the essential defence services, before dismissing any person under sub-section (1), no inquiry shall be necessary if the authority empowered to dismiss or remove such person is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry.

6. Any person, who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

Penalty for illegal strikes.

7. Any person, who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifteen thousand rupees, or with both.

Penalty for instigation, etc.

8. Any person, who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifteen thousand rupees, or with both.

Penalty for giving financial aid to illegal strikes.

9. (1) If the Central Government is satisfied that in the—

(a) public interest; or

(b) interest of the sovereignty and integrity of India; or

(c) security of any State; or

Power to prohibit lock-outs in any industrial establishment or unit engaged in essential defence services.

- (d) public order; or
- (e) decency; or
- (f) morality,

it is necessary or expedient so to do, it may by general or special order, prohibit lock-outs in the industrial establishments or units engaged in the essential defence services.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government may deem fit to bring it to the notice of the persons affected by such order.

(3) An order made under sub-section (1) shall be in force for six months, but the Central Government may, by a like order extend it for any period not exceeding six months, if it is satisfied that in the public interest it is necessary so to do.

(4) Upon the issue of an order under sub-section (1),—

(a) no employer engaged in the essential defence services shall commence any lock-out; and

(b) any lock-out declared or commenced, whether before or after the issue of such order, by any employer engaged in the essential defence services shall be illegal.

(5) Any employer of an industrial establishment or unit engaged in the essential defence services, who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this section, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

Power to prohibit lay-off in any industrial establishment or unit engaged in essential defence services.

10. (1) If the Central Government is satisfied that in the—

- (a) public interest; or
- (b) interest of the sovereignty and integrity of India; or
- (c) security of any State; or
- (d) public order; or
- (e) decency; or
- (f) morality,

it is necessary or expedient so to do, it may, by general or special order, prohibit lay-off, on any ground other than shortage of power or natural calamity, of any workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of any industrial establishment or unit engaged in the essential defence services.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government may deem fit to bring it to the notice of the persons affected by the order.

(3) An order made under sub-section (1) shall be in force for six months, but the Central Government may, by a like order, extend it for any period not exceeding six months, if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1),—

(a) no employer in relation to an establishment to which such order applies shall lay-off or continue the lay-off any workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of any industrial establishment or unit engaged in the essential defence services, unless such lay-off is

due to shortage of power or natural calamity, and any laying-off or continuation of laying-off shall, unless such laying-off or continuation of laying-off is due to shortage of power or natural calamity, be illegal;

(b) a workman whose laying-off is illegal under clause (a) shall be entitled to all the benefits under any law for the time being in force as if he had not been laid-off.

(5) Any employer of an industrial establishment or unit engaged in the essential defence services, who lays-off or continues the laying-off of any workman shall, if such laying-off or continuation of laying-off is illegal under this section, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

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|-------------|--|--|
| 2 of 1974. | 11. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected to have committed any offence under this Act. | Power to arrest without warrant. |
| 2 of 1974. | 12. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be tried in a summary way by any Metropolitan Magistrate or any Judicial Magistrate of the first class, specially empowered in this behalf by the State Government and the provisions of sections 262 to 265 (inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for such Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act. | Offences to be tried summarily. |
| 2 of 1974. | 13. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences punishable under this Act shall be cognizable and non-bailable. | Cognizance of offences. |
| | 14. Any reference in this Act to any law which is not in force in any area and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law. | Reference of other laws in certain areas. |
| | 15. No suit, prosecution or other legal proceedings shall lie against the Central Government or any officer for anything which is in good faith done or intended to be done under this Act. | Protection of action taken in good faith. |
| 14 of 1947. | 16. The provisions of this Act and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force. | Act to override other laws. |
| | 17. In the Industrial Disputes Act, 1947, in section 2, in clause (n), in sub-clause (ia), for the words "or dock", the words "or dock or any industrial establishment or unit engaged in essential defence services" shall be substituted. | Amendment of Act 14 of 1947. |
| | 18. Every notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in such notification or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification. | Laying of notifications before Parliament. |

Repeal and
savings.

19. (1) The Essential Defence Services Ordinance, 2021 is hereby repealed.

Ord. 7 of
2021.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 38] नई दिल्ली, बृहस्पतिवार, अगस्त 12, 2021/ श्रावण 21, 1943 (शक)
No. 38] NEW DELHI, THURSDAY, AUGUST 12, 2021/SRAVANA 21, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th August, 2021/Sravana 21, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 11th August, 2021, and is hereby published for general information:—

THE INSOLVENCY AND BANKRUPTCY CODE (AMENDMENT) ACT, 2021

No. 26 OF 2021

[11th August, 2021.]

An Act further to amend the Insolvency and Bankruptcy Code, 2016.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Insolvency and Bankruptcy Code (Amendment) Act, 2021. Short title and commencement.

(2) It shall be deemed to have come into force on the 4th day of April, 2021.

Amendment
of section 4.

2. In the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the principal Act), in section 4, after the proviso, the following proviso shall be inserted, namely:—

31 of 2016.

"Provided further that the Central Government may, by notification, specify such minimum amount of default of higher value, which shall not be more than one crore rupees, for matters relating to the pre-packaged insolvency resolution process of corporate debtors under Chapter III-A."

Amendment
of section 5.

3. In section 5 of the principal Act,—

(i) after clause (2), the following clause shall be inserted, namely:—

'(2A) "base resolution plan" means a resolution plan provided by the corporate debtor under clause (c) of sub-section (4) of section 54A;'

(ii) in clause (5), in sub-clause (b), after the words "corporate insolvency resolution process", the words "or the pre-packaged insolvency resolution process, as the case may be," shall be inserted;

(iii) in clause (11), after the words "corporate insolvency resolution process", the words "or pre-packaged insolvency resolution process, as the case may be" shall be inserted;

(iv) in clause (15), after the words "process period", the words "or by the corporate debtor during the pre-packaged insolvency resolution process period, as the case may be" shall be inserted;

(v) in clause (19), after the words "for the purposes of", the words and figures "Chapter VI and" shall be inserted;

(vi) after clause (23), the following clauses shall be inserted, namely:—

'(23A) "preliminary information memorandum" means a memorandum submitted by the corporate debtor under clause (b) of sub-section (1) of section 54G;

(23B) "pre-packaged insolvency commencement date" means the date of admission of an application for initiating the pre-packaged insolvency resolution process by the Adjudicating Authority under clause (a) of sub-section (4) of section 54C;

(23C) "pre-packaged insolvency resolution process costs" means—

(a) the amount of any interim finance and the costs incurred in raising such finance;

(b) the fees payable to any person acting as a resolution professional and any expenses incurred by him for conducting the pre-packaged insolvency resolution process during the pre-packaged insolvency resolution process period, subject to sub-section (6) of section 54F;

(c) any costs incurred by the resolution professional in running the business of the corporate debtor as a going concern pursuant to an order under sub-section (2) of section 54J;

(d) any costs incurred at the expense of the Government to facilitate the pre-packaged insolvency resolution process; and

(e) any other costs as may be specified;

(23D) "pre-packaged insolvency resolution process period" means the period beginning from the pre-packaged insolvency commencement date

and ending on the date on which an order under sub-section (1) of section 54L, or sub-section (1) of section 54N, or sub-section (2) of section 54-O, as the case may be, is passed by the Adjudicating Authority;';

(vii) in clause (25), after the words, brackets and figures "of sub-section (2) of section 25", the words, figures and letter "or pursuant to section 54K, as the case may be" shall be inserted;

(viii) in clause (27), after the words "corporate insolvency resolution process", the words "or the pre-packaged insolvency resolution process, as the case may be," shall be inserted.

4. In section 11 of the principal Act,—

Amendment
of section 11.

(i) in clause (a), after the words "corporate insolvency resolution process", the words "or a pre-packaged insolvency resolution process" shall be inserted;

(ii) after clause (a), the following clause shall be inserted, namely:—

"(aa) a financial creditor or an operational creditor of a corporate debtor undergoing a pre-packaged insolvency resolution process; or";

(iii) after clause (b), the following clause shall be inserted, namely:—

"(ba) a corporate debtor in respect of whom a resolution plan has been approved under Chapter III-A, twelve months preceding the date of making of the application; or".

5. After section 11 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
11A.

"11A. (1) Where an application filed under section 54C is pending, the Adjudicating Authority shall pass an order to admit or reject such application, before considering any application filed under section 7 or section 9 or section 10 during the pendency of such application under section 54C, in respect of the same corporate debtor.

Disposal of
applications
under section
54C and under
section 7 or
section 9 or
section 10.

(2) Where an application under section 54C is filed within fourteen days of filing of any application under section 7 or section 9 or section 10, which is pending, in respect of the same corporate debtor, then, notwithstanding anything contained in sections 7, 9 and 10, the Adjudicating Authority shall first dispose of the application under section 54C.

(3) Where an application under section 54C is filed after fourteen days of the filing of any application under section 7 or section 9 or section 10, in respect of the same corporate debtor, the Adjudicating Authority shall first dispose of the application under section 7 or section 9 or section 10.

(4) The provisions of this section shall not apply where an application under section 7 or section 9 or section 10 is filed and pending as on the date of the commencement of the Insolvency and Bankruptcy Code (Amendment) Act, 2021."

6. In section 33 of the principal Act, in sub-section (3), after the words "approved by the Adjudicating Authority", the words, figures, brackets and letter "under section 31 or under sub-section (1) of section 54L," shall be inserted.

Amendment
of section 33.

7. In section 34 of the principal Act, in sub-section (1), after the words and figures "under Chapter II", the words, figures and letter "or for the pre-packaged insolvency resolution process under Chapter III-A" shall be inserted.

Amendment
of section 34.

Insertion of
new Chapter
III-A.

8. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

'CHAPTER III-A

PRE-PACKAGED INSOLVENCY RESOLUTION PROCESS

Corporate
debtors
eligible for
pre-packaged
insolvency
resolution
process.

54A.(1) An application for initiating pre-packaged insolvency resolution process may be made in respect of a corporate debtor classified as a micro, small or medium enterprise under sub-section (1) of section 7 of the Micro, Small and Medium Enterprises Development Act, 2006.

27 of 2006.

(2) Without prejudice to sub-section (1), an application for initiating pre-packaged insolvency resolution process may be made in respect of a corporate debtor, who commits a default referred to in section 4, subject to the following conditions, that—

(a) it has not undergone pre-packaged insolvency resolution process or completed corporate insolvency resolution process, as the case may be, during the period of three years preceding the initiation date;

(b) it is not undergoing a corporate insolvency resolution process;

(c) no order requiring it to be liquidated is passed under section 33;

(d) it is eligible to submit a resolution plan under section 29A;

(e) the financial creditors of the corporate debtor, not being its related parties, representing such number and in such manner as may be specified, have proposed the name of the insolvency professional to be appointed as resolution professional for conducting the pre-packaged insolvency resolution process of the corporate debtor, and the financial creditors of the corporate debtor, not being its related parties, representing not less than sixty-six per cent. in value of the financial debt due to such creditors, have approved such proposal in such form as may be specified:

Provided that where a corporate debtor does not have any financial creditors, not being its related parties, the proposal and approval under this clause shall be provided by such persons as may be specified;

(f) the majority of the directors or partners of the corporate debtor, as the case may be, have made a declaration, in such form as may be specified, stating, *inter alia*, that—

(i) the corporate debtor shall file an application for initiating pre-packaged insolvency resolution process within a definite time period not exceeding ninety days;

(ii) the pre-packaged insolvency resolution process is not being initiated to defraud any person; and

(iii) the name of the insolvency professional proposed and approved to be appointed as resolution professional under clause (e);

(g) the members of the corporate debtor have passed a special resolution, or at least three-fourth of the total number of partners, as the case may be, of the corporate debtor have passed a resolution, approving the filing of an application for initiating pre-packaged insolvency resolution process.

(3) The corporate debtor shall obtain an approval from its financial creditors, not being its related parties, representing not less than sixty-six per cent. in value of the financial debt due to such creditors, for the filing of an application for initiating pre-packaged insolvency resolution process, in such form as may be specified:

Provided that where a corporate debtor does not have any financial creditors, not being its related parties, the approval under this sub-section shall be provided by such persons as may be specified.

(4) Prior to seeking approval from financial creditors under sub-section (3), the corporate debtor shall provide such financial creditors with—

(a) the declaration referred to in clause (f) of sub-section (2);

(b) the special resolution or resolution referred to in clause (g) of sub-section (2);

(c) a base resolution plan which conforms to the requirements referred to in section 54K, and such other conditions as may be specified; and

(d) such other information and documents as may be specified.

54B. (1) The insolvency professional, proposed to be appointed as the resolution professional, shall have the following duties commencing from the date of the approval under clause (e) of sub-section (2) of section 54A, namely:—

(a) prepare a report in such form as may be specified, confirming whether the corporate debtor meets the requirements of section 54A, and the base resolution plan conforms to the requirements referred to in clause (c) of sub-section (4) of section 54A;

(b) file such reports and other documents, with the Board, as may be specified; and

(c) perform such other duties as may be specified.

(2) The duties of the insolvency professional under sub-section (1) shall cease, if,—

(a) the corporate debtor fails to file an application for initiating pre-packaged insolvency resolution process within the time period as stated under the declaration referred to in clause (f) of sub-section (2) of section 54A; or

(b) the application for initiating pre-packaged insolvency resolution process is admitted or rejected by the Adjudicating Authority,

as the case may be.

(3) The fees payable to the insolvency professional in relation to the duties performed under sub-section (1) shall be determined and borne in such manner as may be specified and such fees shall form part of the pre-packaged insolvency resolution process costs, if the application for initiation of pre-packaged insolvency resolution process is admitted.

54C. (1) Where a corporate debtor meets the requirements of section 54A, a corporate applicant thereof may file an application with the Adjudicating Authority for initiating pre-packaged insolvency resolution process.

(2) The application under sub-section (1) shall be filed in such form, containing such particulars, in such manner and accompanied with such fee as may be prescribed.

(3) The corporate applicant shall, along with the application, furnish—

(a) the declaration, special resolution or resolution, as the case may be, and the approval of financial creditors for initiating pre-packaged insolvency resolution process in terms of section 54A;

Duties of insolvency professional before initiation of pre-packaged insolvency resolution process.

Application to initiate pre-packaged insolvency resolution process.

(b) the name and written consent, in such form as may be specified, of the insolvency professional proposed to be appointed as resolution professional, as approved under clause (e) of sub-section (2) of section 54A, and his report as referred to in clause (a) of sub-section (1) of section 54B;

(c) a declaration regarding the existence of any transactions of the corporate debtor that may be within the scope of provisions in respect of avoidance of transactions under Chapter III or fraudulent or wrongful trading under Chapter VI, in such form as may be specified;

(d) information relating to books of account of the corporate debtor and such other documents relating to such period as may be specified.

(4) The Adjudicating Authority shall, within a period of fourteen days of the receipt of the application, by an order,—

(a) admit the application, if it is complete; or

(b) reject the application, if it is incomplete:

Provided that the Adjudicating Authority shall, before rejecting an application, give notice to the applicant to rectify the defect in the application within seven days from the date of receipt of such notice from the Adjudicating Authority.

(5) The pre-packaged insolvency resolution process shall commence from the date of admission of the application under clause (a) of sub-section (4).

54D. (1) The pre-packaged insolvency resolution process shall be completed within a period of one hundred and twenty days from the pre-packaged insolvency commencement date.

(2) Without prejudice to sub-section (1), the resolution professional shall submit the resolution plan, as approved by the committee of creditors, to the Adjudicating Authority under sub-section (4) or sub-section (12), as the case may be, of section 54K, within a period of ninety days from the pre-packaged insolvency commencement date.

(3) Where no resolution plan is approved by the committee of creditors within the time period referred to in sub-section (2), the resolution professional shall, on the day after the expiry of such time period, file an application with the Adjudicating Authority for termination of the pre-packaged insolvency resolution process in such form and manner as may be specified.

54E. (1) The Adjudicating Authority shall, on the pre-packaged insolvency commencement date, along with the order of admission under section 54C—

(a) declare a moratorium for the purposes referred to in sub-section (1) read with sub-section (3) of section 14, which shall, *mutatis mutandis* apply, to the proceedings under this Chapter;

(b) appoint a resolution professional—

(i) as named in the application, if no disciplinary proceeding is pending against him; or

(ii) based on the recommendation made by the Board, if any disciplinary proceeding is pending against the insolvency professional named in the application;

(c) cause a public announcement of the initiation of the pre-packaged insolvency resolution process to be made by the resolution professional, in such form and manner as may be specified, immediately after his appointment.

Time-limit
for
completion of
pre-packaged
insolvency
resolution
process.

Declaration of
moratorium
and public
announcement
during pre-
packaged
insolvency
resolution
process.

(2) The order of moratorium shall have effect from the date of such order till the date on which the pre-packaged insolvency resolution process period comes to an end.

54F. (1) The resolution professional shall conduct the pre-packaged insolvency resolution process of a corporate debtor during the pre-packaged insolvency resolution process period.

Duties and powers of resolution professional during pre-packaged insolvency resolution process.

(2) The resolution professional shall perform the following duties, namely:—

(a) confirm the list of claims submitted by the corporate debtor under section 54G, in such manner as may be specified;

(b) inform creditors regarding their claims as confirmed under clause (a), in such manner as may be specified;

(c) maintain an updated list of claims, in such manner as may be specified;

(d) monitor management of the affairs of the corporate debtor;

(e) inform the committee of creditors in the event of breach of any of the obligations of the Board of Directors or partners, as the case may be, of the corporate debtor, under the provisions of this Chapter and the rules and regulations made thereunder;

(f) constitute the committee of creditors and convene and attend all its meetings;

(g) prepare the information memorandum on the basis of the preliminary information memorandum submitted under section 54G and any other relevant information, in such form and manner as may be specified;

(h) file applications for avoidance of transactions under Chapter III or fraudulent or wrongful trading under Chapter VI, if any; and

(i) such other duties as may be specified.

(3) The resolution professional shall exercise the following powers, namely:—

(a) access all books of account, records and information available with the corporate debtor;

(b) access the electronic records of the corporate debtor from an information utility having financial information of the corporate debtor;

(c) access the books of account, records and other relevant documents of the corporate debtor available with Government authorities, statutory auditors, accountants and such other persons as may be specified;

(d) attend meetings of members, Board of Directors and committee of directors, or partners, as the case may be, of the corporate debtor;

(e) appoint accountants, legal or other professionals in such manner as may be specified;

(f) collect all information relating to the assets, finances and operations of the corporate debtor for determining the financial position of the corporate debtor and the existence of any transactions that may be within the scope of provisions relating to avoidance of transactions under Chapter III or fraudulent or wrongful trading under Chapter VI, including information relating to—

(i) business operations for the previous two years from the date of pre-packaged insolvency commencement date;

(ii) financial and operational payments for the previous two years from the date of pre-packaged insolvency commencement date;

(iii) list of assets and liabilities as on the initiation date; and

(iv) such other matters as may be specified;

(g) take such other actions in such manner as may be specified.

(4) From the date of appointment of the resolution professional, the financial institutions maintaining accounts of the corporate debtor shall furnish all information relating to the corporate debtor available with them to the resolution professional, as and when required by him.

(5) The personnel of the corporate debtor, its promoters and any other person associated with the management of the corporate debtor shall extend all assistance and cooperation to the resolution professional as may be required by him to perform his duties and exercise his powers, and for such purposes, the provisions of sub-sections (2) and (3) of section 19 shall, *mutatis mutandis* apply, in relation to the proceedings under this Chapter.

(6) The fees of the resolution professional and any expenses incurred by him for conducting the pre-packaged insolvency resolution process shall be determined in such manner as may be specified:

Provided that the committee of creditors may impose limits and conditions on such fees and expenses:

Provided further that the fees and expenses for the period prior to the constitution of the committee of creditors shall be subject to ratification by it.

(7) The fees and expenses referred to in sub-section (6) shall be borne in such manner as may be specified.

54G. (1) The corporate debtor shall, within two days of the pre-packaged insolvency commencement date, submit to the resolution professional the following information, updated as on that date, in such form and manner as may be specified, namely:—

(a) a list of claims, along with details of the respective creditors, their security interests and guarantees, if any; and

(b) a preliminary information memorandum containing information relevant for formulating a resolution plan.

(2) Where any person has sustained any loss or damage as a consequence of the omission of any material information or inclusion of any misleading information in the list of claims or the preliminary information memorandum submitted by the corporate debtor, every person who—

(a) is a promoter or director or partner of the corporate debtor, as the case may be, at the time of submission of the list of claims or the preliminary information memorandum by the corporate debtor; or

(b) has authorised the submission of the list of claims or the preliminary information memorandum by the corporate debtor,

shall, without prejudice to section 77A, be liable to pay compensation to every person who has sustained such loss or damage.

(3) No person shall be liable under sub-section (2), if the list of claims or the preliminary information memorandum was submitted by the corporate debtor without his knowledge or consent.

List of claims and preliminary information memorandum.

(4) Subject to section 54E, any person, who sustained any loss or damage as a consequence of omission of material information or inclusion of any misleading information in the list of claims or the preliminary information memorandum shall be entitled to move a court having jurisdiction for seeking compensation for such loss or damage.

54H. During the pre-packaged insolvency resolution process period,—

Management of affairs of corporate debtor.

(a) the management of the affairs of the corporate debtor shall continue to vest in the Board of Directors or the partners, as the case may be, of the corporate debtor, subject to such conditions as may be specified;

(b) the Board of Directors or the partners, as the case may be, of the corporate debtor, shall make every endeavour to protect and preserve the value of the property of the corporate debtor, and manage its operations as a going concern; and

(c) the promoters, members, personnel and partners, as the case may be, of the corporate debtor, shall exercise and discharge their contractual or statutory rights and obligations in relation to the corporate debtor, subject to the provisions of this Chapter and such other conditions and restrictions as may be prescribed.

54-I. (1) The resolution professional shall, within seven days of the pre-packaged insolvency commencement date, constitute a committee of creditors, based on the list of claims confirmed under clause (a) of sub-section (2) of section 54F:

Committee of creditors.

Provided that the composition of the committee of creditors shall be altered on the basis of the updated list of claims, in such manner as may be specified, and any such alteration shall not affect the validity of any past decision of the committee of creditors.

(2) The first meeting of the committee of creditors shall be held within seven days of the constitution of the committee of creditors.

(3) The provisions of section 21, except sub-section (1) thereof, shall, *mutatis mutandis* apply, in relation to the committee of creditors under this Chapter:

Provided that for the purposes of this sub-section, references to "resolution professional" under sub-sections (9) and (10) of section 21, shall be construed as references to "corporate debtor or the resolution professional".

54J.(1) Where the committee of creditors, at any time during the pre-packaged insolvency resolution process period, by a vote of not less than sixty-six per cent. of the voting shares, resolves to vest the management of the corporate debtor with the resolution professional, the resolution professional shall make an application for this purpose to the Adjudicating Authority, in such form and manner as may be specified.

Vesting management of corporate debtor with resolution professional.

(2) On an application made under sub-section (1), if the Adjudicating Authority is of the opinion that during the pre-packaged insolvency resolution process—

(a) the affairs of the corporate debtor have been conducted in a fraudulent manner; or

(b) there has been gross mismanagement of the affairs of the corporate debtor,

it shall pass an order vesting the management of the corporate debtor with the resolution professional.

(3) Notwithstanding anything to the contrary contained in this Chapter, the provisions of—

- (a) sub-sections (2) and (2A) of section 14;
- (b) section 17;
- (c) clauses (e) to (g) of section 18;
- (d) sections 19 and 20;
- (e) sub-section (1) of section 25;
- (f) clauses (a) to (c) and clause (k) of sub-section (2) of section 25; and
- (g) section 28,

shall, *mutatis mutandis* apply, to the proceedings under this Chapter, from the date of the order under sub-section (2), until the pre-packaged insolvency resolution process period comes to an end.

Consideration
and approval
of resolution
plan.

54K. (1) The corporate debtor shall submit the base resolution plan, referred to in clause (c) of sub-section (4) of section 54A, to the resolution professional within two days of the pre-packaged insolvency commencement date, and the resolution professional shall present it to the committee of creditors.

(2) The committee of creditors may provide the corporate debtor an opportunity to revise the base resolution plan prior to its approval under sub-section (4) or invitation of prospective resolution applicants under sub-section (5), as the case may be.

(3) The resolution plans and the base resolution plan, submitted under this section shall conform to the requirements referred to in sub-sections (1) and (2) of section 30, and the provisions of sub-sections (1), (2) and (5) of section 30 shall, *mutatis mutandis* apply, to the proceedings under this Chapter.

(4) The committee of creditors may approve the base resolution plan for submission to the Adjudicating Authority if it does not impair any claims owed by the corporate debtor to the operational creditors.

(5) Where—

- (a) the committee of creditors does not approve the base resolution plan under sub-section (4); or
- (b) the base resolution plan impairs any claims owed by the corporate debtor to the operational creditors,

the resolution professional shall invite prospective resolution applicants to submit a resolution plan or plans, to compete with the base resolution plan, in such manner as may be specified.

(6) The resolution applicants submitting resolution plans pursuant to invitation under sub-section (5), shall fulfil such criteria as may be laid down by the resolution professional with the approval of the committee of creditors, having regard to the complexity and scale of operations of the business of the corporate debtor and such other conditions as may be specified.

(7) The resolution professional shall provide to the resolution applicants,—

- (a) the basis for evaluation of resolution plans for the purposes of sub-section (9), as approved by the committee of creditors subject to such conditions as may be specified; and

(b) the relevant information referred to in section 29, which shall, *mutatis mutandis* apply, to the proceedings under this Chapter,

in such manner as may be specified.

(8) The resolution professional shall present to the committee of creditors, for its evaluation, resolution plans which conform to the requirements referred to in sub-section (2) of section 30.

(9) The committee of creditors shall evaluate the resolution plans presented by the resolution professional and select a resolution plan from amongst them.

(10) Where, on the basis of such criteria as may be laid down by it, the committee of creditors decides that the resolution plan selected under sub-section (9) is significantly better than the base resolution plan, such resolution plan may be selected for approval under sub-section (12):

Provided that the criteria laid down by the committee of creditors under this sub-section shall be subject to such conditions as may be specified.

(11) Where the resolution plan selected under sub-section (9) is not considered for approval or does not fulfil the requirements of sub-section (10), it shall compete with the base resolution plan, in such manner and subject to such conditions as may be specified, and one of them shall be selected for approval under sub-section (12).

(12) The resolution plan selected for approval under sub-section (10) or sub-section (11), as the case may be, may be approved by the committee of creditors for submission to the Adjudicating Authority:

Provided that where the resolution plan selected for approval under sub-section (11) is not approved by the committee of creditors, the resolution professional shall file an application for termination of the pre-packaged insolvency resolution process in such form and manner as may be specified.

(13) The approval of the resolution plan under sub-section (4) or sub-section (12), as the case may be, by the committee of creditors, shall be by a vote of not less than sixty-six per cent. of the voting shares, after considering its feasibility and viability, the manner of distribution proposed, taking into account the order of priority amongst creditors as laid down in sub-section (1) of section 53, including the priority and value of the security interest of a secured creditor and such other requirements as may be specified.

(14) While considering the feasibility and viability of a resolution plan, where the resolution plan submitted by the corporate debtor provides for impairment of any claims owed by the corporate debtor, the committee of creditors may require the promoters of the corporate debtor to dilute their shareholding or voting or control rights in the corporate debtor:

Provided that where the resolution plan does not provide for such dilution, the committee of creditors shall, prior to the approval of such resolution plan under sub-section (4) or sub-section (12), as the case may be, record reasons for its approval.

(15) The resolution professional shall submit the resolution plan as approved by the committee of creditors under sub-section (4) or sub-section (12), as the case may be, to the Adjudicating Authority.

Explanation I.—For the removal of doubts, it is hereby clarified that, the corporate debtor being a resolution applicant under clause (25) of section 5, may submit the base resolution plan either individually or jointly with any other person.

Explanation II.—For the purposes of sub-sections (4) and (14), claims shall be considered to be impaired where the resolution plan does not provide for the full payment of the confirmed claims as per the updated list of claims maintained by the resolution professional.

Approval of
resolution
plan.

54L. (1) If the Adjudicating Authority is satisfied that the resolution plan as approved by the committee of creditors under sub-section (4) or sub-section (12), as the case may be of section 54K, subject to the conditions provided therein, meets the requirements as referred to in sub-section (2) of section 30, it shall, within thirty days of the receipt of such resolution plan, by order, approve the resolution plan:

Provided that the Adjudicating Authority shall, before passing an order for approval of a resolution plan under this sub-section, satisfy itself that the resolution plan has provisions for its effective implementation.

(2) The order of approval under sub-section (1) shall have such effect as provided under sub-sections (1), (3) and (4) of section 31, which shall, *mutatis mutandis* apply, to the proceedings under this Chapter.

(3) Where the Adjudicating Authority is satisfied that the resolution plan does not conform to the requirements referred to in sub-section (1), it may, within thirty days of the receipt of such resolution plan, by an order, reject the resolution plan and pass an order under section 54N.

(4) Notwithstanding anything to the contrary contained in this section, where the Adjudicating Authority has passed an order under sub-section (2) of section 54J and the resolution plan approved by the committee of creditors under sub-section (4) or sub-section (12), as the case may be of section 54K, does not result in the change in the management or control of the corporate debtor to a person who was not a promoter or in the management or control of the corporate debtor, the Adjudicating Authority shall pass an order—

(a) rejecting such resolution plan;

(b) terminating the pre-packaged insolvency resolution process and passing a liquidation order in respect of the corporate debtor as referred to in sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1) of section 33; and

(c) declaring that the pre-packaged insolvency resolution process costs, if any, shall be included as part of the liquidation costs for the purposes of liquidation of the corporate debtor.

Appeal against
order under
section 54L.

54M. Any appeal against an order approving the resolution plan under sub-section (1) of section 54L, shall be on the grounds laid down in sub-section (3) of section 61.

Termination
of pre-
packaged
insolvency
resolution
process.

54N. (1) Where the resolution professional files an application with the Adjudicating Authority,—

(a) under the proviso to sub-section (12) of section 54K; or

(b) under sub-section (3) of section 54D,

the Adjudicating Authority shall, within thirty days of the date of such application, by an order,—

(i) terminate the pre-packaged insolvency resolution process; and

(ii) provide for the manner of continuation of proceedings initiated

for avoidance of transactions under Chapter III or proceedings initiated under section 66 and section 67A, if any.

(2) Where the resolution professional, at any time after the pre-packaged insolvency commencement date, but before the approval of resolution plan under sub-section (4) or sub-section (12), as the case may be of section 54K, intimates the Adjudicating Authority of the decision of the committee of creditors, approved by a vote of not less than sixty-six per cent. of the voting shares, to terminate the pre-packaged insolvency resolution process, the Adjudicating Authority shall pass an order under sub-section (1).

(3) Where the Adjudicating Authority passes an order under sub-section (1), the corporate debtor shall bear the pre-packaged insolvency resolution process costs, if any.

(4) Notwithstanding anything to the contrary contained in this section, where the Adjudicating Authority has passed an order under sub-section (2) of section 54J and the pre-packaged insolvency resolution process is required to be terminated under sub-section (1), the Adjudicating Authority shall pass an order—

(a) of liquidation in respect of the corporate debtor as referred to in sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1) of section 33; and

(b) declare that the pre-packaged insolvency resolution process costs, if any, shall be included as part of the liquidation costs for the purposes of liquidation of the corporate debtor.

54-O.(1) The committee of creditors, at any time after the pre-packaged insolvency commencement date but before the approval of resolution plan under sub-section (4) or sub-section (12), as the case may be of section 54K, by a vote of not less than sixty-six per cent. of the voting shares, may resolve to initiate a corporate insolvency resolution process in respect of the corporate debtor, if such corporate debtor is eligible for corporate insolvency resolution process under Chapter II.

Initiation of corporate insolvency resolution process.

(2) Notwithstanding anything to the contrary contained in Chapter II, where the resolution professional intimates the Adjudicating Authority of the decision of the committee of creditors under sub-section (1), the Adjudicating Authority shall, within thirty days of the date of such intimation, pass an order to—

(a) terminate the pre-packaged insolvency resolution process and initiate corporate insolvency resolution process under Chapter II in respect of the corporate debtor;

(b) appoint the resolution professional referred to in clause (b) of sub-section (1) of section 54E as the interim resolution professional, subject to submission of written consent by such resolution professional to the Adjudicating Authority in such form as may be specified; and

(c) declare that the pre-packaged insolvency resolution process costs, if any, shall be included as part of insolvency resolution process costs for the purposes of the corporate insolvency resolution process of the corporate debtor.

(3) Where the resolution professional fails to submit written consent under clause (b) of sub-section (2), the Adjudicating Authority shall appoint an interim resolution professional by making a reference to the Board for recommendation, in the manner as provided under section 16.

(4) Where the Adjudicating Authority passes an order under sub-section (2)—

(a) such order shall be deemed to be an order of admission of an application under section 7 and shall have the same effect;

(b) the corporate insolvency resolution process shall commence from the date of such order;

(c) the proceedings initiated for avoidance of transactions under Chapter III or proceedings initiated under section 66 and section 67A, if any, shall continue during the corporate insolvency resolution process;

(d) for the purposes of sections 43, 46 and 50, references to "insolvency commencement date" shall mean "pre-packaged insolvency commencement date"; and

(e) in computing the relevant time or the period for avoidable transactions, the time-period for the duration of the pre-packaged insolvency resolution process shall also be included, notwithstanding anything to the contrary contained in sections 43, 46 and 50.

54P. (1) Save as provided under this Chapter, the provisions of sections 24, 25A, 26, 27, 28, 29A, 32A, 43 to 51, and the provisions of Chapters VI and VII of this Part shall, *mutatis mutandis* apply, to the pre-packaged insolvency resolution process, subject to the following, namely:—

(a) reference to "members of the suspended Board of Directors or the partners" under clause (b) of sub-section (3) of section 24 shall be construed as reference to "members of the Board of Directors or the partners, unless an order has been passed by the Adjudicating Authority under section 54J";

(b) reference to "clause (j) of sub-section (2) of section 25" under section 26 shall be construed as reference to "clause (h) of sub-section (2) of section 54F";

(c) reference to "section 16" under section 27 shall be construed as reference to "section 54E";

(d) reference to "resolution professional" in sub-sections (1) and (4) of section 28 shall be construed as "corporate debtor";

(e) reference to "section 31" under sub-section (3) of section 61 shall be construed as reference to "sub-section (1) of section 54L";

(f) reference to "section 14" in sub-sections (1) and (2) of section 74 shall be construed as reference to "clause (a) of sub-section (1) of section 54E";

(g) reference to "section 31" in sub-section (3) of section 74 shall be construed as reference to "sub-section (1) of section 54L".

(2) Without prejudice to the provisions of this Chapter and unless the context otherwise requires, where the provisions of Chapters II, III, VI and VII are applied to the proceedings under this Chapter, references to—

(a) "insolvency commencement date" shall be construed as references to "pre-packaged insolvency commencement date";

(b) "resolution professional" or "interim resolution professional", as the case may be, shall be construed as references to the resolution professional appointed under this Chapter;

(c) "corporate insolvency resolution process" shall be construed as references to "pre-packaged insolvency resolution process"; and

Application of provisions of Chapters II, III, VI and VII to this Chapter.

(d) "insolvency resolution process period" shall be construed as references to "pre-packaged insolvency resolution process period".

9. In section 61 of the principal Act, for sub-section (4), the following sub-sections shall be substituted, namely:—

Amendment of section 61.

"(4) An appeal against a liquidation order passed under section 33, or sub-section (4) of section 54L, or sub-section (4) of section 54N, may be filed on grounds of material irregularity or fraud committed in relation to such a liquidation order.

(5) An appeal against an order for initiation of corporate insolvency resolution process passed under sub-section (2) of section 54-O, may be filed on grounds of material irregularity or fraud committed in relation to such an order."

10. In section 65 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 65.

"(3) If any person initiates the pre-packaged insolvency resolution process—

(a) fraudulently or with malicious intent for any purpose other than for the resolution of insolvency; or

(b) with the intent to defraud any person,

the Adjudicating Authority may impose upon such person a penalty which shall not be less than one lakh rupees, but may extend to one crore rupees."

11. After section 67 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 67A.

"67A. On and after the pre-packaged insolvency commencement date, where an officer of the corporate debtor manages its affairs with the intent to defraud creditors of the corporate debtor or for any fraudulent purpose, the Adjudicating Authority may, on an application by the resolution professional, pass an order imposing upon any such officer, a penalty which shall not be less than one lakh rupees, but may extend to one crore rupees."

Fraudulent management of corporate debtor during pre-packaged insolvency resolution process.

12. In section 77 of the principal Act, the *Explanation* shall be omitted.

Omission of *Explanation* to section 77.

13. After section 77 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 77A.

"77A. (1) Where—

(a) a corporate debtor provides any information in the application under section 54C which is false in material particulars, knowing it to be false or omits any material fact, knowing it to be material; or

(b) a corporate debtor provides any information in the list of claims or the preliminary information memorandum submitted under sub-section (1) of section 54G which is false in material particulars, knowing it to be false or omits any material fact, knowing it to be material; or

(c) any person who knowingly and wilfully authorised or permitted the furnishing of such information under sub-clauses (a) and (b),

Punishment for offences related to pre-packaged insolvency resolution process.

such corporate debtor or person, as the case may be, shall be punishable with imprisonment for a term which shall not be less than three years, but which may

extend to five years or with fine which shall not be less than one lakh rupees, but which may extend to one crore rupees, or with both.

(2) If a director or partner of the corporate debtor, as the case may be, deliberately contravenes the provisions of Chapter III-A, such person shall be punishable with imprisonment for not less than three years, but which may extend to five years, or with fine which shall not be less than one lakh rupees, but which may extend to one crore rupees, or with both.

Explanation.—For the purposes of this section and sections 75, 76 and 77, an application shall be deemed to be false in material particulars in case the facts mentioned or omitted in the application, if true, or not omitted from the application, as the case may be, would have been sufficient to determine the existence of a default under this Code."

Amendment
of section
208.

14. In section 208 of the principal Act,—

(i) after clause (c), the following clause shall be inserted, namely:—

"(ca) pre-packaged insolvency resolution process under Chapter III-A of Part II;"

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Where the name of the insolvency professional proposed to be appointed as a resolution professional, is approved under clause (e) of sub-section (2) of section 54A, it shall be the function of such insolvency professional to take such actions as may be necessary to perform his functions and duties prior to the initiation of the pre-packaged insolvency resolution process under Chapter III-A of Part II."

Amendment
of section
239.

15. In section 239 of the principal Act, in sub-section (2), after clause (fc), the following clauses shall be inserted, namely:—

"(fd) the form, particulars, manner and fee for making application before the Adjudicating Authority under sub-section (2) of section 54C;

(fe) the conditions and restrictions with which the promoters, members, personnel and partners of the corporate debtor shall exercise and discharge contractual or statutory rights and obligations under clause (c) of section 54H;"

Amendment
of section
240.

16. In section 240 of the principal Act, in sub-section (2),—

(i) after clause (e), the following clause shall be inserted, namely:—

"(ea) the other costs under sub-clause (e) of clause (23C) of section 5;"

(ii) after clause (zk), the following clauses shall be inserted, namely:—

"(zka) such number of financial creditors and the manner of proposing the insolvency professional, and the form for approving such insolvency professional by the financial creditors under clause (e), the persons who shall provide approval under the proviso to clause (e), the form for making a declaration under clause (f) of sub-section (2) of section 54A;

(zkb) the form for obtaining approval from financial creditors under sub-section (3), and the persons who shall provide approval under the proviso to sub-section (3) of section 54A;

(zkc) the other conditions for the base resolution plan under clause (c), and such information and documents under clause (d) of sub-section (4) of section 54A;

(zkd) the form in which the report is to be prepared under clause (a), such reports and other documents under clause (b), and such other duties under clause (c) of sub-section (1), and the manner of determining and bearing the fees in sub-section (3) of section 54B;

(zke) the form for providing written consent of the insolvency professional under clause (b), the form for declaration under clause (c), the information relating to books of account and such other documents relating to such period under clause (d) of sub-section (3) of section 54C;

(zkf) the form and manner for making application for termination of the pre-packaged insolvency resolution process under sub-section (3) of section 54D;

(zkg) the form and manner of making public announcement under clause (c) of sub-section (1) of section 54E;

(zkh) the manner of confirming the list of claims under clause (a), the manner of informing creditors under clause (b), the manner of maintaining an updated list of claims under clause (c), the form and manner of preparing the information memorandum under clause (g), and such other duties under clause (i) of sub-section (2) of section 54F;

(zki) such other persons under clause (c), the manner of appointing accountants, legal or other professionals under clause (e), such other matters under sub-clause (iv) of clause (f) and the manner of taking other actions under clause (g) of sub-section (3) of section 54F;

(zkj) the manner of determination of fees and expenses as may be incurred by the resolution professional under sub-section (6) of section 54F;

(zkk) the manner of bearing fees and expenses under sub-section (7) of section 54F;

(zkl) the form and manner of list of claims and preliminary information memorandum under sub-section (1) of section 54G;

(zkm) the conditions under clause (a) of section 54H;

(zkn) the manner of alteration of the composition of the committee of creditors under the proviso to sub-section (1) of section 54-I;

(zko) the form and manner of making application under sub-section (1) of section 54J;

(zkp) the manner of inviting prospective resolution applicants under sub-section (5) of section 54K;

(zkq) the other conditions under sub-section (6) of section 54K;

(zkr) the conditions under clause (a) and the manner of providing the basis for evaluation of resolution plans and the information referred to in section 29 under sub-section (7) of section 54K;

(zks) the conditions under the proviso to sub-section (10) of section 54K;

(zkt) the manner and conditions under sub-section (11) of section 54K;

(zku) the form and manner of filing application under the proviso to sub-section (12) of section 54K;

(zkv) the other requirements under sub-section (13) of section 54K;

(zkw) the form for submission of written consent under clause (b) of sub-section (2) of section 54-O;".

Amendment
of section
240A.

17. In section 240A of the principal Act, in sub-section (1), after the words "corporate insolvency resolution process", the words "or pre-packaged insolvency resolution process" shall be inserted.

Repeal and
savings.

18. (1) The Insolvency and Bankruptcy Code (Amendment) Ordinance, 2021 is hereby repealed.

Ord. 3 of
2021.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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सं० 39]

नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)

No. 39]

NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 12th August, 2021, and is hereby published for general information:—

THE CENTRAL UNIVERSITIES (AMENDMENT) ACT, 2021

No. 27 OF 2021

[12th August, 2021.]

An Act further to amend the Central Universities Act, 2009.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Universities (Amendment) Act, 2021.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3A. **2.** In the Central Universities Act, 2009 (hereinafter referred to as the principal Act), in section 3A, for the words "State of Jammu and Kashmir", wherever they occur, the words "Union territory of Jammu and Kashmir" shall be substituted. 25 of 2009.

Insertion of new section 3E. **3.** In the principal Act, after section 3D, the following section shall be inserted, namely:—

Establishment of Sindhu Central University. "3E. There shall be established a University, which shall be a body corporate, to be known as the Sindhu Central University, having its territorial jurisdiction extending to the whole of the Union territory of Ladakh, as specified in the First Schedule to this Act."

Amendment of First Schedule. **4.** In the First Schedule to the principal Act,—
(i) for serial numbers 8 and 9 and the entries relating thereto, the following serial numbers and entries shall be substituted, namely:—

"8.	Jammu and Kashmir	Central University of Kashmir	Kashmir Division of the Union territory of Jammu and Kashmir.
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9.	Jammu and Kashmir	Central University of Jammu	Jammu Division of the Union territory of Jammu and Kashmir.";
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(ii) after serial number 12 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

"12A.	Ladakh	Sindhu Central University	Whole of the Union territory of Ladakh."
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ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 12th August, 2021, and is hereby published for general information:—

THE AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA (AMENDMENT) ACT, 2021

No. 28 OF 2021

[12th August, 2021.]

An Act further to amend the Airports Economic Regulatory Authority of India Act, 2008.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Airports Economic Regulatory Authority of India (Amendment) Act, 2021.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of Act 27 of
2008.

2. In section 2 of the Airports Economic Regulatory Authority of India Act, 2008, in clause (i), after the words "any other airport", the words "or a group of airports" shall be inserted.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 12th August, 2021, and is hereby published for general information:—

THE COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND ADJOINING AREAS ACT, 2021

No. 29 OF 2021

[12th August, 2021.]

An Act to provide for the constitution of the Commission for Air Quality Management in National Capital Region and Adjoining Areas for better co-ordination, research, identification and resolution of problems surrounding the air quality index and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021.

Short title,
application and
commencement.

(2) It shall apply to the National Capital Region and also to adjoining areas in so far as it relates to matters concerning air pollution in the National Capital Region.

(3) It shall be deemed to have come into force on the 13th April, 2021.

Definitions.

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

(a) “adjoining areas” means the areas in the States of Haryana, Punjab, Rajasthan and Uttar Pradesh, adjoining the National Capital Territory of Delhi and the National Capital Region, where any source of pollution is located, causing adverse impact on air quality in the National Capital Region;

(b) “Associate Member” means a member who is co-opted under sub-section (3) of section 3;

(c) “Chairperson” means the Chairperson of the Commission for Air Quality Management in National Capital Region and Adjoining Areas referred to in section 3;

(d) “Commission” means the Commission for Air Quality Management in National Capital Region and Adjoining Areas constituted under section 3;

(e) “Member” means a Member of the Commission and includes the Chairperson thereof;

(f) “National Capital Region” shall have the same meaning as assigned to it in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985; 2 of 1985.

(g) “prescribed” means prescribed by rules made under this Act.

(2) The words used herein and not defined, but defined in the Environment (Protection) Act, 1986, shall have the meaning as assigned to them in that Act. 26 of 1986.

CHAPTER II

COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND ADJOINING AREAS

Constitution of Commission.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Commission for Air Quality Management in National Capital Region and Adjoining Areas to exercise the powers conferred upon, and to perform the functions assigned to, that Commission under this Act.

(2) The Commission shall consist of the following Members, namely:—

(a) a full-time Chairperson having experience of not less than fifteen years in the field of environment protection and pollution control or having administrative experience of not less than twenty-five years;

(b) a representative of the Secretary to the Government of India in the Ministry of Environment, Forest and Climate Change, who shall be an officer not below the rank of Joint Secretary, *ex officio*;

(c) five *ex officio* Members who are either Chief Secretaries, or Secretaries in-charge of the department dealing with environment protection in the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(d) one full-time Member who is or has been a Joint Secretary to the Government of India;

(e) three full-time independent technical Members to be appointed from amongst persons having specific knowledge and experience in matters relating to air pollution;

(f) one technical Member from the Central Pollution Control Board, *ex officio*;

(g) one technical Member to be nominated by the Indian Space Research Organisation, *ex officio*;

(h) three Members from non-Governmental organisations having experience in matters concerning combating of air pollution;

(i) one representative of the National Institution for Transforming India, not below the rank of Joint Secretary or Adviser, *ex officio*;

(j) one officer in the rank of Joint Secretary to the Government of India to be appointed by the Central Government as a full-time Member-Secretary of the Commission;

(k) three members, being stakeholders from such sectors as agriculture, industry, transport or construction.

(3) The Commission may co-opt the following persons as Associate Members, namely:—

(a) a representative of the Ministry of Road Transport and Highways, not below the rank of Joint Secretary to the Government of India;

(b) a representative of the Ministry of Power, not below the rank of Joint Secretary to the Government of India;

(c) a representative of the Ministry of Housing and Urban Affairs, not below the rank of Joint Secretary to the Government of India;

(d) a representative of the Ministry of Petroleum and Natural Gas, not below the rank of Joint Secretary to the Government of India;

(e) a representative of the Ministry of Agriculture and Farmers' Welfare, not below the rank of Joint Secretary to the Government of India;

(f) a representative of the Ministry of Commerce and Industry, not below the rank of Joint Secretary to the Government of India;

(g) a representative of any association of commerce or industry;

(h) such other Associate Members, as may be prescribed.

(4) The Member-Secretary shall be the Chief Co-ordinating Officer of the Commission and shall assist the Commission in the discharge of its functions under this Act.

(5) The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in the National Capital Region or adjoining areas.

(6) Notwithstanding anything contained in any other law for the time being in force, and notwithstanding any judgment or order of any court, the Commission shall have exclusive jurisdiction in the National Capital Region and adjoining areas in respect of matters covered by this Act and no other body, authority, individual or committee shall have any power or jurisdiction in such matters:

Provided that in case of any conflict in the orders or directions of the Commission and the Governments of the National Capital Territory of Delhi and of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh or the Central Pollution Control Board or the State Pollution Control Boards of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh or the Pollution Control Committee of the National Capital Territory of Delhi or any other statutory authority set up or established under a State Act, the order as well as the direction of the Commission shall prevail.

4. (1) The full-time Chairperson and full-time Members, other than *ex officio* Members, of the Commission shall be appointed by the Central Government:

Provided that every appointment under this sub-section shall, subject to the provisions of second proviso, be made on the recommendations of a Selection Committee consisting of—

Appointment
of
Chairperson,
Members and
Member-
Secretary.

(a) Minister in-charge of the Ministry of Environment, Forest and Climate Change in the Government of India—Chairperson;

(b) Minister in-charge of the Ministry of Commerce and Industry in the Government of India—member;

(c) Minister in-charge of the Ministry of Road Transport and Highways in the Government of India—member;

(d) Minister in-charge of the Ministry of Science and Technology in the Government of India—member;

(e) Cabinet Secretary— member:

Provided further that in case where the Central Government appoints a serving officer as the Chairperson under clause (a) of sub-section (2) of section 3, or the full-time Member under clause (d) thereof, then, no recommendation of the Selection Committee shall be required.

(2) No appointment of the Chairperson or a Member shall be invalid merely by reason of any vacancy of any member in the Selection Committee referred to in sub-section (1).

(3) The appointment of the Member-Secretary of the Commission shall be made by the Central Government in such manner, subject to such terms and conditions, as may be prescribed.

Resignation
and removal
of
Chairperson
and Members.

5. (1) The Chairperson or a Member, other than an *ex officio* Member, may, by notice in writing under his hand addressed to the Central Government, resign his office.

(2) The Central Government may remove the Chairperson or any Member, other than an *ex officio* Member, from his office, in such manner as may be prescribed, if such person—

(a) is adjudged an insolvent;

(b) engages during his term of office in any paid employment outside the duties of his office;

(c) is of unsound mind and stands so declared by a competent court;

(d) has so abused his position as to render his continuance in office prejudicial to the public interest;

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions; or

(f) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude:

Provided that no such Member shall be so removed, unless he has been given an opportunity of being heard.

Term of office
of Chairperson
and Members.

6. The Chairperson or a Member, other than an *ex officio* Member, shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier, and shall be eligible for re-appointment.

Member to act
as Chairperson
or to discharge
his functions
in certain
circumstances.

7. (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of death, resignation or otherwise, the Central Government may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the Central Government may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

8. The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members, other than *ex officio* Members, shall be such as may be prescribed:

Terms and conditions of service of Chairperson and Members.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.

9. No act or proceedings of the Commission shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

Vacancies, etc., not to invalidate proceedings of Commission.

10. (1) The Commission shall meet at such time and place as the Chairperson may think fit.

Procedure to be regulated by Commission.

(2) Subject to the provisions of this Act and the rules made thereunder, the Commission shall have the power to lay down by regulations its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Chairperson in this behalf.

(4) The Commission may, by general or special order, subject to such conditions and limitations, if any, as may be specified therein, delegate to the Chairperson, full-time Member, Member-Secretary or any Sub-Committee constituted under section 11, such of its powers under this Act (except the power to make regulations under section 25), as it may deem necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and adjoining areas.

11. (1) The Commission shall have at least the following three Sub-Committees—

Sub-Committees and other staff of Commission.

(a) Sub-Committee on Monitoring and Identification;

(b) Sub-Committee on Safeguarding and Enforcement;

(c) Sub-Committee on Research and Development.

(2) The Sub-Committee on Monitoring and Identification shall be headed by a Member of the Commission chosen by it and shall have the following additional members, namely:—

(a) one representative from the Central Pollution Control Board;

(b) one representative each from the State Pollution Control Board or Committee, as the case may be, of the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) one representative from the National Environmental Engineering Research Institute;

(d) such other members as may be specified by regulations.

(3) The Sub-Committee on Safeguarding and Enforcement shall be headed by the full-time Chairperson of the Commission and shall have the following additional members, namely:—

(a) one representative each, not below the rank of Secretary from the department tackling air pollution from the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(b) one representative each from the State Pollution Control Board or Committee, as the case may be, from the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) one officer not below the rank of Inspector General of Police or equivalent from the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(d) such other members as may be specified by regulations.

(4) The Sub-Committee on Research and Development shall be headed by a full-time technical Member of the Commission and shall have the following additional Members, namely:—

(a) two technical representatives from the National Environmental Engineering Research Institute;

(b) one technical representative each from research institutions or Universities or colleges or organisations in the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) two technical representatives from the field of medicine and research working or studying on the impact of air pollution on living beings;

(d) such other members as may be specified by regulations.

(5) The Commission may also constitute such other Sub-Committees as it thinks fit.

(6) The members of the Sub-Committees, other than *ex officio* members, shall be paid such allowances as may be prescribed.

(7) The Central Government, in consultation with the Commission, shall determine the nature and the categories of officers and other staff required to assist the Commission in the discharge of its function and provide the Commission with such officers and employees as it may deem fit.

(8) The officers and other staff of the Commission shall discharge their duties and functions under the general superintendence of the Chairperson.

(9) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (7) shall be such as may be prescribed.

CHAPTER III

POWERS AND FUNCTIONS OF THE COMMISSION

Powers and
functions of
Commission.

12. (1) Notwithstanding anything contained in any other law for the time being in force, the Commission shall have the power to take all such measures, issue directions and entertain complaints, as it deems necessary or expedient, for the purpose of protecting and improving the quality of the air in the National Capital Region and adjoining areas and shall also have the duty to take all such measures as may become necessary for protecting and improving the quality of air in the National Capital Region and adjoining areas.

(2) In particular and without prejudice to the generality of sub-section (1), the Commission shall, for the purposes of sub-section (1), have the following powers to perform its duties, including taking measures to abate air pollution and to regulate or prohibit activities that are likely to cause or increase air pollution in the National Capital Region and adjoining areas, namely:—

(i) co-ordination of actions by the Governments of the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh, officers and other authorities under this Act or the rules made thereunder or under any other law for the time being in force, which is relatable to the objects of this Act;

(ii) planning and execution of a programme for the region for prevention, control and abatement of air pollution;

(iii) laying down parameters for the quality of air in its various aspects;

(iv) laying down parameters for emission or discharge of environmental pollutants from various sources whatsoever that have implications on air quality in the region:

Provided that different parameters for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition

of the emission or discharge of environmental pollutants from such sources that have implications on air quality in the region;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes, that have implications on air quality in the region, shall not be carried out or shall be carried out subject to certain safeguards;

(vi) carrying out and requiring investigations and research relating to problems of environmental pollution that have implications on air quality in the region;

(vii) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of air pollution in the region;

(viii) collection and dissemination of information in respect of matters relating to air pollution in the region;

(ix) preparation of manuals or codes or guidelines relating to the prevention, control and abatement of air pollution in the region;

(x) appoint officers, with prior approval of the Central Government, with such designations, as it thinks fit, for the purposes of this Act and may entrust to them such of the powers and functions under this Act or for the purposes of achieving the objects of this Act, as it may deem fit;

(xi) issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) stoppage or regulation of the supply of electricity or water or any other service.

(3) (a) Subject to the provisions of this section, any person authorised by the Commission in this behalf shall have a right to enter, at all reasonable times, and with such assistance as he considers necessary, any place, for the purpose of—

(i) performing any of the functions of the Commission entrusted to him;

(ii) determining whether and if so, in what manner any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

(iii) examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reasons to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence to the Commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution;

(b) every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Commission under clause (a) for carrying out the functions under that clause and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act;

(c) if any person wilfully delays or obstructs any person authorised by the Commission under clause (a) in the performance of his functions, he shall be guilty of an offence under this Act;

(d) the provisions of the Code of Criminal Procedure, 1973 shall apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provisions of the said law. 2 of 1974.

(4) (a) The Commission or any officer authorised by it in this behalf, shall, for the purpose of analysis, have power to take samples of air from any factory, premises or other place in such manner as may be prescribed;

(b) the result of any analysis of a sample taken under clause (a) shall not be admissible in evidence in any legal proceeding unless the provisions of clauses (c) and (d) are complied with;

(c) subject to the provisions of clause (d), the person taking the sample under clause (a) shall,—

(i) serve on the occupier or his agent or person in-charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(ii) in the presence of the occupier or his agent or person, collect a sample for analysis;

(iii) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;

(iv) send without delay, the container or the containers to the laboratory established or recognised by the Central Government;

(d) when a sample is taken for analysis under clause (a) and the person taking the sample serves on the occupier or his agent or person, a notice under sub-clause (i) of clause (c), then,—

(i) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample; and

(ii) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under sub-clause (iii) of clause (c), the marked and sealed container or containers shall be signed by the person taking the samples,

and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised by the Central Government and such person shall inform the Government Analyst appointed or recognised, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

(5) In discharge of its functions and exercising of its authority, the Commission and the Sub-Committees mentioned in section 11 shall be bound by such general or specific directions of the Central Government, as may be issued from time to time.

(6) In particular and without prejudice to the generality of the foregoing provisions, the Commission shall perform all or any of the following functions, namely:—

(a) take up matters *suo motu*, or on the basis of complaints made by any individual, representative body or organisation functioning in the field of environment, against any individual, association, company, public undertaking or local body carrying on any industry, operation or process;

(b) provide the mechanism and the means to implement in the National Capital Region and adjoining areas—

(i) the National Clean Air Programme;

(ii) the National Air Quality Monitoring Programme;

(iii) the National Ambient Air Quality Standards;

(c) provide an effective framework and platform in the National Capital Region and adjoining areas for—

(i) source identification of air pollutants on a periodic basis;

(ii) taking on-ground steps for curbing air pollution;

(iii) specific research and development in the field of air pollution;

(iv) synergising the energies and efforts of all stakeholders in developing innovative ways to monitor, enforce and research on the issues concerning air pollution;

(v) building a network between technical institutions working or researching in the field of air pollution;

(vi) international co-operation including sharing of international best practices in the field of air pollution;

(vii) training and creating a special work-force for tackling the problem of air pollution;

(d) provide an effective frame work, action plan and take appropriate steps for—

(i) tackling the problem of stubble burning;

(ii) monitoring, assessing and inspecting air polluting agents;

(iii) increasing plantation;

(e) monitoring the measures taken by the States to prevent stubble burning;

(f) undertake and promote research in the field of air pollution;

(g) spread awareness regarding air pollution among various sections of society and promote awareness of the collective steps that the public may take through publications, the media, seminars and other available means;

(h) encourage the efforts of non-governmental organisations and institutions working in the field of air pollution;

(i) any other functions as have been entrusted to any *ad hoc* committee or commission or task force or body formed for the purpose of dealing with issues concerning air pollution, stubble burning or the monitoring of related factors, in pursuance of any judicial order passed from time to time;

(j) such other functions as it may consider necessary for the prevention of air pollution in the National Capital Region and adjoining areas.

Annual report.

13. (1) The Commission shall furnish to the Central Government an annual report containing such details of the steps taken, proposals made, researches awaited and other measures undertaken by it in pursuance of its functions under section 12, in such form and manner as may be specified by regulations.

(2) The Central Government shall cause the annual report furnished under sub-section (1) to be laid before each House of Parliament.

Penalty for contravention of provisions of Act, rules, order or direction.

14. (1) Any non-compliance or contravention of any provisions of this Act, rules made thereunder or any order or direction issued by the Commission, shall be an offence punishable with imprisonment for a term which may extend up to five years or with fine which may extend up to one crore rupees or with both:

Provided that the provisions of this section shall not apply to any farmer for causing air pollution by stubble burning or mismanagement of agricultural residue.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence under this Act shall be non-cognizable and triable by the Jurisdictional Judicial Magistrate of the First Class, who shall not take cognizance of the offence except upon a complaint made by the Commission or any officer authorised by the Commission in this behalf. 2 of 1974.

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

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

(4) Notwithstanding anything contained in sub-section (3), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of sub-sections (3) and (4),—

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

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

(5) Where an offence under this Act has been committed by any Department of the Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(6) Notwithstanding anything contained in sub-section (5), where an offence under this Act has been committed by a Department of Government and it is proved that the

offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

2 of 1974. (7) For the purpose of this section and the procedure to be followed thereunder, the provisions of the Code of Criminal Procedure, 1973, shall apply.

15. The Commission may impose and collect environmental compensation from farmers causing air pollution by stubble burning, at such rate and in such manner, as may be prescribed. Environmental compensation.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

16. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act. Grants by Central Government.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

17. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. Accounts and audit.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

19 of 2010. 18. An appeal shall lie to the National Green Tribunal constituted under the National Green Tribunal Act, 2010 against any order, direction or action taken by or on behalf of the Commission constituted under section 3. Appeal.

Constitution of special investigation teams.

19. Notwithstanding anything contained in any other law for the time being in force, or any judicial order by any Court, where the Commission considers it necessary so to do, it may constitute one or more special investigation teams, consisting of such officers or such persons, as it thinks necessary, for the purposes of carrying out its functions under this Act.

Power of Central Government to issue direction.

20. Notwithstanding anything contained in any other law for the time being in force, but subject to the provision of this Act, the Central Government may issue in writing such direction, as it deems fit, to the Commission or any person, officer or authority authorised by the Commission, and the Commission, person, or authority, as the case may be, shall be bound to comply with such direction.

Power of Central Government to call for information.

21. The Central Government may, from time to time, call for such information and reports from the Commission, as it deems fit and the Commission shall be bound to provide such information and report.

Bar of jurisdiction.

22. No civil court shall have jurisdiction to entertain any suit, proceeding or dispute pertaining to or arising out of the actions taken or directions issued by the Commission in respect of any matter which the Commission is empowered by or under this Act.

Protection of action taken in good faith.

23. No suit or other legal proceeding shall lie against the Central Government, the Commission, or any Member thereof, or any person acting under the direction of either the Central Government or the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or any order made thereunder.

Members and officers to be public servants.

24. Every Member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power of Central Government to make rules.

25. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

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

(a) the other Associate Members under clause (h) of sub-section (3) of section 3;

(b) the manner of removal of Chairperson or a Member under sub-section (2) of section 5;

(c) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (1) of section 8;

(d) the allowance payable to the members, other than *ex officio* members of the Sub-Committees, under sub-section (6) of section 11;

(e) the appointment of officers and other staff under sub-section (7) of section 11;

(f) the salaries, allowances and conditions of service of the officers and other staff under sub-section (9) of section 11;

(g) the manner of taking samples under clause (a) and the form of notice under sub-clause (i) of clause (c), of sub-section (4) of section 12;

(h) the rate at which, and the manner in which, the environmental compensation shall be imposed and collected under section 15;

(i) the form in which annual statement of accounts shall be prepared under sub-section (1) of section 17;

(j) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

26. (1) Subject to the provisions of this Act and the rules made thereunder, the Commission may, with the previous approval of the Central Government, by notification, make regulations to carry out the provisions of this Act.

Power of Commission to make regulations.

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

(a) the procedure to be followed by the Commission under sub-section (2) of section 10;

(b) the conditions and limitations subject to which power may be delegated by the Commission under sub-section (4) of section 10;

(c) the members of each Sub-Committee under sub-sections (2), (3) and (4) of section 11;

(d) the form and the manner of furnishing annual report under section 13;

(e) any other matter which has to be, or may be, specified by regulations.

(3) Every regulation made by the Commission under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

28. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, any document, judgment, order, bye-law, rule, regulation, notification having the force of law in the territory of India.

(2) Notwithstanding anything contained in any other law for the time being in force or any judgment or any order of any Court and subject to the provisions of this Act, upon the notification of the constitution of the Commission under section 3, no other individual or body or authority constituted either under a law enacted by Parliament, or by a State, or appointed or nominated in terms of any judicial order, shall act upon or have jurisdiction in relation to the matters covered by this Act.

Repeal and savings of order constituting Environment Pollution (Prevention and Control) Authority for National Capital Region.

29. (1) The Order made under section 3 of the Environment (Protection) Act, 1986 constituting the Environment Pollution (Prevention and Control) Authority for the National Capital Region *vide* notification number S.O.93(E), dated the 29th January, 1998 is hereby repealed and the Environment Pollution (Prevention and Control) Authority for the National Capital Region is hereby dissolved.

29 of 1986.

(2) Notwithstanding such repeal, anything done or any action taken by the Environment Pollution (Prevention and Control) Authority for the National Capital Region under the said Order, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Savings.

30. Notwithstanding the cessation of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020, anything done or any action taken under the Ordinance so ceased, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Ord. 13 of 2020.

Repeal and savings.

31. (1) The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021 is hereby repealed.

Ord. 4 of 2021.

(2) Notwithstanding such repeal, anything done or any action taken under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021 shall be deemed to have been done or taken under the corresponding provisions of this Act.

Ord. 4 of 2021.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE DEPOSIT INSURANCE AND CREDIT GUARANTEE CORPORATION (AMENDMENT) ACT, 2021

No. 30 OF 2021

[13th August, 2021.]

An Act further to amend the Deposit Insurance and Credit Guarantee Corporation Act, 1961.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Deposit Insurance and Credit Guarantee Corporation (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In section 2 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (hereinafter referred to as the principal Act),—

(i) in clause (f),—

(a) in sub-clause (viii), for the words "competent Court", the words "competent Court; or" shall be substituted;

(b) after sub-clause (viii), the following sub-clause shall be inserted, namely:—

"(ix) in respect of which any direction, prohibition, order or scheme referred to in sub-section (I) of section 18A is issued or made;"

(ii) in clause (ff),—

(a) in sub-clause (viii), for the words "in a State.", the words "in a State; or" shall be substituted;

(b) after sub-clause (viii), the following sub-clause shall be inserted, namely:—

"(ix) in respect of which any direction, prohibition, order or scheme referred to in sub-section (I) of section 18A is issued or made;"

Amendment
of section 15.

3. In section 15 of the principal Act, in sub-section (I), in second proviso, for the words "Provided further that", the following words shall be substituted, namely:—

"Provided further that the Corporation may, having regard to its financial position and to the interests of the banking system of the country as a whole, and with previous approval of the Reserve Bank of India, from time to time, raise the aforesaid limit of fifteen paise per annum for every hundred rupees of the total amount of the deposits in that bank:

Provided also that".

Insertion of
new section
18A.

4. After section 18 of the principal Act, the following section shall be inserted, namely:—

"18A. (I) Where, in respect of an insured bank,—

(i) any direction is issued or any prohibition or order or scheme is made under any of the provisions of the Banking Regulation Act, 1949; and

(ii) such direction, prohibition, order or scheme provides for restrictions on depositors of such bank from accessing their deposits,

then, without prejudice to the provisions of sections 16 to 18, the Corporation shall, on the date on which such direction, prohibition, order or scheme takes effect, become liable to pay to every such depositor an amount equivalent to the amount payable by the Corporation to the depositor under section 16.

(2) A list showing the outstanding deposits of each depositor of the insured bank, as on the date on which the direction, prohibition, order or scheme referred to in sub-section (I) takes effect, shall be furnished by such insured bank within forty-five days of such date of effect, in such form and manner as may be specified by the Corporation and certified to be correct by the chief executive officer of the insured bank.

(3) The Corporation shall, within thirty days of the date of receipt of the list under sub-section (2), verify, through an online platform, to the extent possible, or in accordance with such procedure, as may be prescribed, the genuineness and authenticity of the claims made therein, and ascertain the willingness of each depositor to receive the amount due to him out of his deposit in the insured bank.

Liability of
Corporation
to make
interim
payment to
depositors of
insured bank.

10 of 1949.

(4) Subject to the provisions of sub-section (7), the Corporation shall, before the expiry of fifteen days from the date of completion of the verification under sub-section (3), pay to the depositors who have affirmed their willingness thereunder, the amount payable under sub-section (1) either directly, or get it credited in the account of the depositors through the insured bank:

Provided that the total period of time between the date when the Corporation becomes liable to pay to the depositor and the date of payment to the depositor shall not, subject to the provisions of sub-section (7), exceed ninety days:

Provided further that any amount paid by the insured bank to the depositor during the period between the date on which the direction, prohibition, order or scheme referred to in sub-section (1) takes effect and the date of payment to the depositor, shall be appropriately reckoned by the insured bank before crediting such amount in depositor's account.

(5) Any amount paid by the Corporation under sub-section (4) in respect of a deposit shall, to the extent of the amount so paid, discharge the insured bank from its liability to the depositor in respect of that deposit, but the insured bank shall become liable to the Corporation in respect of the amount paid by the Corporation.

(6) Where, in respect of an insured bank,—

(i) any direction, prohibition, order or scheme under any of the provisions of the Banking Regulation Act, 1949 providing for suspension of business of the insured bank is already in force as on the date of commencement of the Deposit Insurance and Credit Guarantee Corporation (Amendment) Act, 2021; and

(ii) such direction, prohibition, order or scheme provides for restrictions on the amounts to be paid by the insured bank to each of its depositors,

then, notwithstanding anything contained in any other law for the time being in force, the Corporation shall, on and from the date of commencement of the Deposit Insurance and Credit Guarantee Corporation (Amendment) Act, 2021, become liable to pay to each depositor of such insured bank, an amount equivalent to the amount payable by the Corporation to the depositor under sub-section (1) of section 16, and the time limit specified in sub-sections (2) to (4) herein for such payment shall be computed from that date.

(7) Notwithstanding anything contained in sub-sections (1) to (6), in cases where,—

(a) the Reserve Bank finds it expedient in the interest of finalising a scheme of amalgamation of the insured bank with other banking institution or a scheme of compromise or arrangement or of reconstruction in respect of such insured bank, and communicates to the Corporation accordingly, the date on which the Corporation shall become liable to pay every depositor of such insured bank may further be extended by a period not exceeding ninety days;

(b) the restrictions on payment to depositors are removed by the Reserve Bank at any time before payment to depositors by the Corporation under sub-section (4), and the insured bank or the transferee bank is in a position to make payments to its depositors on demand without any restrictions, the Corporation shall not be liable to make payment to the depositors of such insured bank.

5. In section 19 of the principal Act, after the word and figures "section 18", the words, figures and letter "or section 18A" shall be inserted.

Amendment
of section 19.

6. In section 20 of the principal Act, after the word and figures "section 18", the words, figures and letter "or section 18A" shall be inserted.

Amendment
of section 20.

7. In section 21 of the principal Act,—

Amendment
of section 21.

(i) in sub-section (1), after the word and figures "section 18", the words, figures and letter "or section 18A" shall be inserted;

(ii) in sub-section (2), in clause (b), after the words and figures "the scheme referred to in section 18", the words, figures and letter "or the direction, prohibition, order or scheme referred to in section 18A" shall be inserted;

(iii) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(3) The Corporation may defer or vary the time limit for receipt of repayments due to it from the insured bank or the transferee bank, as the case may be, for such period and upon such terms, as may be decided by the Board in accordance with the regulations made in this behalf:

Provided that such regulations shall also provide for prudential principles to assess the capability of the bank to make repayment to the Corporation and for prohibition of specified other classes of liabilities from being discharged by the insured bank or the transferee bank till such time as repayment is made to the Corporation.

(4) In case of any delay in repayment to the Corporation beyond the time period prescribed under sub-section (2) or extended under sub-section (3), the Corporation may charge penal interest at a maximum rate of two per cent. above the repo rate per annum for the amount to be repaid to the Corporation and such penal interest shall rank equally for priority with the amount to be repaid under sub-section (2)."

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-27082021-229269
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 3217]
No. 3217]

नई दिल्ली, शुक्रवार, अगस्त 27, 2021/भाद्र 5, 1943
NEW DELHI, FRIDAY, AUGUST 27, 2021/BHADRA 5, 1943

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)
अधिसूचना

नई दिल्ली, 27 अगस्त, 2021

का.आ. 3507(अ).—निक्षेप बीमा और प्रत्यय गारंटी निगम (संशोधन) विधेयक, 2021 (2021 का 30) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, सितम्बर, 2021 के पहले दिन को उस दिन के रूप में नियत करती है, जब उक्त अधिनियम के उपबंध लागू होंगे।

[फा. सं. 8/3/2019-बीओ.II]
डॉ. मदनेश कुमार मिश्र, संयुक्त सचिव

MINISTRY OF FINANCE
(Department of Financial Services)
NOTIFICATION

New Delhi, the 27th August, 2021

S.O. 3507(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Deposit Insurance and Credit Guarantee Corporation (Amendment) Act, 2021 (30 of 2021), the Central Government hereby appoints the 1st day of September, 2021, as the date on which the provisions of the said Act shall come into force.

[F. No. 8/3/2019-BO.II]
Dr. MADNESH KUMAR MISHRA, Jt. Secy.

4775 GI/2021



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-13082021-228987
CG-DL-E-13082021-228987

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 42] नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)
No. 42] NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE LIMITED LIABILITY PARTNERSHIP (AMENDMENT) ACT, 2021

No. 31 OF 2021

[13th August, 2021.]

An Act to amend the Limited Liability Partnership Act, 2008.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Limited Liability Partnership (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

6 of 2009.
1 of 1956.
18 of 2013.

2. Throughout the Limited Liability Partnership Act, 2008 (hereinafter referred to as the principal Act), for the words and figures “the Companies Act, 1956” wherever they occur, the words and figures “the Companies Act, 2013” shall be substituted.

Substitution of reference of certain expressions by certain other expressions.

Amendment
of section 2.

3. In section 2 of the principal Act, in sub-section (I),—

(a) in clause (c), for the words, brackets, figures and letters “sub-section (I) of section 10FR”, the word and figures “section 410” shall be substituted;

(b) in clause (d), for the word and figure “section 3”, occurring at both the places, the words, brackets and figures “clause (20) of section 2” shall be substituted;

(c) in clause (e), for the words “and occupation”, the words “and occupation except any activity which the Central Government may, by notification, exclude” shall be substituted;

(d) after clause (r), the following clause shall be inserted, namely:—

‘(ra) “Regional Director” means a person appointed as such by the Central Government for the purposes of this Act or the Companies Act, 2013, as the case may be;’ 18 of 2013.

(e) for clause (s), the following clause shall be substituted, namely:—

‘(s) “Registrar” means a person appointed by the Central Government as Registrar, an Additional Registrar, a Joint Registrar, a Deputy Registrar or an Assistant Registrar, for the purposes of this Act or the Companies Act, 2013, as the case may be;’ 18 of 2013.

(f) after clause (t), the following clause shall be inserted, namely:—

‘(ta) “small limited liability partnership” means a limited liability partnership—

(i) the contribution of which, does not exceed twenty-five lakh rupees or such higher amount, not exceeding five crore rupees, as may be prescribed; and

(ii) the turnover of which, as per the Statement of Accounts and Solvency for the immediately preceding financial year, does not exceed forty lakh rupees or such higher amount, not exceeding fifty crore rupees, as may be prescribed; or

(iii) which meets such other requirements as may be prescribed,

and fulfils such terms and conditions as may be prescribed;’;

(g) in clause (u), for the words, brackets, figures and letters “sub-section (I) of section 10FB”, the word and figures “section 408” shall be substituted.

Amendment
of section 7.

4. In section 7 of the principal Act,—

(a) in sub-section (I), in the *Explanation*, for the words “eighty-two days during the immediately preceding one year”, the words “twenty days during the financial year” shall be substituted;

(b) in sub-section (6), for the words, figures and letters “sections 266A to 266G”, the words and figures “sections 153 to 159” shall be substituted.

Amendment
of section 10.

5. In section 10 of the principal Act,—

(a) in the marginal heading, the figure “8” shall be omitted;

(b) in sub-section (1), for the words “punishable with fine which shall not be less than ten thousand rupees, but which may extend to five lakh rupees”, the following shall be substituted, namely:—

“liable to a penalty of ten thousand rupees and in case of continuing contravention, with a further penalty of one hundred rupees for each day after the first during which such contravention continues, subject to a maximum of one lakh rupees for the limited liability partnership and fifty thousand rupees for every partner of such limited liability partnership.”;

(c) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) If the limited liability partnership contravenes the provision of sub-section (4) of section 7, such limited liability partnership and its every designated partner shall be liable to a penalty of five thousand rupees and in case of continuing contravention, with a further penalty of one hundred rupees for each day after the first during which such contravention continues, subject to a maximum of fifty thousand rupees for the limited liability partnership and twenty-five thousand rupees for its every designated partner.

(3) If the limited liability partnership contravenes the provisions of sub-section (5) of section 7 or section 9, such limited liability partnership and its every partner shall be liable to a penalty of ten thousand rupees, and in case of continuing contravention, with a further penalty of one hundred rupees for each day after the first during which such contravention continues, subject to a maximum of one lakh rupees for the limited liability partnership and fifty thousand rupees for its every partner.”.

6. In section 13 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:— Amendment of section 13.

“(4) If any default is made in complying with the requirements of this section, the limited liability partnership and its every partner shall be liable to a penalty of five hundred rupees for each day during which the default continues, subject to a maximum of fifty thousand rupees for the limited liability partnership and its every partner.”.

7. In section 15 of the principal Act, in sub-section (2), for clause (b), the following shall be substituted, namely:— Amendment of section 15.

“(b) identical or too nearly resembles to that of any other limited liability partnership or a company or a registered trade mark of any other person under the Trade Marks Act, 1999.”.

47 of 1999.

8. For section 17 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 17.

“17. (1) Notwithstanding anything contained in sections 15 and 16, if through inadvertence or otherwise, a limited liability partnership, on its first registration or on its registration by a new name, is registered by a name which is identical with or too nearly resembles to— Rectification of name of limited liability partnership.

(a) that of any other limited liability partnership or a company; or

(b) a registered trade mark of a proprietor under the Trade Marks Act, 1999,

47 of 1999.

as is likely to be mistaken for it, then on an application of such limited liability partnership or proprietor referred to in clauses (a) and (b) respectively or a company, the Central Government may direct that such limited liability partnership to change its name or new name within a period of three months from the date of issue of such direction:

Provided that an application of the proprietor of the registered trade marks shall be maintainable within a period of three years from the date of incorporation or registration or change of name of the limited liability partnership under this Act.

(2) Where a limited liability partnership changes its name or obtains a new name under sub-section (1), it shall within a period of fifteen days from the date of such change, give notice of the change to Registrar along with the order of the Central Government, who shall carry out necessary changes in the certificate of incorporation and within thirty days of such change in the certificate of incorporation, such limited liability partnership shall change its name in the limited liability partnership agreement.

(3) If the limited liability partnership is in default in complying with any direction given under sub-section (1), the Central Government shall allot a new name to the limited liability partnership in such manner as may be prescribed and the Registrar shall enter the new name in the register of limited liability partnerships in place of the old name and issue a fresh certificate of incorporation with new name, which the limited liability partnership shall use thereafter:

Provided that nothing contained in this sub-section shall prevent a limited liability partnership from subsequently changing its name in accordance with the provisions of section 16.”.

Omission of section 18.

9. Section 18 of the principal Act shall be omitted.

Amendment of section 21.

10. In section 21 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If the limited liability partnership contravenes the provisions of this section, the limited liability partnership shall be liable to a penalty of ten thousand rupees.”.

Amendment of section 25.

11. In section 25 of the principal Act, for sub-sections (4) and (5), the following sub-sections shall be substituted, namely:—

“(4) If the limited liability partnership contravenes the provisions of sub-section (2), the limited liability partnership and its every designated partner shall be liable to a penalty of ten thousand rupees.

(5) If the contravention referred to in sub-section (1) is made by any partner of the limited liability partnership, such partner shall be liable to a penalty of ten thousand rupees.”.

Amendment of section 30.

12. In section 30 of the principal Act, in sub-section (2), for the words “two years”, the words “five years” shall be substituted.

Amendment of section 34.

13. In section 34 of the principal Act, for sub-section (5), the following sub-sections shall be substituted, namely:—

“(5) Any limited liability partnership which fails to comply with the provisions of sub-section (3), such limited liability partnership and its designated partners shall be liable to a penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of one lakh rupees for the limited liability partnership and fifty thousand rupees for every designated partner.

(6) Any limited liability partnership which fails to comply with the provisions of sub-section (1), sub-section (2) and sub-section (4), such limited liability partnership shall be punishable with fine which shall not be less than twenty-five thousand rupees, but may extend to five lakh rupees and every designated partner of such limited liability partnership shall be punishable with fine which shall not be less than ten thousand rupees, but may extend to one lakh rupees.”.

	<p>14. After section 34 of the principal Act, the following section shall be inserted, namely:—</p>	Insertion of new section 34A.
18 of 2013.	<p>“34A. The Central Government may, in consultation with the National Financial Reporting Authority constituted under section 132 of the Companies Act, 2013,—</p> <p>(a) prescribe the standards of accounting; and</p> <p>(b) prescribe the standards of auditing,</p>	Accounting and auditing standards.
38 of 1949.	<p>as recommended by the Institute of Chartered Accountants of India constituted under section 3 of the Chartered Accountants Act, 1949, for a class or classes of limited liability partnerships.”</p>	
	<p>15. In section 35 of the principal Act, for sub-sections (2) and (3), the following sub-section shall be substituted, namely:—</p>	Amendment of section 35.
	<p>“(2) If any limited liability partnership fails to file its annual return under sub-section (1) before the expiry of the period specified therein, such limited liability partnership and its designated partners shall be liable to a penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of one lakh rupees for the limited liability partnership and fifty thousand rupees for designated partners.”</p>	
	<p>16. For section 39 of the principal Act, the following section shall be substituted, namely:—</p>	Substitution of new section for section 39.
2 of 1974.	<p>“39. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Regional Director or any other officer not below the rank of Regional Director authorised by the Central Government may compound any offence under this Act which is punishable with fine only, by collecting from a person reasonably suspected of having committed the offence, a sum which may extend to the amount of the maximum fine provided for the offence but shall not be lower than the minimum amount provided for the offence.</p> <p>(2) Nothing contained in sub-section (1) shall apply to an offence committed by a limited liability partnership or its partner or its designated partner within a period of three years from the date on which similar offence committed by it or him was compounded under this section.</p> <p><i>Explanation.</i>—For the removal of doubts, it is hereby clarified that any second or subsequent offence committed after the expiry of the period of three years from the date on which the offence was previously compounded, shall be deemed to be the first offence.</p> <p>(3) Every application for the compounding of an offence shall be made to the Registrar who shall forward the same, together with his comments thereon, to the Regional Director or any other officer not below the rank of Regional Director authorised by the Central Government, as the case may be.</p> <p>(4) Where any offence is compounded under this section, whether before or after the institution of any prosecution, intimation thereof shall be given to the Registrar within a period of seven days from the date on which the offence is so compounded.</p> <p>(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence.</p> <p>(6) Where the compounding of any offence is made after the institution of any prosecution, such compounding shall be brought by the Registrar in writing, to the notice of the court in which prosecution is pending and on such notice of the compounding of the offence being given, the offender in relation to which the offence is so compounded shall be discharged.</p>	Compounding of offences.

(7) The Regional Director or any other officer not below the rank of Regional Director authorised by the Central Government, while dealing with the proposal for compounding of an offence may, by an order, direct any partner, designated partner or other employee of the limited liability partnership to file or register, or on payment of fee or additional fee as required to be paid under this Act, such return, account or other document within such time as may be specified in the order.

(8) Notwithstanding anything contained in this section, if any partner or designated partner or other employee of the limited liability partnership who fails to comply with any order made by the Regional Director or any other officer not below the rank of Regional Director authorised by the Central Government, under sub-section (7), the maximum amount of fine for the offence, which was under consideration of Regional Director or such authorised officer for compounding under this section shall be twice the amount provided in the corresponding section in which punishment for such offence is provided.”.

Amendment
of section 60.

17. In section 60 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) If default is made in complying with the provisions of sub-section (3), the limited liability partnership and its every designated partner shall be liable to a penalty of ten thousand rupees, and in case of continuing default, with a further penalty of one hundred rupees for each day after the first during which such default continues, subject to a maximum of one lakh rupees for limited liability partnership and fifty thousand rupees for every designated partner.”.

Amendment
of section 62.

18. In section 62 of the principal Act, for sub-section (4) and *Explanation* occurring after sub-section (4), the following sub-section and *Explanation* shall be substituted, namely:—

“(4) If default is made in complying with the provisions of sub-section (3), the limited liability partnership and its every designated partner shall be liable to a penalty of ten thousand rupees, and in case of the continuing default, with a further penalty of one hundred rupees for each day, after the first during which such default continues, subject to a maximum of one lakh rupees for limited liability partnership and fifty thousand rupees for every designated partner.

Explanation.—For the purposes of this section,—

(i) “property” includes property, rights and powers of every description and “liabilities” includes duties of every description;

(ii) a “limited liability partnership” shall not be amalgamated with a company.’.

Insertion of
new sections
67A, 67B and
67C.

19. After section 67 of the principal Act, the following sections shall be inserted, namely:—

“67A. (1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary for such area or areas, as may be specified in the notification.

(2) The Special Court shall consist of—

(a) a single Judge holding office as Sessions Judge or Additional Sessions Judge, in case of offences punishable under this Act with imprisonment of three years or more; and

(b) a Metropolitan Magistrate or a Judicial Magistrate of the first class, in the case of other offences,

Establishment
of Special
Courts.

who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court:

18 of 2013. Provided that until Special Courts are designated or established under sub-section (1), the Courts designated as Special Courts in terms of section 435 of the Companies Act, 2013 shall be deemed to be Special Courts for the purpose of trial of offences punishable under this Act:

2 of 1974.
18 of 2013. Provided further that notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed under this Act, which is triable by a Special Court shall, until a Special Court is established under this Act or the Companies Act, 2013, be tried by a Court of Sessions or the Court of Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, exercising jurisdiction over the area.

2 of 1974. 67B. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences specified under sub-section (1) of section 67A shall be triable only by the Special Court established or designated for the area in which the registered office of the limited liability partnership is situated in relation to which the offence is committed or where there are more than one Special Courts for such area, by such one of them as may be specified in this behalf by the High Court concerned. Procedure and powers of Special Court.

2 of 1974. (2) While trying an offence under this Act, a Special Court may also try an offence other than an offence under this Act with which the accused may, under the Code of Criminal Procedure, 1973 be charged at the same trial.

2 of 1974. (3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court may, if it thinks fit, try in a summary way any offence under this Act which is punishable with imprisonment for a term not exceeding three years:

Provided that in the case of any conviction in a summary trial, no sentence of imprisonment for a term exceeding one year shall be passed:

Provided further that, when at the commencement of or in the course of a summary trial, it appears to the Special Court that the nature of the case is such that the sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Special Court shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in accordance with the procedure for the regular trial.

2 of 1974. 67C. The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Sessions trying cases within the local limits of the jurisdiction of the High Court.” Appeal and revision.

20. After section 68 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 68A.

“68A. (1) For the purpose of exercising such powers and discharging such functions as are conferred on the Central Government by or under this Act or under rules made thereunder and for the purpose of registration of limited liability partnerships under this Act, the Central Government shall, by notification, establish such number of registration offices at such places as it thinks fit, specifying their jurisdiction. Registration offices.

(2) The Central Government may appoint such Registrars, Additional Registrars, Joint Registrars, Deputy Registrars and Assistant Registrars as it considers necessary, for the registration of limited liability partnerships and discharge of various functions under this Act.

(3) The powers and duties of the Registrars referred to in sub-section (2) and the terms and conditions of their service shall be such as may be prescribed.

(4) The Central Government may direct the Registrar to prepare a seal or seals for the authentication of documents required for, or connected with the registration of limited liability partnerships.”.

Substitution of new section for section 69.

21. For section 69 of the principal Act, the following section shall be substituted, namely:—

Payment of additional fee.

“69. Any document or return required to be registered or filed under this Act with Registrar, if, is not registered or filed in time provided therein, may be registered or filed after that time, on payment of such additional fee as may be prescribed in addition to any fee as is payable for filing of such document or return:

Provided that such document or return shall be filed after the due date of filing, without prejudice to any other action or liability under this Act:

Provided further that a different fee or additional fee may be prescribed for different classes of limited liability partnerships or for different documents or returns required to be filed under this Act or rules made thereunder.”.

Amendment of section 72.

22. In section 72 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Any person aggrieved by an order of Tribunal may prefer an appeal to the Appellate Tribunal:

Provided that no appeal shall lie to the Appellate Tribunal from an order made by the Tribunal with the consent of parties.

(3) Every appeal preferred under sub-section (2) shall be filed within a period of sixty days from the date on which the copy of the order of the Tribunal is made available to the person aggrieved and shall be in such form, and accompanied by such fees, as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of sixty days, but within a further period of not exceeding sixty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the period so specified.

(4) On the receipt of an appeal under sub-section (2), the Appellate Tribunal shall, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(5) The Appellate Tribunal shall send a copy of every order made by it to the Tribunal and the parties to the appeal.”.

Omission of section 73.

23. Section 73 of the principal Act shall be omitted.

Substitution of new section for section 74.

24. For section 74 of the principal Act, the following section shall be substituted, namely:—

General penalties.

“74. If a limited liability partnership or any partner or any designated partner or any other person contravenes any of the provisions of this Act or the rules made thereunder, or any condition, limitation or restriction subject to which any approval, sanction, consent, confirmation, recognition, direction or exemption in relation to any matter has been accorded, given or granted, and for which no penalty or punishment is provided elsewhere in this Act, the limited liability partnership or any partner or any designated partner or any other person, who is in the default, shall be liable to a

penalty of five thousand rupees and in case of a continuing contravention with a further penalty of one hundred rupees for each day after the first during which such contravention continues, subject to a maximum of one lakh rupees.”.

25. After section 76 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 76A.

“76A. (1) For the purposes of adjudging penalties under this Act, the Central Government may, by an order published in the Official Gazette, appoint as many officers of the Central Government, not below the rank of Registrar, as adjudicating officers in such manner as may be prescribed.

Adjudication of penalties.

(2) The Central Government shall, while appointing adjudicating officers, specify their jurisdiction in the order under sub-section (1).

(3) The adjudicating officer may, by an order—

(a) impose the penalty on the limited liability partnership or its partners or designated partners or any other person, as the case may be, stating therein any non-compliance or default under the relevant provisions of this Act:

Provided that in case default relates to non-compliance of sub-section (3) of section 34 or sub-section (1) of section 35 and such default has been rectified either prior to or within thirty days of the issue of the notice by the adjudicating officer, no penalty shall be imposed in this regard and proceedings under this section in respect of such default shall be deemed to be concluded:

Provided further that notwithstanding anything contained in this Act, if penalty is payable for non-compliance of any of the provisions of this Act by a small limited liability partnership or a start-up limited liability partnership or by its partner or designated partner or any other person in respect of such limited liability partnership, then such limited liability partnership or its partner or designated partner or any other person, shall be liable to a penalty which shall be one-half of the penalty specified in such provisions subject to a maximum of one lakh rupees for limited liability partnership and fifty thousand rupees for every partner or designated partner or any other person, as the case may be.

Explanation.—For the purposes of this proviso, the expression “start-up limited liability partnership” means a limited liability partnership incorporated under this Act and recognised as such in accordance with the notifications issued by the Central Government from time to time.

(b) direct such limited liability partnership or its partner or designated partner or any other person, as the case may be, to rectify the default, wherever he considers fit for reasons to be recorded in writing.

(4) The adjudicating officer shall, before imposing any penalty, give an opportunity of being heard to such limited liability partnership or its partner or designated partner or any other person, who is in default.

(5) Any person aggrieved by an order made by the adjudicating officer under sub-section (3) may prefer an appeal to the Regional Director having jurisdiction in the matter.

(6) Every appeal made under sub-section (5) shall be filed within a period of sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person and shall be in such form, manner and accompanied by such fees as may be prescribed:

Provided that the Regional Director may, for the reasons to be recorded in writing, extend the period of filing an appeal, under this sub-section, by not more than thirty days.

(7) The Regional Director may, after giving an opportunity of being heard to the parties to the appeal, pass such order as he thinks fit, confirming, modifying or setting aside the order appealed against.

(8) Where a limited liability partnership fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be, within a period of ninety days from the date of receipt of the copy of the order, such limited liability partnership shall be punishable with fine which shall not be less than twenty-five thousand rupees, but may extend to five lakh rupees.

(9) Where a partner or designated partner of a limited liability partnership or any other person who is in default fails to comply with an order made under sub-section (3) or sub-section (7), as the case may be, within a period of ninety days from the date of receipt of the copy of the order, such partner or designated partner or any other person shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand rupees but may extend to one lakh rupees, or with both.”.

Substitution of new sections for section 77.

26. For section 77 of the principal Act, the following sections shall be substituted, namely:—

Jurisdiction of Courts.

“77. Subject to the provisions contained in section 67A and section 67B, on and from the date of establishment or designation of Special Courts under this Act,—

(i) the Special Court referred to in clause (a) of sub-section (2) of section 67A shall have jurisdiction and power to impose punishment under section 30 of the Act; and

(ii) the criminal cases against the limited liability partnership or its partners or designated partners or any other person in default filed under this Act and pending before the court of Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be, shall be transferred to the Special Court referred to in clause (b) of sub-section (2) of section 67A.

Cognizance of offences.

77A. No court, other than the Special Courts referred to in section 67A, shall take cognizance of any offence punishable under this Act or the rules made thereunder save on a complaint in writing made by the Registrar or by any officer not below the rank of Registrar duly authorised by the Central Government for this purpose.”.

Amendment of section 79.

27. In section 79 of the principal Act, in sub-section (2),—

(i) for clause (a), the following clauses shall be substituted, namely:—

“(a) the contribution of such higher amount under sub-clauses (i) and (ii) of clause (ta) of section 2;

(aa) the terms and conditions to be fulfilled by class or classes of limited liability partnerships under long line to clause (ta) of section 2;

(ab) the form and manner of prior consent to be given by designated partner under sub-section (3) of section 7;”;

(ii) after clause (k), the following clause shall be inserted, namely:—

“(ka) the manner of allotting a new name to the limited liability partnership under sub-section (3) of section 17;”;

(iii) after clause (t), the following clause shall be inserted, namely:—

“(ta) the standards of accounting and auditing under section 34A;”;

(iv) after clause (zf), the following clauses shall be inserted, namely:—

“(zfa) the powers and duties to be discharged by the Registrars and the terms and conditions of their service under sub-section (3) of section 68A;

(zfb) the payment of additional fee for filing of document or return and the payment of different fee or additional fee under section 69;

(zfc) the form and fee for filing of appeal under sub-section (3) of section 72;”;

(v) after clause (zg), the following clauses shall be inserted, namely:—

“(zga) the manner of appointing adjudicating officers for adjudging penalty under sub-section (1) of section 76A;

(zgb) the form, manner and fee for filing an appeal against the order made by the adjudicating officer under sub-section (6) of section 76A;”;

(vi) in clause (zl), the word “and” occurring at the end shall be omitted;

(vii) after clause (zm), the following clause shall be inserted, namely:—

“(zn) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.”.

28. In section 80 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment
of section 80.

“(1A) Notwithstanding anything contained in sub-section (1), if any difficulty arises in giving effect to the provisions of this Act as amended by the Limited Liability Partnership (Amendment) Act, 2021, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the date of commencement of the Limited Liability Partnership (Amendment) Act, 2021.”.

29. Section 81 of the principal Act shall be omitted.

Omission of
section 81.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-13082021-228985
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 43] नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)
No. 43] NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) ACT, 2021

No. 32 OF 2021

[13th August, 2021.]

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in relation to the State of Arunachal Pradesh.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2021. Short title.

C.O. 22.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in PART XVIII.—*Arunachal Pradesh*,—

(a) entry 1 shall be omitted;

Amendment of Constitution (Scheduled Tribes) Order, 1950.

(b) for entry 6, the following entry shall be substituted, namely:—

"6. Tai Khamti";

(c) for entry 8, the following entry shall be substituted, namely:—

"8. Mishmi-Kaman (Miju Mishmi), Idu (Mishmi), Taraon (Digaru Mishmi)";

(d) for entry 9, the following entry shall be substituted, namely:—

"9. Monpa, Memba, Sartang, Sajolang (Miji)";

(e) for entry 10, the following entry shall be substituted, namely:—

"10. Nocte, Tangsa, Tutsa, Wancho".

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-13082021-228989
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 45]

नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)

No. 45]

NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE TRIBUNALS REFORMS ACT, 2021

No. 33 OF 2021

[13th August, 2021.]

An Act further to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001 and certain other Acts.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Tribunals Reforms Act, 2021.

(2) It shall be deemed to have come into force on the 4th April, 2021.

Short title and
commencement.

Definitions.

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

(a) "Chairperson" includes Chairperson, Chairman, President and Presiding Officer of a Tribunal;

(b) "Member" includes Vice-Chairman, Vice-Chairperson, Vice-President, Account Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member and Technical Member of a Tribunal;

(c) "notified date" means the 4th April, 2021;

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

(e) "Tribunal" means a Tribunal, Appellate Tribunal or Authority as specified in column (2) of the First Schedule.

CHAPTER II

CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS OF TRIBUNAL

Qualifications, appointment, etc., of Chairperson and Members of Tribunal.

3. (1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, the Central Government may, by notification in the Official Gazette, make rules to provide for the qualifications, appointment, salaries and allowances, resignation, removal and other conditions of service of the Chairperson and Member of a Tribunal after taking into consideration the experience, specialisation in the relevant field and the provisions of this Act:

Provided that a person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson or Member.

(2) The Chairperson and the Member of a Tribunal shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee constituted under sub-section (3), in such manner as the Central Government may, by rules, provide.

(3) The Search-cum-Selection Committee, except for the State Administrative Tribunal, shall consist of—

(a) a Chairperson, who shall be the Chief Justice of India or a Judge of Supreme Court nominated by him;

(b) two Members, who are Secretaries to the Government of India to be nominated by that Government;

(c) one Member, who —

(i) in case of appointment of a Chairperson of a Tribunal, shall be the outgoing Chairperson of that Tribunal; or

(ii) in case of appointment of a Member of a Tribunal, shall be the sitting Chairperson of that Tribunal; or

(iii) in case of the Chairperson of the Tribunal seeking re-appointment, shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India:

Provided that in the following cases, such Member shall always be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India, namely:—

(i) Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947;

14 of 1947.

(ii) Debt Recovery Tribunal and Debt Recovery Appellate Tribunal established under the Recovery of Debts and Bankruptcy Act, 1993;

51 of 1993.

(iii) where the Chairperson or the outgoing Chairperson, as the case may be, of a Tribunal is not a retired Judge of the Supreme Court or a retired Chief Justice or Judge of a High Court; and

(iv) such other Tribunals as may be notified by the Central Government, in consultation with the Chairperson of the Search-cum-Selection Committee of that Tribunal; and

(d) the Secretary to the Government of India in the Ministry or Department under which the Tribunal is constituted or established—Member-Secretary:

Provided that the Search-cum-Selection Committee for a State Administrative Tribunal shall consist of—

(a) the Chief Justice of the High Court of the concerned State—Chairman;

(b) the Chief Secretary of the concerned State Government—Member;

(c) the Chairman of the Public Service Commission of the concerned State—Member;

(d) one Member, who—

(i) in case of appointment of a Chairman of the Tribunal, shall be the outgoing Chairman of the Tribunal; or

(ii) in case of appointment of a Member of the Tribunal, shall be the sitting Chairman of the Tribunal; or

(iii) in case of the Chairman of the Tribunal seeking re-appointment, shall be a retired Judge of a High Court nominated by the Chief Justice of the High Court of the concerned State:

Provided that such Member shall always be a retired Judge of a High Court nominated by the Chief Justice of the High Court of the concerned State, if the Chairperson or the outgoing Chairperson of the State Administrative Tribunal, as the case may be, is not a retired Chief Justice or Judge of a High Court;

(e) the Secretary or the Principal Secretary of the General Administrative Department of the concerned State—Member-Secretary.

(4) The Chairperson of the Search-cum-Selection Committee shall have the casting vote.

(5) The Member-Secretary of the Search-cum-Selection Committee shall not have any vote.

(6) The Search-cum-Selection Committee shall determine the procedure for making its recommendations.

(7) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, the Search-cum-Selection Committee shall recommend a panel of two names for appointment to the post of Chairperson or Member, as the case may be, and the Central Government shall take a decision on the recommendations made by that Committee, preferably within three months from the date of such recommendation.

(8) No appointment shall be invalid merely by reason of any vacancy or absence of a Member in the Search-cum-Selection Committee.

4. The Central Government shall, on the recommendation of the Committee, remove from office, in such manner as may be provided by rules, any Chairperson or a Member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such Chairperson or Member; or

Removal of
Chairperson or
Member of
Tribunal.

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where the Chairperson or Member is proposed to be removed on any ground specified in clauses (c) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

Term of office of Chairperson and Member of Tribunal.

5. Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force,—

(i) the Chairperson of a Tribunal shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier;

(ii) the Member of a Tribunal shall hold office for a term of four years or till he attains the age of sixty-seven years, whichever is earlier:

Provided that where a Chairperson or Member is appointed between the 26th day of May, 2017 and the notified date, and the term of his office or the age of retirement specified in the order of appointment issued by the Central Government is greater than that which is specified in this section, then, notwithstanding anything contained in this section, the term of office or age of retirement or both, as the case may be, of the Chairperson or Member shall be as specified in his order of appointment, subject to a maximum term of office of five years.

Eligibility for re-appointment.

6. (1) The Chairperson and Member of a Tribunal shall be eligible for re-appointment in accordance with the provisions of this Act:

Provided that, in making such re-appointment, preference shall be given to the service rendered by such person.

(2) All re-appointments shall be made in the same manner as provided in sub-section (2) of section 3.

Salary and allowances.

7. (1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for the salary of the Chairperson and Member of a Tribunal and they shall be paid allowances and benefits to the extent as are admissible to a Central Government officer holding the post carrying the same pay:

Provided that, if the Chairperson or Member takes a house on rent, he may be reimbursed a house rent higher than the house rent allowance as are admissible to a Central Government officer holding the post carrying the same pay, subject to such limitations and conditions as may be provided by rules.

(2) Neither the salary and allowances nor the other terms and conditions of service of the Chairperson or Member of the Tribunal may be varied to his disadvantage after his appointment.

CHAPTER III

AMENDMENT TO THE INDUSTRIAL DISPUTES ACT, 1947

Amendment of Act 14 of 1947.

8. In section 7D of the Industrial Disputes Act, 1947, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER IV

AMENDMENTS TO THE CINEMATOGRAPH ACT, 1952

9. In the Cinematograph Act, 1952,—Amendment
of Act 37 of
1952.

(a) in section 2, clause (h) shall be omitted;

(b) in section 5C,—

(i) for the word "Tribunal", at both the places where it occurs, the words "High Court" shall be substituted;

(ii) sub-section (2) shall be omitted;

(c) sections 5D and 5DD shall be omitted;

(d) in section 6, the words and brackets "or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal)" shall be omitted;

(e) in sections 7A and 7C, for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(f) in sections 7D, 7E and 7F, the words "the Tribunal,", wherever they occur, shall be omitted;

(g) in section 8, in sub-section (2), clauses (h), (i), (j) and (k) shall be omitted.

CHAPTER V

AMENDMENTS TO THE COPYRIGHT ACT, 1957

10. In the Copyright Act, 1957,—Amendment
of Act 14 of
1957.

(a) in section 2,—

(i) clause (aa) shall be omitted;

(ii) clause (fa) shall be re-lettered as clause (faa) and before the clause (faa) as so re-lettered, the following clause shall be inserted, namely:—

'(fa) "Commercial Court", for the purposes of any State, means a Commercial Court constituted under section 3, or the Commercial Division of a High Court constituted under section 4, of the Commercial Courts Act, 2015;';

(iii) for clause (u), the following clause shall be substituted, namely:—

'(u) "prescribed" means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act;';

(b) in section 6,—

(i) for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(ii) the words and figures "constituted under section 11 whose decision thereon shall be final" shall be omitted;

(c) in Chapter II, in the Chapter heading, the words "AND APPELLATE BOARD" shall be omitted;

(d) sections 11 and 12 shall be omitted;

(e) in sections 19A, 23, 31, 31A, 31B, 31C, 31D, 32, 32A and 33A, for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(f) in section 50, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 53A,—

(i) for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

(ii) in sub-section (2), the words "and the decision of the Appellate Board in this behalf shall be final" shall be omitted;

(h) in section 54, for the words "Appellate Board", the words "Commercial Court" shall be substituted;

(i) for section 72, the following section shall be substituted, namely:—

"72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the High Court.

(2) Every such appeal shall be heard by a single Judge of the High Court:

Provided that any such Judge may, if he so thinks fit, refer the appeal at any stage of the proceeding to a Bench of the High Court.

(3) Where an appeal is heard by a single Judge, a further appeal shall lie to a Bench of the High Court within three months from the date of decision or order of the single Judge.

(4) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.";

(j) in sections 74 and 75, the words "and the Appellate Board", wherever they occur, shall be omitted;

(k) in section 77, the words "and every member of the Appellate Board" shall be omitted;

(l) in section 78, in sub-section (2),—

(i) clauses (cA) and (ccB) shall be omitted;

(ii) in clause (f), the words "and the Appellate Board" shall be omitted.

CHAPTER VI

AMENDMENT TO THE INCOME-TAX ACT, 1961

Amendment
of Act 43 of
1961.

11. In section 252A of the Income-tax Act, 1961, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

7 of 2017.

CHAPTER VII

AMENDMENTS TO THE CUSTOMS ACT, 1962

Amendment
of Act 52 of
1962.

12. In the Customs Act, 1962,—

(a) in section 28E, clauses (ba), (f) and (g) shall be omitted;

(b) in section 28EA, the proviso shall be omitted;

(c) in section 28F, sub-section (1) shall be omitted;

(d) in section 28KA,—

(i) in sub-section (1), for the words "Appellate Authority", at both the places where they occur, the words "High Court" shall be substituted;

(ii) sub-section (2) shall be omitted;

(e) in section 28L, the words "or Appellate Authority", wherever they occur, shall be omitted;

(f) in section 28M,—

(i) in the marginal heading, the words "and Appellate Authority" shall be omitted;

(ii) sub-section (2) shall be omitted;

(g) in section 129, in sub-section (7), for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

7 of 2017.

CHAPTER VIII

AMENDMENTS TO THE PATENTS ACT, 1970

13. In the Patents Act, 1970,—

(a) in section 2, in sub-section (1),—

(i) clause (a) shall be omitted;

(ii) in clause (u), sub-clause (B) shall be omitted;

(b) in section 52, the words "Appellate Board or", wherever they occur, shall be omitted;

(c) in section 58,—

(i) the words "the Appellate Board or", wherever they occur, shall be omitted;

(ii) the words "as the case may be" shall be omitted;

(d) in section 59, the words "the Appellate Board or" shall be omitted;

(e) in section 64, in sub-section (1), the words "by the Appellate Board" shall be omitted;

(f) in section 71, for the words "Appellate Board" and "Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 76, the words "or Appellate Board" shall be omitted;

(h) in section 113,—

(i) in sub-section (1),—

(A) the words "the Appellate Board or", wherever they occur, shall be omitted;

(B) the words "as the case may be" shall be omitted;

(ii) in sub-section (3), the words "or the Appellate Board" shall be omitted;

Amendment
of Act 39 of
1970.

(i) in Chapter XIX, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(j) sections 116 and 117 shall be omitted;

(k) in section 117A, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 117B, 117C and 117D shall be omitted;

(m) in section 117E, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(n) sections 117F, 117G and 117H shall be omitted;

(o) in section 151,—

(i) in sub-section (1), the words "or the Appellate Board", at both the places where they occur, shall be omitted;

(ii) in sub-section (3), for the words "the Appellate Board or the courts, as the case may be", the words "the courts" shall be substituted;

(p) in section 159, in sub-section (2), clauses (xiia), (xiib) and (xiic) shall be omitted.

CHAPTER IX

AMENDMENT TO THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976

Amendment
of Act 13 of
1976.

14. In section 12A of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER X

AMENDMENT TO THE ADMINISTRATIVE TRIBUNALS ACT, 1985

Amendment
of Act 13 of
1985.

15. In section 10B of the Administrative Tribunals Act, 1985, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XI

AMENDMENT TO THE RAILWAY CLAIMS TRIBUNAL ACT, 1987

Amendment
of Act 54 of
1987.

16. In section 9A of the Railway Claims Tribunal Act, 1987, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XII

AMENDMENT TO THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

Amendment
of Act 15 of
1992.

17. In section 15QA of the Securities and Exchange Board of India Act, 1992, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XIII

AMENDMENT TO THE RECOVERY OF DEBTS AND BANKRUPTCY ACT, 1993

18. In the Recovery of Debts and Bankruptcy Act, 1993,—Amendment
of Act 51 of
1993.

7 of 2017.

(a) in section 6A, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted;

7 of 2017.

(b) in section 15A, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

CHAPTER XIV

AMENDMENTS TO THE AIRPORTS AUTHORITY OF INDIA ACT, 1994

19. In the Airports Authority of India Act, 1994,—Amendment
of Act 55 of
1994.

(a) in section 28A, clause (e) shall be omitted;

(b) in section 28E, for the word "Tribunal", at both the places where it occurs, the words "Central Government" shall be substituted;

(c) sections 28-I, 28J and 28JA shall be omitted;

(d) in section 28K,—

(i) in sub-section (1),—

(A) for the words "Tribunal in such form as may be prescribed", the words "High Court" shall be substituted;

(B) in the proviso, for the word "Tribunal", the words "High Court" shall be substituted;

(ii) sub-sections (2), (3), (4) and (5) shall be omitted;

(e) section 28L shall be omitted;

(f) in section 28M, the words "or the Tribunal" shall be omitted;

(g) in section 28N, in sub-section (2), for the word "Tribunal", the words "High Court" shall be substituted;

(h) in section 33, the words "or the Chairperson of the Tribunal" shall be omitted;

(i) in section 41, in sub-section (2), clauses (gvi), (gvii), (gviii) and (gix) shall be omitted.

CHAPTER XV

AMENDMENT TO THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

7 of 2017.

20. In section 14GA of the Telecom Regulatory Authority of India Act, 1997, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

Amendment
of Act 24 of
1997.

CHAPTER XVI

AMENDMENTS TO THE TRADE MARKS ACT, 1999

Amendment
of Act 47 of
1999.

21. In the Trade Marks Act, 1999,—

(a) in section 2, in sub-section (1),—

(i) clauses (a), (d), (f), (k), (n), (ze) and (zf) shall be omitted;

(ii) for clause (s), the following clause shall be substituted, namely:—

'(s) "prescribed" means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act;'

(b) in section 10, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(c) in section 26, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(d) in section 46, in sub-section (3), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(e) in section 47, —

(i) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(f) in section 55, in sub-section (1), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(g) in section 57, —

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(h) in section 71, in sub-section (3), for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(i) in Chapter XI, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(j) sections 83, 84, 85, 86, 87, 88, 89, 89A and 90 shall be omitted;

(k) in section 91, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 92 and 93 shall be omitted;

(m) for section 94, the following section shall be substituted, namely:—

"94. On ceasing to hold the office, the erstwhile Chairperson, Vice-Chairperson or other Members shall not appear before the Registrar.;"

(n) sections 95 and 96 shall be omitted;

(o) in section 97, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

Bar to
appear before
Registrar.

(p) in section 98, for the words "Appellate Board" or "Board", wherever they occur, the words "High Court" shall be substituted;

(q) sections 99 and 100 shall be omitted;

(r) in section 113,—

(i) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(s) in section 123, the words "and every Member of the Appellate Board" shall be omitted;

(t) in sections 124 and 125, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(u) in section 130, the words "the Appellate Board or" shall be omitted;

(v) in section 141, for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(w) in section 144, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(x) in section 157, in sub-section (2),—

(i) clauses (xxxi) and (xxxii) shall be omitted;

(ii) in clause (xxxiii), for the words "Appellate Board", the words "High Court" shall be substituted.

CHAPTER XVII

AMENDMENTS TO THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999

22. In the Geographical Indications of Goods (Registration and Protection) Act, 1999,— Amendment
of Act 48 of
1999.

(a) in section 2, in sub-section (1), clauses (a) and (p) shall be omitted;

(b) in section 19, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(c) in section 23, for the words "and before the Appellate Board before which", the words "before whom" shall be substituted;

(d) in section 27,—

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;

(e) in Chapter VII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(f) in section 31,—

(i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(ii) sub-section (3) shall be omitted;

(g) sections 32 and 33 shall be omitted;

(*h*) in sections 34 and 35, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(*i*) section 36 shall be omitted;

(*j*) in section 48,—

(*i*) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;

(*ii*) for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(*k*) in sections 57 and 58, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(*l*) in section 63, the words "the Appellate Board or" shall be omitted;

(*m*) in section 72, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(*n*) in section 75, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;

(*o*) in section 87, in sub-section (2), clause (*n*) shall be omitted.

CHAPTER XVIII

AMENDMENTS TO THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

23. In the Protection of Plant Varieties and Farmers' Rights Act, 2001,—

(*a*) in section 2,—

(*i*) clauses (*d*), (*n*) and (*o*) shall be omitted;

(*ii*) for clause (*q*), the following clause shall be substituted, namely:—

'(*q*) "prescribed" means,—

(*i*) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(*ii*) in other cases, prescribed by rules made under this Act;'

(*iii*) clauses (*y*) and (*z*) shall be omitted;

(*b*) in section 44, the words "or the Tribunal" shall be omitted;

(*c*) in Chapter VIII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(*d*) sections 54 and 55 shall be omitted;

(*e*) in section 56,—

(*i*) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(*ii*) sub-section (3) shall be omitted;

(*f*) in section 57,—

(*i*) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(*ii*) sub-section (5) shall be omitted;

(*g*) sections 58 and 59 shall be omitted;

(h) in section 89, the words "or the Tribunal" shall be omitted.

CHAPTER XIX

AMENDMENTS TO THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

24. In the Control of National Highways (Land and Traffic) Act, 2002,—

Amendment
of Act 13 of
2003.

(a) in section 2,—

(i) clause (a) shall be omitted;

(ii) after clause (d), the following clause shall be inserted, namely:—

'(da) "Court" means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;';

(iii) clause (l) shall be omitted;

(b) in Chapter II, in the Chapter heading, the words "AND TRIBUNALS, ETC." shall be omitted;

(c) section 5 shall be omitted;

(d) for section 14, the following section shall be substituted, namely:—

"14. An appeal from any order passed, or any action taken, excluding issuance or serving of notices, under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be, shall lie to the Court.";

Appeal.

(e) sections 15 and 16 shall be omitted;

(f) in section 17, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted;

(g) section 18 shall be omitted;

(h) in section 19, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted;

(i) section 40 shall be omitted;

(j) in section 41,—

(i) the words "or every order passed or decision made on appeal under this Act by the Tribunal" shall be omitted;

(ii) the words "or Tribunal" shall be omitted;

(k) in section 50, in sub-section (2), clause (f) shall be omitted.

CHAPTER XX

AMENDMENT TO THE ELECTRICITY ACT, 2003

7 of 2017.

25. In section 117A of the Electricity Act, 2003, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

Amendment
of Act 36 of
2003.

CHAPTER XXI

AMENDMENT TO THE ARMED FORCE TRIBUNAL ACT, 2007

7 of 2017.

26. In section 9A of the Armed Force Tribunal Act, 2007, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the

Amendment
of Act 55 of
2007.

section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted.

CHAPTER XXII

AMENDMENT TO THE NATIONAL GREEN TRIBUNAL ACT, 2010

Amendment
of Act 19 of
2010.

27. In section 10A of the National Green Tribunal Act, 2010, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XXIII

AMENDMENT TO THE COMPANIES ACT, 2013

Amendment
of Act 18 of
2013.

28. In section 417A of the Companies Act, 2013, for the words and figures "Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of the section 184 of that Act", the words and figures "the Tribunal Reforms Act, 2021, shall be governed by the provisions of Chapter II of the said Act" shall be substituted. 7 of 2017.

CHAPTER XXIV

AMENDMENT TO THE FINANCE ACT, 2017

Amendment
of Act 7 of
2017.

29. In the Finance Act, 2017, sections 183 and 184 and the Eighth Schedule shall be omitted.

CHAPTER XXV

AMENDMENT TO THE CONSUMER PROTECTION ACT, 2019

Amendment
of Act 35 of
2019.

30. In section 55 of the Consumer Protection Act, 2019, after sub-section (I), the following sub-section shall be inserted, namely:—

"(IA) Notwithstanding anything contained in sub-section (I), the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the President and other members of the National Commission appointed after the commencement of the Tribunal Reforms Act, 2021, shall be governed by the provisions of the said Act."

CHAPTER XXVI

MISCELLANEOUS

Power to
amend the
Schedule.

31. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification published in the Official Gazette, amend the Schedule and thereupon, the said Schedule shall be deemed to have been amended accordingly.

(2) A copy of every notification issued under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is issued.

Rules to be
laid before
Parliament.

32. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

33. (1) Notwithstanding anything contained in any law for the time being in force, any person appointed as the Chairperson or Chairman or President or Presiding Officer or Vice-Chairperson or Vice-Chairman or Vice-President or Member of the Tribunal, Appellate Tribunal, or, as the case may be, other Authorities specified in the Second Schedule and holding office as such immediately before the notified date, shall, on and from the notified date, cease to hold such office, and he shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of his office or of any contract of service.

Transitional provisions.

(2) The officers and other employees of the Tribunals, Appellate Tribunals and other Authorities specified in the Second Schedule appointed on deputation, before the notified date, shall, on and from the notified date, stand reverted to their parent cadre, Ministry or Department.

43 of 1961.

(3) Any appeal, application or proceeding pending before the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule, other than those pending before the Authority for Advance Rulings under the Income-tax Act, 1961, before the notified date, shall stand transferred to the court before which it would have been filed had this Act been in force on the date of filing of such appeal or application or initiation of the proceeding, and the court may proceed to deal with such cases from the stage at which it stood before such transfer, or from any earlier stage, or *de novo*, as the court may deem fit.

(4) The balance of all monies received by, or advanced to, the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule and not spent by it before the notified date, shall, on and from the notified date, stand transferred to the Central Government.

(5) All property of whatever kind owned by, or vested in, the Tribunal, Appellate Tribunal or other Authorities specified in the Second Schedule before the notified date, shall stand transferred to, on and from the notified date, and shall vest in the Central Government.

34. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of three years from the notified date.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Ord. 2 of 2021.

35. (1) The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 is hereby repealed.

Repeal and saving.

37 of 1952.
14 of 1957.
52 of 1962.
39 of 1970.
55 of 1994.
47 of 1999.
48 of 1999.
53 of 2001.
13 of 2003.

(2) Notwithstanding such repeal, anything done or any action taken under the Cinematograph Act, 1952, the Copyright Act, 1957, the Customs Act, 1962, the Patents Act, 1970, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999, the Geographical Indications of Goods (Registration and Protection) Act, 1999, the Protection of Plant Varieties and Farmers' Rights Act, 2001 and the Control of National Highways (Land and Traffic) Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.

THE FIRST SCHEDULE

[See section 2(e)]

Sl. No.	Tribunal/Appellate Tribunal/Board/ Authority	Acts
(1)	(2)	(3)
1.	Industrial Tribunal constituted by the Central Government	The Industrial Disputes Act, 1947 (14 of 1947)
2.	Income-tax Appellate Tribunal	The Income-tax Act, 1961 (43 of 1961)
3.	Customs, Excise and Service Tax Appellate Tribunal	The Customs Act, 1962 (52 of 1962)
4.	Appellate Tribunal	The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976)
5.	Central Administrative Tribunal	The Administrative Tribunals Act, 1985 (13 of 1985)
6.	State Administrative Tribunals	The Administrative Tribunals Act, 1985 (13 of 1985)
7.	Railway Claims Tribunal	The Railway Claims Tribunal Act, 1987 (54 of 1987)
8.	Securities Appellate Tribunal	The Securities and Exchange Board of India Act, 1992 (15 of 1992)
9.	Debts Recovery Tribunal	The Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993)
10.	Debts Recovery Appellate Tribunal	The Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993)
11.	Telecom Disputes Settlement and Appellate Tribunal	The Telecom Regulatory Authority of India Act, 1997 (24 of 1997)
12.	National Company Law Appellate Tribunal	The Companies Act, 2013 (18 of 2013)
13.	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 2019 (35 of 2019)
14.	Appellate Tribunal for Electricity	The Electricity Act, 2003 (36 of 2003)
15.	Armed Forces Tribunal	The Armed Forces Act, 2007 (55 of 2007)
16.	National Green Tribunal	The National Green Tribunal Act, 2010 (19 of 2010).

THE SECOND SCHEDULE

(See section 33)

1. Appellate Tribunal under Cinematograph Act, 1952 (37 of 1952).
2. Authority for Advance Rulings under Income-tax Act, 1961 (43 of 1961).
3. Airport Appellate Tribunal under Airports Authority of India Act, 1994 (55 of 1994).
4. Intellectual Property Appellate Board under Trade Marks Act, 1999 (47 of 1999).
5. Plant Varieties Protection Appellate Tribunal under Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001).

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th August, 2021, and is hereby published for general information:—

THE TAXATION LAWS (AMENDMENT) ACT, 2021

No. 34 OF 2021

[13th August, 2021.]

An Act further to amend the Income-tax Act, 1961 and the Finance Act, 2012.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Taxation Laws (Amendment) Act, 2021.

Short title.

CHAPTER II

AMENDMENT TO THE INCOME-TAX ACT, 1961

43 of 1961.

2. In section 9 of the Income-tax Act, 1961, in sub-section (1), in clause (i), in *Explanation* 5, after the third proviso, the following provisos shall be inserted, namely:—

Amendment of section 9.

"Provided also that nothing contained in this *Explanation* shall apply to—

(i) an assessment or reassessment to be made under section 143, section 144, section 147 or section 153A or section 153C; or

(ii) an order to be passed enhancing the assessment or reducing a refund already made or otherwise increasing the liability of the assessee under section 154; or

(iii) an order to be passed deeming a person to be an assessee in default under sub-section (1) of section 201,

in respect of income accruing or arising through or from the transfer of an asset or a capital asset situate in India in consequence of the transfer of a share or interest in a company or entity registered or incorporated outside India made before the 28th day of May, 2012:

Provided also that where—

(i) an assessment or reassessment has been made under section 143, section 144, section 147 or section 153A or section 153C; or

(ii) an order has been passed enhancing the assessment or reducing a refund already made or otherwise increasing the liability of the assessee under section 154; or

(iii) an order has been passed deeming a person to be an assessee in default under sub-section (1) of section 201; or

(iv) an order has been passed imposing a penalty under Chapter XXI or under section 221,

in respect of income accruing or arising through or from the transfer of an asset or a capital asset situate in India in consequence of the transfer of a share or interest in a company or entity registered or incorporated outside India made before the 28th day of May, 2012 and the person in whose case such assessment or reassessment or order has been passed or made, as the case may be, fulfils the specified conditions, then, such assessment or reassessment or order, to the extent it relates to the said income, shall be deemed never to have been passed or made, as the case may be:

Provided also that where any amount becomes refundable to the person referred to in fifth proviso as a consequence of him fulfilling the specified conditions, then, such amount shall be refunded to him, but no interest under section 244A shall be paid on that amount.

Explanation.—For the purposes of fifth and sixth provisos, the specified conditions shall be as provided hereunder:—

(i) where the said person has filed any appeal before an appellate forum or any writ petition before the High Court or the Supreme Court against any order in respect of said income, he shall either withdraw or submit an undertaking to withdraw such appeal or writ petition, in such form and manner as may be prescribed;

(ii) where the said person has initiated any proceeding for arbitration, conciliation or mediation, or has given any notice thereof under any law for the time being in force or under any agreement entered into by India with any other country or territory outside India, whether for protection of investment or otherwise, he shall either withdraw or shall submit an undertaking to withdraw the claim, if any, in such proceedings or notice, in such form and manner as may be prescribed;

(iii) the said person shall furnish an undertaking, in such form and manner as may be prescribed, waiving his right, whether direct or indirect, to seek or pursue any remedy or any claim in relation to the said income which may otherwise be available to him under any law for the time being in force, in equity, under any

statute or under any agreement entered into by India with any country or territory outside India, whether for protection of investment or otherwise; and

(iv) such other conditions as may be prescribed.”.

CHAPTER III

AMENDMENT TO THE FINANCE ACT, 2012

23 of 2012.

3. In the Finance Act, 2012, in section 119, the following provisos shall be inserted, namely:—

Amendment
of section
119.

"Provided that this section shall cease to apply to the person who fulfils the following conditions, namely:—

(i) where such person has filed any appeal before an appellate forum or a writ petition before the High Court or the Supreme Court against any order in respect of said income, he shall, either withdraw or submit an undertaking to withdraw such appeal or writ petition, in such form and manner as may be prescribed;

(ii) where such person has initiated any proceeding for arbitration, conciliation or mediation, or has given any notice thereof under any law for the time being in force or under any agreement entered into by India with any other country or territory outside India, whether for protection of investment or otherwise, he shall either withdraw or submit an undertaking to withdraw the claim, if any, in such proceedings or notice, in such form and manner as may be prescribed;

(iii) such person shall furnish an undertaking, in such form and manner as may be prescribed, waiving his right, whether direct or indirect, to seek or pursue any remedy or any claim in relation to the said income which may otherwise be available to him under any law for the time being in force, in equity, under any statute or under any agreement entered into by India with any country or territory outside India, whether for protection of investment or otherwise; and

(iv) such other conditions as may be prescribed:

43 of 1961.

Provided further that if any amount becomes refundable under the Income-tax Act, 1961 to the person referred to in first proviso as a consequence of him fulfilling said conditions, such amount shall be refunded to him, but no interest under section 244A of the Income-tax Act, 1961 shall be paid on that amount.”.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th August, 2021/Sravana 28, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 17th August, 2021, and is hereby published for general information:—

THE APPROPRIATION (No. 3) ACT, 2021

No. 35 OF 2021

[17th August, 2021.]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 2018, in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 3) Act, 2021.
2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule, amounting in the aggregate to the sum of ninety-nine thousand six hundred ten crore thirty-one lakh and nine hundred rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2018, in excess of the amounts granted for those services and for that year.
3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 2018.

Short title.

Issue of
Rs. 99610,31,00,900
out of the
Consolidated
Fund of India
to meet certain
excess
expenditure for
the year ended
on the
31st March, 2018.

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3		
		Voted by Parliament	Charged on the Consolidated Fund	Total
	Civil Ministries	Rs.	Rs.	Rs.
20	Defence Services Revenue	3391,93,47,444	...	3391,93,47,444
21	Capital Outlay on Defence Services Capital	3552,71,69,143	204,34,99,597	3757,06,68,740
38	Repayment of Debt Capital	...	92333,69,22,874	92333,69,22,874
39	Pensions Revenue	127,61,61,842	...	127,61,61,842
	TOTAL :	7072,26,78,429	92538,04,22,471	99610,31,00,900

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 49] नई दिल्ली, बृहस्पतिवार, अगस्त 19, 2021/ श्रावण 28, 1943 (शक)
No. 49] NEW DELHI, THURSDAY, AUGUST 19, 2021/SRAVANA 28, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th August, 2021/ Sravana 28, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 17th August, 2021, and is hereby published for general information:—

THE APPROPRIATION (No. 4) ACT, 2021

No. 36 OF 2021

[17th August, 2021.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2021-22.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 4) Act, 2021. Short title.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one lakh eighty-seven thousand two hundred two crore and forty-one lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2021-22 in respect of the services specified in column 2 of the Schedule. Issue of Rs.187202,41,00,000 out of the Consolidated Fund of India for the financial year 2021-22.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
3	Atomic Energy Capital	600,00,00,000	..	600,00,00,000
4	Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) Revenue	2,00,000	..	2,00,000
6	Department of Fertilizers Revenue	1,00,000	..	1,00,000
7	Department of Pharmaceuticals Revenue	1083,21,00,000	..	1083,21,00,000
	Capital	139,00,00,000	..	139,00,00,000
8	Ministry of Civil Aviation Revenue	178,24,00,000	..	178,24,00,000
	Capital	1872,00,00,000	..	1872,00,00,000
9	Ministry of Coal Revenue	1,00,000	..	1,00,000
10	Department of Commerce Revenue	4,00,000	50,00,000	54,00,000
	Capital	1,00,000	..	1,00,000
15	Department of Food and Public Distribution Revenue	1100,00,00,000	..	1100,00,00,000
17	Ministry of Culture Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
18	Ministry of Defence (Civil) Revenue	..	1,52,00,000	1,52,00,000
20	Capital Outlay on Defence Services Capital	1,00,000	..	1,00,000
24	Department of School Education and Literacy Revenue	4,00,000	..	4,00,000
25	Department of Higher Education Revenue	3,00,000	..	3,00,000
27	Ministry of Environment, Forests and Climate Change Revenue	1,00,000	..	1,00,000
28	Ministry of External Affairs Revenue	370,00,00,000	..	370,00,00,000
29	Department of Economic Affairs Revenue	1,00,000	..	1,00,000
	Capital	2641,67,00,000	..	2641,67,00,000
31	Department of Financial Services Revenue	1750,00,00,000	..	1750,00,00,000
34	Direct Taxes Capital	1,00,000	..	1,00,000
35	Indirect Taxes Revenue	2,00,000	..	2,00,000
40	Transfers to States Revenue	..	1,00,000	1,00,000
	Capital	158999,99,00,000	..	158999,99,00,000
42	Department of Animal Husbandry and Dairying Revenue	3,00,000	..	3,00,000
43	Ministry of Food Processing Industries Revenue	1,00,000	..	1,00,000
44	Department of Health and Family Welfare Revenue	15917,89,00,000	..	15917,89,00,000
	Capital	545,66,00,000	..	545,66,00,000
45	Department of Health Research Revenue	526,28,00,000	..	526,28,00,000
46	Department of Heavy Industry Revenue	1,00,000	..	1,00,000
	Capital	110,05,00,000	..	110,05,00,000
50	Police Revenue	2,00,000	..	2,00,000
	Capital	1,00,000	..	1,00,000
54	Ladakh Revenue	11,00,000	..	11,00,000
55	Lakshadweep Revenue	1,00,000	..	1,00,000
59	Ministry of Housing and Urban Affairs Capital	2,00,000	..	2,00,000
61	Department of Water Resources, River Development and Ganga Rejuvenation . Revenue	50,00,00,000	..	50,00,00,000
64	Law and Justice Revenue	23,25,00,000	..	23,25,00,000
67	Ministry of Micro, Small and Medium Enterprises Revenue	2,00,000	..	2,00,000
69	Ministry of Minority Affairs Revenue	1,00,000	..	1,00,000
73	Ministry of Personnel, Public Grievances and Pensions Revenue	2,00,000	..	2,00,000
75	Ministry of Petroleum and Natural Gas Revenue	1,00,000	..	1,00,000
77	Ministry of Ports, Shipping and Waterways Revenue	1,00,000	..	1,00,000
84	Ministry of Railways Capital	1,00,000	..	1,00,000
85	Ministry of Road Transport and Highways Capital	1,00,000	..	1,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
86	Department of Rural Development Revenue	2,00,000	..	2,00,000
87	Department of Land Resources Revenue	1,00,000	..	1,00,000
88	Department of Science and Technology Revenue	1,00,000	..	1,00,000
91	Ministry of Skill Development and Entrepreneurship Revenue	1,00,000	..	1,00,000
		10,01,00,000	..	10,01,00,000
92	Department of Social Justice and Empowerment Revenue	3,00,000	..	3,00,000
94	Department of Space Revenue	1,00,000	..	1,00,000
		1,00,000	..	1,00,000
95	Ministry of Statistics and Programme Implementation Revenue	1172,50,00,000	..	1172,50,00,000
97	Ministry of Textiles Revenue	2,00,000	..	2,00,000
		66,21,00,000	..	66,21,00,000
100	Ministry of Women and Child Development Revenue	2,00,000	..	2,00,000
101	Ministry of Youth Affairs and Sports Revenue	43,72,00,000	..	43,72,00,000
		1,00,000	..	1,00,000
	TOTAL :	187200,38,00,000	2,03,00,000	187202,41,00,000

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 50] नई दिल्ली, बृहस्पतिवार, अगस्त 19, 2021/ श्रावण 28, 1943 (शक)
No. 50] NEW DELHI, THURSDAY, AUGUST 19, 2021/SRAVANA 28, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th August, 2021/Sravana 28, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th August, 2021, and is hereby published for general information:—

THE GENERAL INSURANCE BUSINESS (NATIONALISATION) AMENDMENT ACT, 2021

No. 37 OF 2021

[18th August, 2021.]

An Act further to amend the General Insurance Business (Nationalisation) Act, 1972.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the General Insurance Business (Nationalisation) Amendment Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Explanation 2.—For the removal of doubts, it is hereby clarified that—

(i) the provisions of this section shall also apply to any rule, scheme, direction or notification made under this Act before the cessation of applicability;

(ii) the cessation of applicability shall not revive anything that was not already in force or in existence under this Act or affect anything previously done or suffered under this Act;

(iii) the board of directors of the specified insurer shall exercise the powers referred to in sub-section (2), subject to any requirement under any law for the time being in force.!

6. After section 31 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
31A.

'31A. A director of a specified insurer who is not its whole-time director shall be held liable only in respect of such acts of omission or commission of the specified insurer which had been committed with his knowledge, attributable through board processes, and with his consent or connivance or where he had not acted diligently.

Liability of
director of
specified
insurer.

Explanation.—For the purposes of this section, the reference to "board" shall include committees of the board.!

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 3222]

नई दिल्ली, शुक्रवार, अगस्त 27, 2021/भाद्र 5, 1943

No. 3222]

NEW DELHI, FRIDAY, AUGUST 27, 2021/BHADRA 5, 1943

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

अधिसूचना

नई दिल्ली, 27 अगस्त, 2021

का.आ. 3512(अ).—केन्द्रीय सरकार, साधारण बीमा कारबार (राष्ट्रीयकरण) संशोधन अधिनियम, 2021 (2021 का 37) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 27 अगस्त, 2021 को उक्त अधिनियम के प्रावधान प्रवृत्त होने की तारीख के रूप में नियत करती है।

[ई फा. सं. 12018/04/2021-बीमा-II]

सौरभ मिश्रा, संयुक्त सचिव

MINISTRY OF FINANCE
(Department of Financial Services)

NOTIFICATION

New Delhi, the 27th August, 2021

S.O. 3512(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the General Insurance Business (Nationalisation) Amendment Act, 2021 (37 of 2021), the Central Government hereby appoints the 27th day of August, 2021 as the date on which the provisions of the said Act shall come into force.

[e F. No. 12018/04/2021-Ins. II]

SAURABH MISHRA, Jt. Secy.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 51] नई दिल्ली, बृहस्पतिवार, अगस्त 19, 2021/ श्रावण 28, 1943 (शक)
No. 51] NEW DELHI, THURSDAY, AUGUST 19, 2021/SRAVANA 28, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th August, 2021/ Sravana 28, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th August, 2021, and is hereby published for general information:—

THE NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE (AMENDMENT) ACT, 2021

No. 38 OF 2021

[18th August, 2021.]

An Act to amend the National Commission for Indian System of Medicine Act, 2020.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Indian System of Medicine (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force at once.

14 of 2020.

2. In section 58 of the National Commission for Indian System of Medicine Act, 2020, after sub-section (4), the following sub-section shall be inserted, namely:—

Amendment of section 58.

48 of 1970.

25 of 2020.

"(5) Notwithstanding the expiration of the period for reconstitution of the Central Council under section 3A of the Indian Medicine Central Council Act, 1970, as inserted by the Indian Medicine Central Council (Amendment) Act, 2020, all acts done by the Board of Governors constituted under sub-section (4) of that section and all the powers and functions of the Central Council exercised and performed by it under the

repealed Act, as amended by the Indian Medicine Central Council (Amendment) Ordinance, 2021, immediately before the commencement of this Act, shall be deemed to have been done or taken under the provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act." Ord. 5 of 2021.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-19082021-229156
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 47] नई दिल्ली, बृहस्पतिवार, अगस्त 19, 2021/ श्रावण 28, 1943 (शक)
No. 47] NEW DELHI, THURSDAY, AUGUST 19, 2021/SRAVANA 28, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th August, 2021/ Sravana 28, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th August, 2021, and is hereby published for general information:—

THE NATIONAL COMMISSION FOR HOMOEOPATHY (AMENDMENT) ACT, 2021

No. 39 OF 2021

[18th August, 2021.]

An Act to amend the National Commission for Homoeopathy Act, 2020.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Homoeopathy (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force at once.

15 of 2020.

2. In section 58 of the National Commission for Homoeopathy Act, 2020, after sub-section (4), the following sub-section shall be inserted, namely:—

Amendment of section 58.

59 of 1973.

23 of 2018.

"(5) Notwithstanding the expiration of the period for reconstitution of the Central Council under section 3A of the Homoeopathy Central Council Act, 1973, as inserted by the Homoeopathy Central Council (Amendment) Act, 2018, all acts done by the Board of Governors constituted under sub-section (4) of that section and all the powers and functions of the Central Council exercised and performed by it under the

repealed Act, as amended by the Homoeopathy Central Council (Amendment) Ordinance, 2021, immediately before the commencement of this Act, shall be deemed to have been done or taken under the provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act." Ord. 6 of 2021.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th August, 2021/Sravana 28, 1943 (Saka)

CORRIGENDUM

In the Tribunals Reforms Act, 2021 (33 of 2021), published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 13th August, 2021, Issue No. 45,—

Throughout the Act, *for* “the Tribunal Reforms Act, 2021”, *read* “the Tribunals Reforms Act, 2021”.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 57] नई दिल्ली, बुधवार, दिसम्बर 1, 2021/अग्रहायण 10, 1943 (शक)
No. 57] NEW DELHI, WEDNESDAY, DECEMBER 1, 2021/AGRAHAYANA 10, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 1st December, 2021/Agrahayana 10, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 30th November, 2021, and is hereby published for general information:—

THE FARM LAWS REPEAL ACT, 2021

No. 40 OF 2021

[30th November, 2021.]

An Act to repeal the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, the Essential Commodities (Amendment) Act, 2020 and to amend the Essential Commodities Act, 1955.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. This Act may be called the Farm Laws Repeal Act, 2021.

Short title.

2. The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 and the Essential Commodities (Amendment) Act, 2020 are hereby repealed.

Repeal of Acts
20 of 2020, 21
of 2020 and 22
of 2020.

Amendment
of Act 10 of
1955.

3. In section 3 of the Essential Commodities Act, 1955, sub-section (IA) shall be omitted.

DR. REETA VASISHTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-14122021-231858
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 58] नई दिल्ली, मंगलवार, दिसम्बर 14, 2021/ अग्रहायण 23, 1943 (शक)
No. 58] NEW DELHI, TUESDAY, DECEMBER 14, 2021/AGRAHAYANA 23, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 14th December, 2021/Agrahayana 23, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 13th December, 2021, and is hereby published for general information:—

THE DAM SAFETY ACT, 2021

No. 41 OF 2021

[13th December, 2021.]

An Act to provide for surveillance, inspection, operation and maintenance of the specified dam for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Dam Safety Act, 2021.

(2) It extends to the whole of India.

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

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of uniform dam safety procedure for specified dam to the extent hereinafter provided.

Short title,
extent and
commencement.

Declaration as
to expediency
of Union
control.

- Application. **3.** Save as provided under this Act, it applies to the owner of every specified dam,—
- (a) being a public sector undertaking or institution or a body owned or controlled by the Central Government or a State Government or jointly by one or more Governments, as the case may be; and
- (b) being an undertaking or company or institution or a body other than those owned or controlled by the State Government or the Central Government, as the case may be.
- Definitions. **4.** In this Act, unless the context otherwise requires,—
- (a) “alteration of dam” means alterations or repairs as may directly affect the safety of the dam or reservoir;
- (b) “annual report” means a report giving the activities of the Authority and the State Dam Safety Organisation and the safety status of the specified dams falling under their jurisdiction during each financial year;
- (c) “appurtenant structure” means the structure being—
- (i) spillways, either in the dam or separate therefrom;
- (ii) low level outlet structure and water conduits such as tunnels, pipelines or penstocks, either through the dam or its abutments or reservoir rim;
- (iii) hydro-mechanical equipment including gate, valve, hoist, elevators;
- (iv) energy dissipation and river training structure; and
- (v) other associated structures acting integrally with the dam or its reservoir or reservoir rim;
- (d) “Authority” means the National Dam Safety Authority established under section 8;
- (e) “dam” means any artificial barrier and its appurtenant structure constructed across rivers or tributaries thereof with a view to impound or divert water which also include barrage, weir and similar water impounding structures but does not include—
- (a) canal, aquaduct, navigation channel and similar water conveyance structures;
- (b) flood embankment, dike, guide bund and similar flow regulation structures;
- (f) “dam failure” means any failure of the structure or operation of a dam which leads to uncontrolled flow of impounded water resulting in downstream flooding, affecting the life and property of the people and the environment including flora, fauna and riverine ecology.
- Explanation.*—For the purposes of this clause, failure in the operation shall mean such faulty operations of the dam which are inconsistent with the operation and maintenance manual;
- (g) “dam incident” means all such problems occurring to a dam that have not degraded into a dam failure, and includes—
- (i) any structural damage to the dam and the appurtenant structure;
- (ii) any unusual reading of any instrument in the dam;
- (iii) any unusual seepage or leakage through the dam body;
- (iv) any unusual change in the seepage or leakage regime;
- (v) any boiling or artesian condition noticed below the dam;

(vi) any sudden stoppage or unusual reduction in seepage or leakage from the foundation or body of the dam or any of its galleries;

(vii) any malfunction or inappropriate operation of gates;

(viii) occurrence of flood, the peak of which exceeds the available flood discharge capacity of the dam or seventy per cent. of the approved design flood;

(ix) occurrence of flood, which resulted in encroachment on the available freeboard, or the approved design freeboard;

(x) any unusual erosion in the near vicinity up to five hundred metres downstream of the spillway or waste-weir; and

(xi) any other occurrence which a prudent dam engineer may relate to dam safety concerns;

(h) “dam safety unit” means a dam safety unit of any specified dam referred to in section 30;

(i) “distress condition” means the occurrence or potential development of such conditions in the dam or appurtenance structure or its reservoir or reservoir rim, which if left unattended to, may impede the safe operation of dam for its intended benefits or may pose serious risks to the life and property of people and the environment including flora, fauna and riverine ecology;

(j) “documentation” means all permanent records including electronic records concerning investigation, design, construction, operation, performance, maintenance, major repair, alteration, enlargement and safety of dams and includes design memorandum, construction drawings, geological reports, reports of specialised studies simulating structural and hydraulic response of the dam, changes made in design and drawings, quality control records, emergency action plan, operation and maintenance manual, instrumentation readings, inspection and testing reports, operational reports, and dam safety review reports and other similar reports;

(k) “enlargement of dam” means any change in the scope of an existing dam or reservoir, which raises water storage elevation or increases the volume of water impounded by the dam;

(l) “Government” means the Central Government or a State Government, as the case may be;

(m) “inspection” means on-site examination of any component of a dam and its appurtenant structure;

(n) “investigation” means collection of evidence, detailed examination, analysis or scrutiny of a specific problem pertaining to the dam and its appurtenant or a part thereof and includes laboratory testing, in-situ testing, geological exploration, model testing and mathematical simulation of the problem;

(o) “National Committee” means the National Committee on Dam Safety constituted under section 5;

(p) “notification” means a notification published in the Official Gazette and the term “notify” shall be construed accordingly;

(q) “operation of dam” means elements of the use, control and functioning of the dam which may primarily affect the storage, release of water and the structural safety of the dam;

(r) “operation and maintenance manual” means the written instructions that provide operation procedures, maintenance procedures, emergency procedures and any other features necessary for the safe operation of dam;

(s) “owner of specified dam” means the Central Government or a State Government or jointly by one or more Governments or public sector undertaking or local authority or company and any or all of such persons or organisations, who own, control, operate, or maintain a specified dam;

(t) “prescribed” means prescribed by rules made by the Central Government or, as the case may be, by the State Government;

(u) “regulations” means the regulations made by the Authority under this Act;

(v) “remedial measures” means such structural or non-structural measures, as may be required in relation to the specified dam or appurtenant structure or reservoir or reservoir rim or catchment area of reservoir for the purpose of removing or mitigating the distress condition of the specified dam;

(w) “reservoir” in relation to a dam shall mean any spread of water impounded by a specified dam;

(x) “specified dam” means a dam constructed before or after the commencement of this Act, which is,—

(i) above fifteen metres in height, measured from the lowest portion of the general foundation area to the top of dam; or

(ii) between ten metres to fifteen metres in height and satisfies at least one of the following, namely:—

(A) the length of crest is not less than five hundred metres; or

(B) the capacity of the reservoir formed by the dam is not less than one million cubic metres; or

(C) the maximum flood discharge dealt with by the dam is not less than two thousand cubic metres per second; or

(D) the dam has specially difficult foundation problems; or

(E) the dam is of unusual design;

(y) “State Committee” means the State Committee on Dam Safety constituted under sub-section (1) of section 11;

(z) “State Dam Safety Organisation” means the State Dam Safety Organisation established under section 14; and

(za) “vulnerability and hazard classification” means the system or systems of classifying dams on the basis of their condition, location, damage or hazard potential.

CHAPTER II

NATIONAL COMMITTEE ON DAM SAFETY

Constitution
of National
Committee.

5. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, a National Committee to be known as the National Committee on Dam Safety consisting of the following members, namely:—

(a) the Chairman, Central Water Commission—Chairperson, *ex officio*;

(b) not exceeding ten representatives of the Central Government not below the rank of Joint Secretary to that Government or equivalent dealing with matters relating to dam engineering or dam safety, nominated by the Central Government—Members, *ex officio*;

(c) not exceeding seven representatives of the State Governments of the level of Engineer-in-Chief or equivalent by rotation, nominated by the Central Government—Members, *ex officio*; and

(d) not exceeding three specialists in the field of dam safety and allied fields nominated by the Central Government—Members.

(2) The National Committee shall be constituted within a period of sixty days from the date of commencement of this Act, and shall be reconstituted for every three years thereafter.

6. (1) The National Committee shall discharge such functions as specified in the First Schedule as may be necessary to prevent dam failure related disasters and to maintain standards of dam safety.

Functions of
National
Committee.

(2) The National Committee may, in discharge of its functions, constitute such sub-committees as it may consider necessary to assist it and the secretarial assistance to the National Committee and the sub-committees shall be provided by the Authority.

(3) The knowledge and information collected or generated by the National Committee shall be disseminated to all stakeholders by the Authority.

7. (1) The National Committee shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed by the Central Government:

Meetings of
National
Committee.

Provided that the National Committee shall meet twice in a year and one meeting shall be held before the onset of the monsoon season.

(2) The National Committee may invite the representative of the owner of any specified dam and such other experts in dam safety (including international experts) as it may consider appropriate for the discharge of its functions.

(3) The expenditure incurred on the National Committee shall be in such manner as may be prescribed by the Central Government.

CHAPTER III

NATIONAL DAM SAFETY AUTHORITY

8. (1) With effect from such date as the Central Government may by notification, appoint, there shall be established for the purposes of this Act, a National Dam Safety Authority, within a period of sixty days from the date of commencement of this Act.

Establishment
of National
Dam Safety
Authority.

(2) The Authority shall be headed by an officer not below the rank of Additional Secretary to the Government of India or equivalent to be appointed by the Central Government who have knowledge of, and adequate qualification, experience and capacity in, dealing with problems relating to the dam engineering and dam safety management.

(3) The headquarters of the Authority shall be at the National Capital territory of Delhi and the Authority may establish offices at other places in India.

(4) The Authority shall comply with such directions as may, from time to time, be given to it by the Central Government.

9. (1) The Authority shall discharge such functions as specified in the Second Schedule as may be necessary to implement the policy, guidelines and standards evolved by the National Committee for proper surveillance, inspection and maintenance of specified dams and for such purposes, it shall have the power to enforce the attendance of any person and call for any information as may be necessary.

Functions of
Authority.

(2) Without prejudice to the provisions contained in sub-section (1), the Authority shall make all endeavours to resolve any issue between the State Dam Safety Organisations of States or between a State Dam Safety Organisation and any owner of a specified dam in that State.

(3) Every decision of the Authority taken in respect of matters under this Act shall be final and binding upon all the parties to the issue.

Officers and
Employees of
Authority.

10. (1) The Central Government shall, for the purpose of enabling the Authority to perform functions under this Act, provide such number of officers and other employees as it may consider necessary:

Provided that the officers and other employees shall have such qualifications and experience in the field of dam safety including dam-design, hydro-mechanical engineering, hydrology, geo-technical investigation, instrumentation, dam-rehabilitation or such other fields as may be prescribed by the Central Government.

(2) The functions, powers, terms and conditions of service of the officers and other employees appointed under sub-section (1) shall be such as may be prescribed by the Central Government.

CHAPTER IV

STATE COMMITTEE ON DAM SAFETY

Constitution
of State
Committee
on Dam
Safety.

11. (1) With effect from such date as the State Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, a State Committee on Dam Safety consisting of the following members, namely:—

(a) the Engineer-in-Chief or equivalent officer of the Department of the State responsible for Dam Safety—Chairperson, *ex officio*;

(b) technical and scientific officers of the rank of Chief Engineer, not exceeding six persons, from such Departments as may be decided by the State Government or from such other organisations owing specified dams—Members;

(c) the Chief Engineer or equivalent level officer of each such upstream States in cases where reservoir area of any of the specified dam of the State extends to another State—Members;

(d) the Chief Engineer or equivalent level officer of each such downstream State in cases where flood release of any of the specified dam of the State flows to a neighbouring State—Members;

(e) one representative of the Central Water Commission not below the rank of Director to be nominated by the Chairman, Central Water Commission—Member;

(f) experts in the field of hydrology or dam designs, not exceeding three, from engineering institutes—Members; and

(g) one representative of the Central Electricity Authority not below the rank of Director to be nominated by the Chairman, Central Electricity Authority—Member.

(2) The State Committee shall be constituted within a period of hundred and eighty days from the date of commencement of this Act, and reconstituted for every three years thereafter.

Functions of
State
Committee.

12. (1) The State Committee shall discharge such functions as specified in the Third Schedule as may be necessary to prevent dam failure related disasters under this Act as per guidelines, standards and other directions on dam safety issued by the Authority.

(2) The State Committee, in discharge of its functions, shall be assisted by such sub-committees as it may consider necessary, and the secretarial assistance to the State Committee as well as its sub-committees shall be provided by the concerned State Dam Safety Organisation.

Meetings of
State
Committee.

13. (1) The State Committee shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government:

Provided that the State Committee shall meet twice in a year and one meeting shall be held before the onset of the monsoon season.

(2) The State Committee may invite the representative of the owner of any specified dam and such other experts in Dam Safety as it may consider appropriate, for the discharge of its functions.

(3) The expenditure incurred on the meetings of the State Committee shall be in the manner as may be prescribed by the State Government.

(4) The specialist members and other expert invitees who attend the meetings of the State Committee or its sub-committees shall be paid such fees and allowances as may be prescribed by the State Government.

CHAPTER V

STATE DAM SAFETY ORGANISATION

14. (1) The State Government shall, for the purposes of this Act, by notification, establish in the Department dealing with dam safety, a separate organisation, to be known as the State Dam Safety Organisation, within a period of hundred and eighty days from the date of commencement of this Act: Establishment of State Dam Safety Organisation.

Provided that in States having more than thirty specified dams, the State Dam Safety Organisation shall be headed by an officer not below the rank of Chief Engineer or equivalent, and in all other cases, the State Dam Safety Organisation shall be headed by an officer not below the rank of Superintendent Engineer or equivalent.

(2) The State Dam Safety Organisation shall be responsible to, and report to, the technical head of the Department dealing with Dam Safety.

(3) The organisational structure and work procedures of the State Dam Safety Organisation shall be such as may be prescribed by the State Government.

(4) The administrative and other expenses of the State Dam Safety Organisation shall be borne by the respective State Government.

15. (1) The State Government shall, having regard to the number of specified dams in that State, provide such number of officers and employees to the State Dam Safety Organisation as it may consider necessary for the efficient functioning of the said Organisation: Officers and employees of State Dam Safety Organisation.

Provided that the officers and employees shall have such qualifications and experience in the field of dam safety including dam-design, hydro-mechanical engineering, hydrology, geo-technical investigation, instrumentation, dam-rehabilitation or such other field as may be prescribed by the State Government.

(2) The functions and powers of the officers and employees appointed under sub-section (1) shall be such as may be prescribed by the State Government.

CHAPTER VI

DUTIES AND FUNCTIONS IN RELATION TO DAM SAFETY

16. (1) Every State Dam Safety Organisation shall,—

- (a) keep perpetual surveillance;
- (b) carry out inspections; and
- (c) monitor the operation and maintenance,

of all specified dams falling under their jurisdiction to ensure continued safety of such specified dams and take such measures as may be necessary to address safety concerns that are noticed with a view to achieve satisfactory level of dam safety assurance as per such guidelines, standards and other directions on dam safety as may be specified by the regulations.

(2) The State Dam Safety Organisation, for the purpose of enabling it to make decisions compatible with public safety, shall make or cause to be made such investigations and shall

Surveillance and inspection.

gather or cause to be gathered such data as may be required for proper review and study of the various features of the design, construction, repair and enlargement of dams, reservoirs and appurtenant structures under their jurisdiction.

Vulnerability and hazard classification of dams.

17. The State Dam Safety Organisation shall classify each dam under their jurisdiction as per such vulnerability and hazard classification criteria as may be specified by the regulations.

Maintenance of log books.

18. (1) Every State Dam Safety Organisation shall maintain a log book or database for each specified dam under their jurisdiction recording therein all activities related to the surveillance and inspection and all important events related to dam safety and with such details and in such form as may be specified by the regulations.

(2) Every State Dam Safety Organisation shall furnish all such information to the Authority as and when required by them.

Records of dam failures and dam incidents.

19. (1) Every State Dam Safety Organisation shall report the event of any dam failure under their jurisdiction to the Authority, and furnish any information as and when required by them.

(2) Every State Dam Safety Organisation shall maintain the records of major dam incidents of each specified dams under their jurisdiction, and furnish all such information to the Authority as and when required by them.

Instructions on safety of specified dams.

20. (1) Every State Dam Safety Organisation shall render its instructions to the owner of a specified dam on the safety or the remedial measures required to be taken with respect to it.

(2) Every owner of the specified dam shall comply with the instructions issued by the State Dam Safety Organisation with regard to safety or remedial measures in relation to any specified dam owned by it.

Funds for maintenance and repairs.

21. Every owner of the specified dam shall earmark sufficient and specific funds for maintenance and repairs of the specified dam and to implement the recommendations of the State Dam Safety Organisation.

Technical documentation.

22. (1) Every owner of the specified dam shall compile all technical documentations concerning hydrology, dam foundation, structural engineering of dam, watershed upstream of dam, and nature or use of land downstream of dam along with information on all resources or facilities of economic, logistic or environmental importance which are likely to be affected due to dam failure.

(2) Every owner of the specified dam shall furnish all such information to the State Dam Safety Organisation and the Authority as and when required by them.

(3) Every owner of the specified dam shall equip its organisation with the state-of-the-art information technology tools to store, retrieve, and distribute the data related to the dam safety and dam performance.

Qualifications and experience of individuals responsible for safety of specified dams.

23. Every individual responsible for safety of specified dams and all activities related thereto shall possess such qualifications and experience and shall undergo such training as may be specified by the regulations.

Jurisdiction of State Dam Safety Organisation and Authority.

24. (1) Without prejudice to the provisions of this Act, all specified dams, shall fall under the jurisdiction of the State Dam Safety Organisation of the State in which such dam is situated in matters relating to dam inspections, analysis of information, investigation reports or recommendations regarding safety status, and remedial measures to be undertaken

to improve dam safety; and in all such matters, full co-operation shall be extended by the owner of the specified dam:

Provided that where a specified dam is owned by a Central Public Sector Undertaking or where a specified dam is extended over two or more States, or where the specified dam in one State is owned by another State, then the Authority shall be construed as the State Dam Safety Organisation for the purposes of this Act:

Provided further that in all such dams where the Authority takes up the role of State Dam Safety Organisation, the Governments of the States within the jurisdiction of which such dams are located shall have access to all information relating to these specified dams as available with the Authority.

(2) The authorised representative of the Authority or concerned State Dam Safety Organisation for the purposes of making any inspection or investigation necessary for the implementation of the provisions of this Act, may enter upon any part of the specified dam or its site as and when required and apply such investigation methods, as may be considered necessary.

(3) After making inspection or investigation under sub-section (2), the representative referred to in that sub-section is of the opinion that certain remedial measures are required to be taken, he shall report such remedial measures to the officer-in-charge of such specified dam and to the concerned State Dam Safety Organisation.

(4) The Authority and concerned State Dam Safety Organisation, in cases of specified dams being found to be distressed on account of their age, degeneration, degradation, structural or other impediments, shall suggest such remedial measures on such operational parameters (including maximum reservoir level, maximum spillway discharge and maximum discharges through other outlets) as it may consider necessary.

(5) Nothing contained in sub-sections (1), (2), (3) and (4) shall absolve the owner of specified dam or any other authority or person from any of the responsibilities or obligations entrusted upon it under the provisions of this Act and the provisions of sub-sections (1), (2), (3) and (4) shall be in addition to, and not in derogation of, any other provision of this Act.

25. All the costs to be incurred by the Authority or State Dam Safety Organisation on any form of investigation done including payment given to any consultant or expert, shall be borne by the owner of the specified dam. Cost of investigation.

26. (1) Any construction or alteration of a specified dam shall be undertaken subject to investigation, design and construction being done by such agencies as may be accredited by the Authority or the State Government, as the case may be: Construction or alteration of dams.

Provided that the Authority may disqualify any agency which violates any of the provisions of this Act or the rules or regulations made thereunder.

(2) Every agency referred to in sub-section (1) shall, for the purpose of designing or evaluating the safety of the specified dam, make use of the relevant standard codes and guidelines of the Bureau of Indian Standards, and furnish the reasons, if any departure is made in the design or dam safety evaluation.

(3) Every agency referred to in sub-section (1) shall for the purpose of investigation, design and construction employ such qualified, experienced and competent engineers, as may be specified by the regulations.

(4) Every agency referred to in sub-section (1) shall for the purpose of approval of dam design demonstrate the safety of the design, operational parameters and policies as per the provisions of relevant codes and guidelines to the Central Government or the State Government, as the case may be.

(5) Every agency referred to in sub-section (1) shall, for the purpose of dam construction, undertake such quality control measures, as may be specified by the regulations.

(6) The construction of any specified dam or the alteration or enlargement of any existing specified dam shall be undertaken with the approval of such competent authority, as may be specified by notification by the Central Government or the State Government, as the case may be.

Initial filling
of reservoirs.

27. (1) Before initial filling of any reservoir of a specified dam, the agency responsible for its design shall draw the filling criteria and prepare an initial filling plan, with adequate time for monitoring and evaluating the performance of the dam and its appurtenant structures.

(2) Before initial filling of the reservoir is taken up, the State Dam Safety Organisation shall inspect or cause to be inspected the specified dam either through its own engineers or by an independent panel of experts, who shall also examine the initial filling programme and prepare a detailed report thereof duly certifying the fitness of dam for filling.

Operation and
maintenance.

28. (1) Every owner of the specified dam shall provide operation and maintenance establishment for the specified dam, and shall ensure that sufficient number of trained operation and maintenance engineers or technical persons are posted at each such dam.

(2) Every owner of the specified dam shall ensure that a well-documented operation and maintenance manual is kept at each of the specified dams and are followed at all times.

Responsibility
of owner of
specified dam.

29. Nothing contained in this Act shall be construed to absolve an owner of a specified dam of the duties, obligations or liabilities incidental to the construction, operation, maintenance and supervision of the dam or reservoir.

CHAPTER VII

SAFETY, INSPECTION AND DATA COLLECTION

Dam safety
unit.

30. For each specified dam, the owner shall, within the operation and maintenance establishment, provide a dam safety unit consisting of such competent levels of engineers as may be specified by the regulations.

Inspection.

31. (1) Every owner of a specified dam shall undertake every year, through their dam safety unit, a pre-monsoon and post-monsoon inspections in respect of each such dam.

(2) Without prejudice to sub-section (1), every owner of a specified dam shall inspect or cause to be inspected every specified dam by the dam safety unit, during and after every flood, earthquake or any other natural or man-made calamities, or if any sign of distress or unusual behaviour is noticed in the dam.

(3) Every owner of a specified dam shall,—

(a) carry out all inspections referred to in sub-section (1) and sub-section (2) in accordance with the guidelines and check-lists as may be specified by the regulations;

(b) station, at each of the specified dam site throughout the monsoon period, such engineers and other technical personnel, as may be decided, in consultation with the State Dam Safety Organisation:

Provided that the engineers and other technical personnel shall be required to be stationed at their respective dam sites during entire period of emergency following any other natural or man-made calamity that may create distress conditions in the dam; and

(c) forward the inspection report by the dam safety unit to the State Dam Safety Organisation, which shall analyse the report and submit comments on the deficiency and remedial measures, if any, to the owner of the specified dam.

Instrumentations
to be installed
in every
specified dam.

32. (1) Every owner of a specified dam shall have a minimum number of such instrumentations at each specified dam, and installed in such manner as may be specified by the regulations for monitoring the performance of such dam.

(2) Every owner of the specified dam shall maintain a record of readings of the instrumentations referred to in sub-section (1) and forward the analysis of such readings to the State Dam Safety Organisation, in the form, manner and at such interval as may be specified by the regulations.

33. (1) Every owner of a specified dam shall establish a hydro-meteorological station in the vicinity of each specified dam capable of recording such data as may be specified by the regulations.

Establishment of hydro-meteorological station.

(2) Every owner of the specified dam shall collect, compile, process and store data referred to in sub-section (1) at a suitable location.

34. (1) In the case of every specified dam, having a height of thirty metres or above or falling under such seismic zone, as may be specified by the regulations, the owner of the specified dam shall establish a seismological station in the vicinity of each such dam for recording micro and strong motion earthquakes and such other data as may be specified by the regulations.

Installations of seismological station.

(2) Every owner of a specified dam shall collect, compile, process and store data referred to in sub-section (1) at such suitable location and in such manner as may be specified by the regulations.

CHAPTER VIII

EMERGENCY ACTION PLAN AND DISASTER MANAGEMENT

35. (1) Every owner of a specified dam, in respect of each specified dam, shall,—

Obligation of owner of specified dam.

(a) establish well designed hydro-meteorological network and an inflow forecasting system;

(b) establish an emergency flood warning system for the probable flood affected areas downstream of the dam;

(c) test or cause to be tested periodically the functioning of systems referred to in clauses (a) and (b);

(d) install such scientific and technical instruments which are invented or adopted from time to time for the purpose of ensuring the dam safety and the life and property of people downstream;

(e) make available the information relating to maximum anticipated inflows and outflows including flood warning and an adverse impact of the same, if any, on persons and property towards the upstream or downstream of the dam, to the concerned district authorities and also make available the information in public domain; and

(f) render necessary assistance to the Authority in establishment and running of the early warning system for the exchange of real time hydrological and meteorological data and information related to the operation of reservoirs.

(2) Every owner of a specified dam, for each of its dam shall, carry out risk assessment studies at such interval as may be specified by the regulations and the first such study shall be made within five years from the date of commencement of this Act.

36. (1) Every owner of a specified dam, in respect of each of specified dam, shall,—

Emergency action plan.

(a) prepare emergency action plan before allowing the initial filling of the reservoir and thereafter update such plans at regular intervals;

(b) in respect of the dam which is constructed and filled before the commencement of this Act, prepare emergency action plan within five years from the date of commencement of this Act and thereafter update such plans at regular intervals as may be specified by the regulations.

(2) The emergency action plan referred to in sub-section (1) shall,—

(a) set out the procedures to be followed for the protection of persons and property upstream or downstream of the specified dam in the event of an actual or imminent dam failure or to mitigate the effects of the disaster;

(b) include therein,—

(i) the type of emergencies which are likely to occur in the operation of any reservoir;

(ii) identification of the likely catastrophic flood in the event of any dam failure, along with probable areas, population, structures and installations likely to be adversely affected due to flood water released from the reservoir;

(iii) warning procedures, inundation maps and advance preparations for handling efficiently and in the best possible manner the likely adverse situations especially to avoid loss of human life;

(iv) such other matters which may have regard to the geographical conditions, size of the dam and other relevant factors as may be necessary.

(3) The emergency action plan under this section shall be put into action as and when conditions arise which are hazardous or likely to be hazardous to a specified dam or potentially hazardous to public safety, infrastructure, other property or to the environment.

(4) Every owner of the specified dam shall, while preparing and updating the emergency action plan, undertake a consultation process with all disaster management agencies and other Departments of the State entrusted with disaster management and relief in the area likely to be affected and owners of other dams in the immediate vicinity likely to be affected, so as to bring coordination and transparency and allay any unwarranted fear on dam safety issues.

Assistance to other disaster management authorities.

37. Without prejudice to the provisions of this Act or liability of the owner of the specified dam and other organisations and authorities under this Act, every owner, organisation and authority shall render necessary assistance, if so required by any authority under any law for the time being in force to meet or mitigate any disaster or emergency arising out of the specified dams.

CHAPTER IX

COMPREHENSIVE DAM SAFETY EVALUATION

Comprehensive dam safety evaluation.

38. (1) The owner of a specified dam shall make or cause to be made comprehensive dam safety evaluation of each specified dam through an independent panel of experts constituted as per regulations for the purpose of determining the conditions of the specified dam and its reservoir:

Provided that the first comprehensive dam safety evaluation for each existing specified dam shall be conducted within five years from the date of commencement of this Act, and thereafter the comprehensive dam safety evaluation of each such dam shall be carried out at regular intervals as may be specified by the regulations.

(2) The comprehensive dam safety evaluation shall consist of, but not be limited to,—

(a) review and analysis of available data on the design, construction, operation, maintenance and performance of the structure;

(b) general assessment of hydrologic and hydraulic conditions with mandatory review of design floods as specified by the regulations;

(c) general assessment of seismic safety of specified dam with mandatory site specific seismic parameters study in certain cases as specified by the regulations;

- (d) evaluation of the operation, maintenance and inspection procedures; and
- (e) evaluation of any other conditions which constitute a hazard to the integrity of the structure.

39. The comprehensive dam safety evaluation referred to in section 38 shall be compulsory in the case of,—

Compulsory evaluation in certain cases.

- (a) major modification to the original structure or design criteria;
- (b) discovery of an unusual condition at the dam or reservoir rim; and
- (c) an extreme hydrological or seismic event.

40. (1) The owner of a specified dam shall report the results of the dam safety evaluation undertaken under section 38 or section 39 to the State Dam Safety Organisation.

Reports of comprehensive evaluation.

(2) The reports referred to in sub-section (1) shall include, but not be limited to,—

(a) assessment of the condition of the structure based on the visual observations and available data on the design, hydrology, construction, operation, maintenance and performance of the structure;

(b) recommendations for any emergency measures or actions, if required, to assure the immediate safety of the structure;

(c) recommendations for remedial measures and actions related to design, construction, operation, maintenance and inspection of the structure, if required;

(d) recommendations for additional detailed studies, investigations and analysis, if required; and

(e) recommendations for improvements in routine maintenance and inspection of dam, if required.

(3) Where the safety evaluations undertaken under section 38 or section 39, results in recommendations for a remedial action, the State Dam Safety Organisation shall pursue with the owner of the specified dam to ensure that remedial measures are carried out in time, for which the owner shall provide adequate funds.

(4) Where there is any unresolved matter emerging between an independent panel of experts referred to in sub section (1) of section 38 and the owner of the specified dam, the matter shall be referred to the State Dam Safety Organisation, and, in case no agreement is arrived at, the matter shall be referred to the Authority which shall render its advice and send recommendations to the State Government concerned for implementation.

CHAPTER X

OFFENCES AND PENALTIES

41. Whoever, without reasonable cause,—

Punishment for obstruction, etc.

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Committee or the Authority or the State Committee or the State Dam Safety Organisation in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Committee or the Authority or the State Committee or the State Dam Safety Organisation under this Act,

shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall be punishable with imprisonment for a term which may extend to two years.

Offences by
Departments
of
Government.

42. (1) Where an offence under this Act has been committed by a Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

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

Offence by
companies.

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

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

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

Explanation.—For the purpose of this section—

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

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

Cognizance
of offences.

44. (1) No court shall take cognizance of any offence punishable under this Act, except on a complaint made by the Central Government or the State Government or a person authorised in this behalf by the National Committee or the Authority or the State Committee or the State Dam Safety Organisation, as the case may be.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

CHAPTER XI

MISCELLANEOUS

Annual
report of
safety status
of specified
dam.

45. (1) Every State Dam Safety Organisation shall prepare annual report, within three months of the expiry of the preceding financial year, of its activities and safety status of specified dams in the State and such report shall be forwarded to the Authority and State Government and that Government shall cause the same to be laid before each House of the State Legislature, where it consists of two Houses or where such Legislature consists of one House, before that House.

(2) Every State Dam Safety Organisation and every owner of a specified dam shall provide to the Authority, documentation of the projects, report of enquiries into failure and any other data, as and when required in such format and in such manner as may be decided by the Authority.

(3) The Authority, shall prepare a consolidated annual report of the dam safety activities in the country and submit the same to the Central Government within six months of the

expiry of the preceding financial year and that Government shall cause the same to be laid before each House of Parliament.

(4) The Authority shall forward its annual report on the safety status of specified dams to the National Disaster Management Authority and also make available such report in public domain.

(5) The State Dam Safety Organisation of each State shall forward their annual report to the concerned State Disaster Management Authority and also make available such report in public domain.

46. Every owner of the dam other than specified dams shall undertake such measures as may be necessary to ensure dam safety and shall comply with such measures as may be specified by the regulations.

Safety measures in respect of dams other than specified dams.

47. Where a dam, including a dam created due to landslides or glacial moraine, is located outside the territory of India and the Authority *suo motu* or on receipt of information from any person or organisation or authority or source *prima facie* is of the opinion that measures are required to be taken to ensure safety of such dams and failure of which may endanger the life and property of people located in India, it shall in writing submit an intimation thereof to the Central Government indicating therein the likely damages which may arise due to failure of such dams and the safety measures required to be taken in respect of such dam and the Central Government shall take all suitable measures to mitigate any possible threat.

Safety measures in respect of dams located outside territory of India.

48. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

49. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the First Schedule, the Second Schedule or the Third Schedule and thereupon the Schedules, shall be deemed to have been amended accordingly.

Power to amend Schedules.

(2) A copy of every notification made under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made.

50. The Central Government may give such directions, as it may consider necessary, to the State Government where that Government is the owner of the specified dam and to the owner of a specified dam in any other case for the effective implementation of the provisions of this Act.

Power of Central Government to give directions.

51. No act or proceedings of the National Committee, the Authority and the State Committee shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

Vacancies, etc., not to invalidate proceedings of National Committee on Dam Safety Authority and State Committee on Dam Safety.

52. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power of Central Government to make rules.

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

(a) the time and place of the meetings of the National Committee and the procedure to be followed at such meetings under sub-section (1) of section 7 and the expenditure incurred on the meetings of the National Committee under sub-section (3) of section 7;

(b) the qualifications and experience of the officers and other employee of the Authority in the field of dam safety or such other field under sub-section (1) of section 10;

(c) the functions, powers, and terms and conditions of service of other officers and other employees of the Authority under sub-section (2) of section 10;

(d) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

Power of State Government to make rules.

53. (1) The State Government may, by notification, make rules to carry out the provisions of this Act.

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

(a) the times and places of the meetings of the State Committee and the procedure to be followed at such meetings under sub-section (1) of section 13;

(b) the expenditure incurred on the meetings of the State Committee under sub-section (3) of section 13;

(c) the fee and allowances paid to the specialist members or expert invitees of the State Committee or its sub-committees under sub-section (4) of section 13;

(d) the organisational structure and work procedure of State Dam Safety Organisation under sub-section (3) of section 14;

(e) the qualifications and experience of the officers and other employees of the State Dam Safety Organisation in the field of dam safety or such other field under sub-section (1) of section 15;

(f) the functions, powers, and terms and conditions of service of the employees of the State Dam Safety Organisation under sub-section (2) of section 15;

(g) the dam safety measures in respect of dams other than specified dams under section 46;

(h) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

(3) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature, where it consists of two Houses, or where such legislature consists of one House, before that House.

Power to make regulations by Authority.

54. (1) The Authority on the recommendations of the National Committee may make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

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

(a) the guidelines, standards and other directions for achieving the satisfactory level of dam safety assurance under sub-section (1) of section 16;

(b) the vulnerability and hazard classification criteria of specified dams under section 17;

(c) the details and form pertaining to the maintenance of log books or database under sub-section (1) of section 18;

(d) the qualifications, experience and training of the individuals responsible for safety of specified dams under section 23;

(e) the employment of competent engineers and their qualifications and experience for the purpose of investigation, design and construction of specified dams under sub-section (3) of section 26;

- (f) the quality control measures for the purpose of dam construction under sub-section (5) of section 26;
- (g) the level of competent engineers for the dam safety units under section 30;
- (h) the guidelines and check-lists for inspection of specified dams under clause (a) of sub-section (3) of section 31;
- (i) the minimum number of set of instrumentations in the specified dams and the manner of their installation under sub-section (1) of section 32;
- (j) the form, manner and time interval for forwarding the analysis of readings to the State Dam Safety Organisation under sub-section (2) of section 32;
- (k) the data requirements of hydro-meteorological stations in the vicinity of specified dams under sub-section (1) of section 33;
- (l) the data requirements of seismological stations in the vicinity of specified dams under sub-section (1) of section 34;
- (m) the suitable location and manner of collection, compliance, process and storage of data under sub-section (2) of section 34;
- (n) the time interval of risk assessment studies to be carried out under sub-section (2) of section 35;
- (o) time interval for updating the emergency action plan under clause (b) of sub-section (1) of section 36;
- (p) the time interval for the comprehensive safety evaluation of specified dams under sub-section (1) of section 38;
- (q) the mandatory review of design flood of existing specified dams under clause (b) of sub-section (2) of section 38;
- (r) the mandatory site specific seismic parameter studies of existing specified dams under clause (c) of sub-section (2) of section 38;
- (s) the measures necessary to ensure dam safety by every owner of dam other than specified dams under section 46;
- (t) any other matter which is to be specified or in respect of which provision is to be made by the Authority.

55. Every rule and every regulation made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before Parliament.

56. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

THE FIRST SCHEDULE

[See section 6(1)]

FUNCTIONS OF NATIONAL COMMITTEE ON DAM SAFETY

1. For the purposes of maintaining standards of dam safety and prevention of dam failure related disasters, evolve dam safety policies and recommend necessary regulations as may be required;
2. act as a forum for exchange of views on techniques to be adopted for remedial measures to relieve distress conditions in specified dams and appurtenant structures;
3. analyse the causes of major dam incidents and dam failures and suggest changes in the planning, specifications, construction, operation and maintenance practices in order to avoid recurrence of such incidents and failures;
4. evolve comprehensive dam safety management approach as an integration of dam safety evaluation, risk assessment and risk management for the desired level of safety assurance; and also explore compensations, by means of insurance coverage for the people affected by dam failures;
5. render advice on any specific matter relating to dam safety which may be referred to it by the Central Government or the State Government, as the case may be;
6. make recommendations on a request by the Central Government on safety measures in respect of dams located outside the territory of India;
7. make recommendations on the rehabilitation requirements of ageing dams;
8. provide strategic supervision for such dam rehabilitation programmes that are executed in States through central or externally aided funding;
9. identify areas of research and development for dam safety and recommend for provision of funds;
10. make recommendations on the coordinated reservoir operations of cascading dams; and
11. any other specific matter relating to dam safety which may be referred to it by the Central Government.

THE SECOND SCHEDULE

[See section 9(1)]

FUNCTIONS OF NATIONAL DAM SAFETY AUTHORITY

1. For the purpose of maintaining standards of dam safety and prevention of dam failure related disasters, discharge such functions as related to implementation of the policies made by the National Committee including making regulations on the recommendations of the National Committee;
2. resolve any issue between the State Dam Safety Organisations of States or between a State Dam Safety Organisation and any owner of a specified dam in that State;
3. provide the state-of-the-art technical and managerial assistance to the State Dam Safety Organisations;
4. maintain a national level database of all specified dams in the country, including serious distress conditions, if any, noticed therein;
5. maintain liaison with the State Dam Safety Organisations and the owners of the specified dams for standardisation of dam safety related data and practices, and related technical or managerial assistance;
6. lay down guidelines and check-lists for the routine inspection and detailed investigation of the specified dams and appurtenant structures;
7. maintain the records of major dam failures in the country;
8. examine, as and when necessary, either through its own engineers or through a panel of experts, the cause of any major dam failure, and submit its report to the National Committee;
9. examine whenever required, either through its own engineers or through a panel of experts, the cause of any major public safety concern in respect of any specified dam, and issue appropriate instructions relating to further investigations, operational parameters or remedial measures;
10. lay down the uniform criteria for vulnerability and hazard classification of the specified dams in the country, and review such criteria as and when necessary;
11. give directions regarding maintenance of log books or database;
12. give directions regarding qualifications and experience requirements of individuals responsible for safety of the specified dams;
13. accord accreditations to the agencies that may be entrusted with the investigation, design, construction and alteration of the specified dams;
14. disqualify any agency for taking up investigation, design, construction or alteration of the specified dams, if it violates any of the regulations made under this Act;
15. give directions regarding qualification and experience requirements of individuals responsible for investigation, design and construction of the specified dams;
16. give directions regarding quality control measures to be undertaken during construction of the specified dams;
17. lay down guidelines for preventive measures in the areas vulnerable to landslides in the vicinity of a specified dam under construction;
18. give directions regarding competent levels of engineers in the dam safety units of the specified dams on the basis of vulnerability and hazard classification of such dams;
19. give directions regarding instrumentation requirements and manner of their installation for monitoring the performance of the specified dams;

20. give directions regarding data requirements of hydro-meteorological stations in the vicinity of the specified dams;
21. give directions regarding data requirements of seismological stations in the vicinity of the specified dams;
22. give directions regarding time interval for the risk assessment studies of the specified dams on the basis of vulnerability and hazard classification of such dams;
23. give directions regarding time interval for updating the emergency action plans of the specified dams on the basis of vulnerability and hazard classification of such dams;
24. give directions regarding constitution of independent panel of experts for comprehensive dam safety evaluation of the specified dams;
25. give directions regarding time interval for the comprehensive safety evaluation of the specified dams on the basis of vulnerability and hazard classification of such dams;
26. lay down guidelines for review of design floods of existing the specified dams;
27. lay down guidelines for review of site specific seismic parameter studies of the specified dams;
28. establishment of an early warning system incorporating appropriate framework for the exchange of real time hydrological and meteorological data and information related to operation of reservoirs by the owner of a dam;
29. promote general education and awareness in relation to dam safety;
30. provide secretarial assistance to the National Committee and its sub-committees;
31. provide coordination and overall supervision of dam rehabilitation programmes that are executed in States through central or externally aided funding; and
32. any other specific matter relating to dam safety which may be referred to it by the Central Government.

THE THIRD SCHEDULE

[See section 12(I)]

FUNCTIONS OF STATE COMMITTEE ON DAM SAFETY

1. For the purpose of maintaining standards of dam safety and prevention of dam failure related disasters, discharge such functions as may be necessary as per the guidelines, standards and other directions issued by the Authority;
2. review the work done by the State Dam Safety Organisation;
3. establish priorities for investigations in case of specified dams under distress condition;
4. in cases where investigations with respect to safety of any specified dam in the State had already been undertaken, to order further investigations in relation to safety of such specified dam and assign responsibilities for execution including the use of non-departmental resources, and association of independent experts where necessary;
5. recommend the appropriate measures to be taken in relation to the safety of the specified dam which is under distress condition;
6. establish priorities among projects requiring remedial safety works;
7. review the progress on measures recommended in relation to dam safety;
8. assess potential implication of reservoir filling of a specified dam in the State on any upstream State, and coordinate mitigation measures with such upstream States;
9. assess potential implication of failure of a specified dam in the State on any downstream State, and coordinate mitigation measures with such downstream States;
10. assess probability of cascading dam failure, and coordinate mitigation measures with all concerned, including bordering States;
11. recommend provision of funds for the purpose of planned and appropriately phased rehabilitation of ageing dams in the State;
12. provide strategic supervision for such dam improvement and rehabilitation programmes that are executed through State funding; and
13. any other specific matter relating to dam safety which may be referred to it by the State Government.

DR. REETA VASISHTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 59] नई दिल्ली, सोमवार, दिसम्बर 20, 2021/ अग्रहायण 29, 1943 (शक)
No. 59] NEW DELHI, MONDAY, DECEMBER 20, 2021/AGRAHAYANA 29, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th December, 2021/Agrahayana 29, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

THE ASSISTED REPRODUCTIVE TECHNOLOGY (REGULATION) ACT, 2021

(No. 42 OF 2021)

[18th December, 2021]

An Act for the regulation and supervision of the assisted reproductive technology clinics and the assisted reproductive technology banks, prevention of misuse, safe and ethical practice of assisted reproductive technology services for addressing the issues of reproductive health where assisted reproductive technology is required for becoming a parent or for freezing gametes, embryos, embryonic tissues for further use due to infertility, disease or social or medical concerns and for regulation and supervision of research and development and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Assisted Reproductive Technology (Regulation) Act, 2021. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(a) "assisted reproductive technology" with its grammatical variations and cognate expressions, means all techniques that attempt to obtain a pregnancy by handling the sperm or the oocyte outside the human body and transferring the gamete or the embryo into the reproductive system of a woman;

(b) "assisted reproductive technology bank" means an organisation which shall be responsible for collection of gametes, storage of gametes and embryos and supply of gametes to the assisted reproductive technology clinics or their patients;

(c) "assisted reproductive technology clinic" means any premises equipped with requisite facilities and medical practitioners registered with the National Medical Commission for carrying out the procedures related to the assisted reproductive technology;

(d) "child" means any individual born through the use of the assisted reproductive technology;

(e) "commissioning couple" means an infertile married couple who approach an assisted reproductive technology clinic or assisted reproductive technology bank for obtaining the services authorised of the said clinic or bank;

(f) "embryo" means a developing or developed organism after fertilisation till the end of fifty-six days from the day of fertilisation;

(g) "gamete" means sperm and oocyte;

(h) "gamete donor" means a person who provides sperm or oocyte with the objective of enabling an infertile couple or woman to have a child;

(i) "gynaecologist" shall have the same meaning as assigned to it in the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

57 of 1994.

(j) "infertility" means the inability to conceive after one year of unprotected coitus or other proven medical condition preventing a couple from conception;

(k) "National Board" means the National Assisted Reproductive Technology and Surrogacy Board to be constituted under sub-section (1) of section 15 of the Surrogacy Act;

(l) "National Registry" means the National Assisted Reproductive Technology and Surrogacy Registry established under section 9;

(m) "notification" means a notification published in the Official Gazette;

(n) "patients" means an individual or couple who comes to any registered assisted reproductive technology clinic for management of infertility;

(o) "prescribed" means prescribed by rules made under this Act;

(p) "appropriate authority" means the authority appointed under section 12;

(q) "regulations" means the regulations made by the National Board under this Act;

(r) "sperm" means the mature male gamete;

(s) "State Board" means a State Assisted Reproductive Technology and Surrogacy Board to be constituted under sub-section (1) of section 24 of the Surrogacy Act;

(t) "Surrogacy Act" means the Surrogacy (Regulation) Act, 2021; and

(u) "woman" means any woman above the age of twenty-one years who approaches an assisted reproductive technology clinic or assisted reproductive technology bank for obtaining the authorised services of the clinic or bank.

(2) The expressions "clinics" and "banks" occurring in this Act shall be construed as "assisted reproductive technology clinics" and "assisted reproductive technology banks".

(3) Words and expressions used herein and not defined in this Act but defined in the Surrogacy (Regulation) Act shall have the meanings respectively assigned to them in that Act.

CHAPTER II

AUTHORITIES TO REGULATE ASSISTED REPRODUCTIVE TECHNOLOGY

A. THE NATIONAL ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARD

3. The National Assisted Reproductive Technology and Surrogacy Board to be constituted under sub-section (1) of section 15 of the Surrogacy Act shall be the National Board for the purposes of this Act.

National Assisted Reproductive Technology and Surrogacy Board.

4. Subject to the provisions of this Act and the rules made thereunder, the provisions of the Surrogacy Act relating to—

Application of provisions of Surrogacy Act with respect to National Board.

(i) constitution of the National Assisted Reproductive Technology and Surrogacy Board;

(ii) term of office of Members of the National Board;

(iii) meetings of the National Board;

(iv) vacancies, etc., not to invalidate proceedings of the National Board;

(v) disqualifications for appointment as Member of the National Board;

(vi) temporary association of persons with the National Board for particular purposes;

(vii) authentication of orders and other instruments of the National Board; and

(viii) eligibility of Members of the National Board for re-appointment,

shall, *mutatis mutandis*, apply, so far as may be, in relation to assisted reproductive technology as they apply in relation to surrogacy, as if they are enacted under this Act.

5. The National Board shall exercise and discharge the following powers and functions, namely:—

Powers and functions of National Board.

(a) to advise the Central Government on policy matters relating to the assisted reproductive technology;

(b) to review and monitor the implementation of the Act, rules and regulations made thereunder and recommend to the Central Government, any suitable changes therein;

(c) to lay down code of conduct to be observed by persons working at clinics and banks, to set the minimum standards of physical infrastructure, laboratory and diagnostic equipment and expert manpower to be employed by clinics and banks;

(d) to oversee the performance of various bodies constituted under this Act and take appropriate steps to ensure their effective performance;

(e) to supervise the functioning of the National Registry and liaison with the State Boards;

(f) to pass orders as per the provisions made under this Act; and

(g) such other powers and functions as may be prescribed.

B. STATE ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARD

State Assisted Reproductive Technology and Surrogacy Board.

6. The State Assisted Reproductive Technology and Surrogacy Board to be constituted under sub-section (1) of section 24 of the Surrogacy Act shall be the State Board for the purposes of this Act.

Application of provisions of Surrogacy Act with respect to State Board.

7. Subject to the provisions of this Act and the rules made thereunder, the provisions of the Surrogacy Act relating to—

- (i) constitution of the State Assisted Reproductive Technology and Surrogacy Board;
- (ii) composition of the State Board;
- (iii) term of office of members of the State Board;
- (iv) meetings of the State Board;
- (v) vacancies, etc., not to invalidate proceedings of the State Board;
- (vi) disqualifications for appointment as member of the State Board;
- (vii) temporary association of persons with the State Board for particular purposes;
- (viii) authentication of orders and other instruments of the State Board; and
- (ix) eligibility of member of the State Board for re-appointment,

shall, *mutatis mutandis*, apply, so far as may be, in relation to assisted reproductive technology as they apply in relation to surrogacy, as if they are enacted under this Act.

Powers and functions of State Board.

8. (1) Subject to the provisions of this Act and the rules and regulations made thereunder, the State Board shall have the responsibility to follow the policies and plans laid by the National Board for clinics and banks in the State.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the State Board, taking into account the recommendations, policies and regulations of the National Board, shall—

- (a) co-ordinate the enforcement and implementation of the policies and guidelines for assisted reproduction; and
- (b) such other powers and functions as may be prescribed.

(3) In the exercise of its functions under this Act, the State Board shall give such directions or pass such orders as directed by the National Board.

C. THE NATIONAL ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY REGISTRY AND THE APPROPRIATE ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY AUTHORITY

Establishment of National Registry of clinics and banks.

9. The Central Government may, within a period of ninety days from the date of commencement of this Act, by notification, establish for the purposes of this Act and Surrogacy Act, a Registry to be called the National Assisted Reproductive Technology and Surrogacy Registry.

Composition of National Registry.

10. The National Registry referred to in section 9 shall consist of such scientific, technical, administrative and supportive staff and the terms and conditions of their service shall be such as may be prescribed.

Functions of National Registry.

11. The National Registry shall discharge the following functions, namely:—

(a) it shall act as a central database in the country through which the details of all the clinics and banks of the country including nature and types of services provided by them, outcome of the services and other relevant information shall be obtained on regular basis;

(b) it shall assist the National Board in its functioning by providing the data generated from the central database of the Registry;

(c) the data generated from the National Registry shall be utilised by the National Board for making policies, guidelines and shall help in identifying new research areas and conducting research in the area of assisted reproduction and other related fields in the country; and

(d) such other functions as may be prescribed.

12. (1) The Central Government shall, within a period of ninety days from the date of commencement of this Act, by notification, appoint one or more appropriate assisted reproductive technology and surrogacy authorities for each of the Union territories for the purposes of this Act and the Surrogacy Act.

Appointment of appropriate authority.

(2) The State Government shall, within a period of ninety days from the date of commencement of this Act, by notification, appoint one or more appropriate assisted reproductive technology and surrogacy authorities for the whole or any part of the State for the purposes of this Act and the Surrogacy Act.

(3) The appropriate authority, under sub-section (1) or sub-section (2), shall,—

(a) when appointed for the whole of the State or the Union territory, consist of—

(i) an officer of or above the rank of the Joint Secretary of the Health and Family Welfare Department—Chairperson, *ex officio*;

(ii) an officer of or above the rank of the Joint Director of the Health and Family Welfare Department — Vice Chairperson, *ex officio*;

(iii) an eminent woman representing women's organisation—member;

(iv) an officer of Law Department of the State or the Union territory concerned not below the rank of a Deputy Secretary—member, *ex officio*; and

(v) an eminent registered medical practitioner—member:

Provided that any vacancy occurring therein shall be filled within one month of the occurrence of such vacancy;

(b) when appointed for any part of the State or the Union territory, the officers of such other rank as the State Government or the Central Government, as the case may be, may deem fit.

(4) The members of appropriate authority, other than *ex officio* members, shall receive only compensatory travelling expenses for attending the meetings of such Authority.

13. The appropriate authority shall discharge the following functions, namely:—

Functions of appropriate authority.

(a) to grant, suspend or cancel registration of a clinic or bank;

(b) to enforce the standards to be fulfilled by the clinic or bank;

(c) to investigate complaints of breach of the provisions of this Act, rules and regulations made thereunder and take legal action as per provisions of this Act;

(d) to take appropriate legal action against the misuse of assisted reproductive technology by any person and also to initiate independent investigations in such matter;

(e) to supervise the implementation of the provisions of this Act and the rules and regulations made thereunder;

(f) to recommend to the National Board and State Boards about the modifications required in the rules and regulations in accordance with changes in technology or social conditions;

(g) to take action after investigation of complaints received by it against the assisted reproductive technology clinics or banks; and

(h) such other functions as may be prescribed.

Powers of appropriate authority.

14. (1) The appropriate authority shall exercise the powers in respect of the following matters, namely:—

- (a) summoning of any person who is in possession of any information relating to violation of the provisions of this Act and the rules and regulations made thereunder;
- (b) production of any document or material object relating to clause (a);
- (c) searching of any place suspected to be violating the provisions of this Act and the rules and regulations made thereunder; and
- (d) such other powers as may be prescribed.

(2) The appropriate authority shall maintain the details of registration of assisted reproductive technology clinics and banks, cancellation of registration, renewal of registration, grant of certificates to the commissioning couple and woman or any other matter pertaining to grant of licence and the like of the clinic or bank in such format as may be prescribed and submit the same to the National Board.

CHAPTER III

PROCEDURES FOR REGISTRATION

Registration of assisted reproductive technology clinic or assisted reproductive technology bank.

15. (1) No person shall establish any clinic or bank for undertaking assisted reproductive technology or to render assisted reproductive technology procedures in any form unless such clinic or bank is duly registered under this Act.

(2) Every application for registration under sub-section (1) shall be made to the National Registry through the appropriate assisted reproductive technology and surrogacy authority in such form, manner and shall be accompanied by such fees as may be prescribed.

(3) Every clinic or bank which is conducting assisted reproductive technology, partly or exclusively shall, within a period of sixty days from the date of establishment of the National Registry, apply for registration:

Provided that such clinics and banks shall cease to conduct any such counselling or procedures on the expiry of six months from the date of commencement of this Act, unless such clinics and banks have applied for registration and is so registered separately or till such application is disposed of, whichever is earlier.

(4) No clinics or banks shall be registered under this Act, unless the appropriate authority is satisfied that such clinics and banks are in a position to provide such facilities and maintain such equipment and standards including specialised manpower, physical infrastructure and diagnostic facilities as may be prescribed.

Grant of registration.

16. (1) On receipt of the application under sub-section (1) of section 15, the appropriate authority shall within a period of thirty days—

- (i) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number to the applicant; or
- (ii) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(2) If the appropriate authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (1), the appropriate authority shall, within a period of seven days from the expiry of the said period of thirty days specified under sub-section (1), provide a reason for the failure to process the application.

(3) The appropriate authority shall, within a period of one month of registration being granted under this section, intimate such registration to the State Board.

(4) The State Board shall maintain a record of all registrations applied for and granted under this section.

(5) No registration shall be granted unless the State Board has inspected the premises of the applicant.

(6) The registration granted under this section shall be valid for a period of five years from the date of registration granted by the appropriate authority.

(7) The certificate of registration shall be displayed by the clinic or bank at a conspicuous place and such certificate shall contain the duration of validity of such registration.

17. The registration granted under section 16, may be renewed for a further period of five years by the appropriate authority, on an application made by the applicant, under such conditions, in such form and on payment of such fee as may be prescribed: Renewal of registration.

Provided that no application for renewal of registration shall be rejected without giving an opportunity of being heard to the applicant.

18. (1) The appropriate authority may on receipt of a complaint, issue a notice to the clinic or bank to show cause as to why its registration should not be suspended or cancelled for the reasons mentioned in the notice. Suspension or cancellation of registration.

(2) If after giving a reasonable opportunity of being heard to the clinic or bank, the appropriate authority is satisfied that there has been a breach of the provision of this Act or the rules or regulations made thereunder or if the data obtained from them periodically do not satisfy the provisions of this Act, the rules and regulations made thereunder, it may, without prejudice to any criminal action, suspend its registration for such period as it may deem fit or cancel its registration.

(3) On cancellation of registration, a copy of the cancellation letter shall be sent to the respective State Board and accordingly the State Board shall cancel the registration of such clinics and banks.

19. The clinic or bank or the commissioning couple or the woman may, within a period of thirty days from the date of receipt of the communication relating to order of rejection of application, suspension or cancellation of registration passed by the appropriate authority under section 16 or section 18, prefer an appeal against such order to— Appeal.

(a) the State Government, where the appeal is against the order of the appropriate authority of a State;

(b) the Central Government, where the appeal is against the order of the appropriated authority of a Union territory,

in such manner as may be prescribed.

20. The National Board, the National Registry and the State Board shall have the power to,— Power to inspect premises, etc.

(i) inspect, any premises relating to assisted reproductive technology; or

(ii) call for any document or material,

in exercise of their powers and discharge of their functions.

CHAPTER IV

DUTIES OF ASSISTED REPRODUCTIVE TECHNOLOGY CLINIC AND ASSISTED REPRODUCTIVE TECHNOLOGY BANK

21. The clinics and banks shall perform the following duties, namely:—

(a) the clinics and banks shall ensure that commissioning couple, woman and donors of gametes are eligible to avail the assisted reproductive technology procedures subject to such criteria as may be prescribed;

General duties of assisted reproductive technology clinics and banks.

(b) the clinics shall obtain donor gametes from the banks and such banks shall ensure that the donor has been medically tested for such diseases as may be prescribed;

(c) the clinics shall—

(i) provide professional counselling to commissioning couple and woman about all the implications and chances of success of assisted reproductive technology procedures in the clinic;

(ii) inform the commissioning couple and woman of the advantages, disadvantages and cost of the procedures, their medical side effects, risks including the risk of multiple pregnancy; and

(iii) help the commissioning couple or woman to arrive at an informed decision on such matters that would most likely be the best for the commissioning couple;

(d) the clinics shall make commissioning couple or woman, aware of the rights of a child born through the use of assisted reproductive technology;

(e) the clinics and banks shall ensure that information about the commissioning couple, woman and donor shall be kept confidential and the information about treatment shall not be disclosed to anyone except to the database to be maintained by the National Registry, in a medical emergency at the request of the commissioning couple to whom the information relates, or by an order of a court of competent jurisdiction;

(f) every clinic and every bank shall maintain a grievance cell in respect of matters relating to such clinics and banks and the manner of making a complaint before such grievance cell shall be such as may be prescribed;

(g) the clinics shall apply the assisted reproductive technology services,—

(i) to a woman above the age of twenty-one years and below the age of fifty years;

(ii) to a man above the age of twenty-one years and below the age of fifty-five years;

(h) the clinics shall issue to the commissioning couple or woman a discharge certificate stating details of the assisted reproductive technology procedure performed on the commissioning couple or woman;

(i) all clinics and banks shall co-operate and make available their premises for physical inspection by the National Board, National Registry and State Boards;

(j) all clinics and banks shall provide all information related to—

(i) enrolment of the commissioning couple, woman and gamete donors;

(ii) the procedure being undertaken; and

(iii) outcome of the procedure, complications, if any, to the National Registry periodically, in such manner as may be prescribed.

22. (1) The clinic shall not perform any treatment or procedure without—

(a) the written informed consent of all the parties seeking assisted reproductive technology;

(b) an insurance coverage of such amount as may be prescribed for a period of twelve months in favour of the oocyte donor by the commissioning couple or woman from an insurance company or an agent recognised by the Insurance Regulatory and Development Authority established under the provisions of the Insurance Regulatory and Development Authority Act, 1999.

Written
informed
consent.

(2) The clinics and banks shall not cryo-preserve any human embryos or gamete, without specific instructions and consent in writing from all the parties seeking assisted reproductive technology, in case of death or incapacity of any of the parties.

(3) The clinic shall not use any human reproductive material, except in accordance with the provisions of this Act to create a human embryo or use an *in-vitro* human embryo for any purpose without the specific consent in writing of all the concerned persons to whom the assisted reproductive technology relates.

(4) Any of the commissioning couple may withdraw his or her consent under sub-section (1), any time before the human embryos or the gametes are transferred to the concerned woman's uterus.

Explanation.—For the purposes of this section, the expressions—

(i) "cryo-preserve" means the freezing and storing of gametes, zygotes, embryos, ovarian and testicular tissues;

(ii) "insurance" means an arrangement by which a company, individual or commissioning couple undertake to provide a guarantee of compensation for specified loss, damage, complication or death of oocyte donor during the process of oocyte retrieval; and

(iii) "parties" includes the commissioning couple or woman and the donor.

23. The duties of clinics and banks while keeping the records relating to such clinics and banks are as under:—

(a) all clinics and banks shall maintain detailed records of all donor's oocytes, sperm or embryos used or unused, the manner and technique of their use in such manner as may be prescribed;

(b) all clinics and banks shall, as and when the National Registry is established, submit by online,—

(i) all information available with them in regard to progress of the commissioning couple or woman; and

(ii) information about number of donors (sperm and oocyte), screened, maintained and supplied and the like to the National Registry within a period of one month from the date of receipt of such information;

(c) the records maintained under clause (a) shall be maintained for at least a period of ten years, upon the expiry of which the clinic and bank shall transfer the records to a central database of the National Registry:

Provided that if any criminal or other proceedings are instituted against any clinics or banks, the records and all other documents of such clinics and banks shall be preserved till the final disposal of such proceedings;

(d) in the event of the closure of any clinic or bank before the expiry of the period of ten years under clause (c), such clinic or bank shall immediately transfer the records to the central database of the National Registry; and

(e) all such records shall, at all reasonable times, be made available for inspection to the National Board or the National Registry or the State Board or to any other person authorised by the National Board in this behalf.

24. While using human gametes and embryos, the duties to be performed by the clinics and banks shall be as under:—

(a) the clinics shall retrieve oocytes in such manner as may be specified by regulations;

(b) not more than three oocytes or embryos may be placed in the uterus of a woman during the treatment cycle in such manner as may be specified by regulations;

Duties of assisted reproductive technology clinics and banks to keep accurate records.

Duties of assisted reproductive technology clinics using human gametes and embryos.

(c) a woman shall not be treated with gametes or embryos derived from more than one man or woman during any one treatment cycle;

(d) a clinic shall never mix semen from two individuals for the procedures specified under this Act;

(e) the embryos shall not be split and used for twinning to increase the number of available embryos;

(f) the collection of gametes posthumously shall be done only if prior consent of the commissioning couple is available in such manner as may be prescribed;

(g) the clinic shall not use ovum that are derived from a foetus, in any process of *in-vitro* fertilisation; and

(h) such other duties as may be prescribed.

Explanation.—For the purposes of this section, the expression—

(i) "fertilisation" means the penetration of the ovum by the spermatozoon and fusion of genetic materials resulting in the development of a zygote; and

(ii) "foetus" means a human organism during the period of its development beginning on the fifty-seventh day following fertilisation and ending at birth or abortion.

Pre-implantation Genetic Diagnosis.

25. (1) The Pre-implantation Genetic testing shall be used to screen the human embryo for known, pre-existing, heritable or genetic diseases only.

(2) The donation of an embryo after Pre-implantation Genetic Diagnosis to an approved research laboratory for research purposes shall be done only—

(a) with the approval of the commissioning couple or woman; and

(b) when the embryo suffers from pre-existing, heritable, life-threatening or genetic diseases.

(3) The National Board may lay down such other conditions as it deems fit in the interests of the Pre-implantation Genetic testing.

Explanation.—For the purposes of this section, the expression—

(i) "Pre-implantation Genetic Diagnosis" means the genetic diagnosis when one or both genetic parents has a known genetic abnormality and testing is performed on an embryo to determine if it also carries a genetic abnormality; and

(ii) "Pre-implantation Genetic testing" means a technique used to identify genetic defects in embryos created through *in-vitro* fertilisation before pregnancy.

Sex selection.

26. (1) Subject to the provisions of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, the clinic shall not offer to provide a couple or woman with a child of a pre-determined sex.

(2) It is prohibited for anyone to do any act, at any stage, to determine the sex of the child to be born through the process of assisted reproductive technology to separate, or yield fractions enriched in sperm of X or Y variations.

(3) A person shall not knowingly provide, prescribe or administer anything that shall ensure or increase the probability that an embryo shall be of a particular sex, or that shall identify the sex of an *in-vitro* embryo, except to diagnose, prevent or treat a sex-linked disorder or disease.

Sourcing of gametes by assisted reproductive technology banks.

27. (1) The screening of gamete donors, the collection, screening and storage of semen; and provision of oocyte donor, shall be done only by a bank registered as an independent entity under the provisions of this Act.

(2) The banks shall—

(a) obtain semen from males between twenty-one years of age and fifty-five years of age, both inclusive;

(b) obtain oocytes from females between twenty-three years of age and thirty-five years of age; and

(c) examine the donors for such diseases, as may be prescribed.

(3) A bank shall not supply the sperm or oocyte of a single donor to more than one commissioning couple.

(4) An oocyte donor shall donate oocytes only once in her life and not more than seven oocyte shall be retrieved from the oocyte donor.

(5) All unused oocytes shall be preserved by the banks for use on the same recipient, or given for research to an organisation registered under this Act after seeking written consent from the commissioning couple.

(6) A bank shall obtain all necessary information in respect of a sperm or oocyte donor, including the name, Aadhaar number as defined in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016, address and any other details of such donor, in such manner as may be prescribed, and shall undertake in writing from such donor about the confidentiality of such information.

18 of 2016.

Explanation.—For the purposes of this section, the expressions—

(i) "retrieval" means a procedure of removing oocytes from the ovaries of a woman;

(ii) "screening" means the genetic test performed on embryos produced through *in-vitro* fertilisation.

28. (1) The standards for the storage and handling of gametes, gonadal tissues and human embryos in respect of their security, recording and identification shall be such as may be prescribed.

Storage and handling of human gametes and embryos.

(2) The gamete of a donor or embryo shall be stored for a period of not more than ten years and at the end of such period such gamete or embryo shall be allowed to perish or be donated to a research organisations registered under this Act for research purposes with the consent of the commissioning couple or individual, in such manner as may be prescribed.

29. The sale, transfer or use of gametes, zygotes and embryos, or any part thereof or information related thereto, directly or indirectly to any party within or outside India shall be prohibited except in the case of transfer of own gametes and embryos for personal use with the permission of the National Board.

Restriction on sale, etc., of human gametes, zygotes and embryos.

Explanation.—For the purposes of this section, the expression "zygote" means the fertilised oocyte prior to the first cell division.

30. (1) The use of any human gametes and embryos or their transfer to any country outside India for research shall be absolutely prohibited.

Research on human gametes and embryos.

(2) The research on human gamete or embryo within India shall be performed in such manner as may be prescribed.

31. (1) The child born through assisted reproductive technology shall be deemed to be a biological child of the commissioning couple and the said child shall be entitled to all the rights and privileges available to a natural child only from the commissioning couple under any law for the time being in force.

Rights of child born through assisted reproductive technology.

(2) A donor shall relinquish all parental rights over the child or children which may be born from his or her gamete.

CHAPTER V

OFFENCES AND PENALTIES

Sex selective assisted reproductive technology.

32. (1) The clinic, or bank or agent thereof, shall not issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated any advertisement in any manner including internet, regarding facilities of sex selective assisted reproductive technology.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which shall not be less than five years but may extend to ten years or with fine which shall not be less than ten lakh rupees but may extend to twenty-five lakh rupees or with both.

Offences and penalties.

33. (1) Any medical geneticist, gynaecologist, registered medical practitioner or any person shall not—

(a) abandon, disown or exploit or cause to be abandoned, disowned or exploited in any form the child or children born through assisted reproductive technology;

(b) sell human embryos or gametes, run an agency, a racket or an organisation for selling, purchasing or trading in human embryos or gametes;

(c) import or help in getting imported in whatsoever manner, the human embryos or human gametes;

(d) exploit the commissioning couple, woman or the gamete donor in any form;

(e) transfer human embryo into a male person or an animal;

(f) sell any human embryo or gamete for the purpose of research; or

(g) use any intermediates to obtain gamete donors or purchase gamete donors.

(2) Whoever contravenes the provisions of clauses (a) to (g) of sub-section (1), shall be punishable with a fine which shall not be less than five lakh rupees but may extend to ten lakh rupees for the first contravention and for subsequent contravention, shall be punishable with imprisonment for a term which shall not be less than three years but may extend to eight years and with fine which shall not be less than ten lakh rupees but may extend to twenty lakh rupees.

Punishment for contravention of provisions of Act or rules for which no specific punishment is provided.

34. Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been provided in this Act shall be punishable as per sub-section (2) of section 33.

Cognizance of offences.

35. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the National Board or the State Board or by an officer authorised by it.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Offences to be cognizable and bailable.

36. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all the offences under this Act shall be cognizable and bailable.

2 of 1974.

Offences by clinics or banks.

37. (1) Where an offence under this Act has been committed by any clinic or bank, the executive head of such clinic or bank shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

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

CHAPTER VI

MISCELLANEOUS

38. (1) The Central Government may, from time to time issue to the National Board, the National Registry and the appropriate authority with respect to the Union territory, such directions as it may think necessary in the interest of the sovereignty and integrity of India, security of the State, friendly relation with foreign States, public order, decency or morality.

Power of Central Government to issue directions to National Board, National Registry and appropriate authority.

(2) Without prejudice to the foregoing provisions of this Act, the National Board, the National Registry and the appropriate authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government or the State Government, as the case may be, may give in writing to it from time to time:

Provided that the National Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under sub-section (1).

(3) If any dispute arises between the Central Government and the National Board as to whether a question is or is not a question of policy, the decision of the Central Government shall be final.

39. (1) The State Government may, from time to time issue to the State Board and to the appropriate authority with respect to the State Government such directions as it may think necessary in the interest of the sovereignty and integrity of India, security of the State, friendly relation with foreign States, public order, decency or morality.

Power of State Government to issue directions to State Board, etc.

(2) Without prejudice to the foregoing provisions of this Act, the State Board and the appropriate authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the State Board and the appropriate authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under sub-section (1).

(3) If any dispute arises between the State Government and the State Board as to whether a question is or is not a question of policy, the decision of the State Government shall be final.

40. (1) If the National Board, the National Registry or the State Board has reason to believe that an offence under this Act has been or is being committed at any facility using assisted reproductive technology, such Board or any officer authorised in this behalf may, subject to such rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such Board or officer considers necessary, such facility using assisted reproductive technology and examine any record, register, document, book, pamphlet, advertisement or any other material object found therein and seize the same, if the said Board has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

Power to search and seize records, etc.

2 of 1974.

(2) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this Act.

41. No suit, prosecution or other legal proceeding shall lie against the Central Government or the State Government or the National Board or the National Registry or the State Board or the appropriate authority or any other officer authorised by the Central

Protection of action taken in good faith.

Government or the State Government or the National Board or the National Registry or the State Board or the appropriate authority for anything which is done in good faith or intended to be done in pursuance of the provisions of this Act or the rules or regulations made thereunder.

Power to
make rules.

42. (1) The Central Government may by notification make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the other powers and functions of the National Board under clause (g) of section 5;

(b) the other powers and functions of the State Board under clause (b) of sub-section (2) of section 8;

(c) the terms of office and other conditions of service of scientific, technical and other employees of the National Registry under section 10;

(d) the other functions of the National Registry under clause (d) of section 11;

(e) the other functions of the appropriate authority under clause (h) of section 13;

(f) the other powers to be exercised by the appropriate authority under clause (d) of sub-section (1) of section 14;

(g) the format for granting of licences to the clinic or bank by the appropriate authority under sub-section (2) of section 14;

(h) the form and manner in which an application shall be made for registration and fee payable thereof under sub-section (2) of section 15;

(i) the facilities and equipments to be provided and maintained by the clinics and banks under sub-section (4) of section 15;

(j) the conditions, form and fee for application of renewal of the registration of clinic or bank under section 17;

(k) the manner in which an appeal may be preferred to the State Government or the Central Government under section 19;

(l) the criteria for availing the assisted reproductive technology procedures under clause (a) of section 21;

(m) the medical examination of the diseases with respect to which the donor shall be tested under clause (b) of section 21;

(n) the manner of making a complaint before a grievance cell and the mechanism adopted by the clinic under clause (f) of section 21;

(o) the manner of providing information by the clinics and banks to the National Registry under clause (j) of section 21;

(p) the amount of insurance coverage for oocyte donor under clause (b) of sub-section (1) of section 22;

(q) the manner of maintaining the records by the clinics and banks under clause (a) of section 23;

(r) the manner of collection of gametes posthumously under clause (f) of section 24;

(s) the other duties of clinics under clause (h) of section 24;

(t) the examination of the donors by the assisted reproductive technology banks for diseases under clause (c) of sub-section (2) of section 27;

(u) the manner of obtaining information in respect of a sperm or oocyte donor by a bank under sub-section (6) of section 27;

(v) the standards for the storage and handling of gametes, human embryos in respect of their security, recording and identification under sub-section (1) of section 28;

(w) the manner of obtaining the consent of the commissioning couple or individual for perishing or donating the gametes of a donor or embryo under sub-section (2) of section 28;

(x) the manner of performing research on human gametes or embryo within India under sub-section (2) of section 30;

(y) the manner of entry and search by the National Board, the National Registry or the State Board or any officer authorised by it under sub-section (1) of section 40;

(z) any other matter which is to be, or may be prescribed, or in respect of which provision is to be made by rules.

43. (1) The National Board may, with the prior approval of the Central Government, by notification make regulations consistent with this Act and the rules made thereunder to carry out the provisions of the Act;

Power to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the manner of retrieving the oocytes under clause (a) of section 24;

(b) the manner of placing the oocytes or embryos in the uterus of a woman under clause (b) of section 24; and

(c) any other matter which is required to be, specified by regulations or in respect of which provision is to be made by regulations.

44. Every rule or regulation made and notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rules or regulations or notifications, as the case may be or both Houses agree that the rules or regulations or notifications, as the case may be, should not be made or issued, such rules or regulations or notifications, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification, as the case may be.

Laying of rules, regulations and notifications.

45. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and the Clinical Establishment (Registration and Regulation) Act, 2010 or of any other law for the time being in force.

Application of other laws not barred.

57 of 1994.
23 of 2010.

46. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be made, be laid before each House of Parliament.

DR. REETA VASISHTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th December, 2021/ Agrahayana 29, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

THE NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION AND RESEARCH (AMENDMENT) ACT, 2021

(No. 43 OF 2021)

[18th December, 2021]

An Act further to amend the National Institute of Pharmaceutical Education and Research Act, 1998.

BE it enacted by Parliament in the Seventy-second year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of long title.	<p>2. In the National Institute of Pharmaceutical Education and Research Act, 1998 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—</p> <p style="padding-left: 40px;">“An Act to declare certain institutions of pharmaceutical education and research to be institutions of national importance and for matters connected therewith or incidental thereto.”.</p>	13 of 1998.
Amendment of section 1.	<p>3. In section 1 of the principal Act, in sub-section (1), for the word “Institute”, the word “Institutes” shall be substituted.</p>	
Substitution of new section for section 2.	<p>4. For section 2 of the principal Act, the following section shall be substituted, namely:—</p>	
Declaration of certain institutions as institutions of national importance.	<p style="padding-left: 40px;">“2. (1) Whereas the objects of the institutions mentioned in the Schedule, are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance.</p> <p style="padding-left: 40px;">(2) It is hereby declared that every Institute established under sub-section (2A) of section 4, on and after the commencement of the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021, shall be an institution of national importance.”.</p>	
Amendment of section 3.	<p>5. In section 3 of the principal Act,—</p> <p style="padding-left: 40px;">(i) for clause (a), the following clause shall be substituted, namely:—</p> <p style="padding-left: 80px;">‘(a) “appointed day”, in relation to an Institute mentioned in column (3) of the Schedule, means the date of its establishment as mentioned against it in column (4) of that Schedule;’;</p> <p style="padding-left: 40px;">(ii) in clauses (b) and (c), for the words “the Institute”, the words “an Institute” shall be substituted;</p> <p style="padding-left: 40px;">(iii) after clause (c), the following clause shall be inserted, namely:—</p> <p style="padding-left: 80px;">‘(ca) “Council” means the Council established under sub-section (1) of section 30A;’;</p> <p style="padding-left: 40px;">(iv) in clauses (d), (e) and (f), for the words “the Institute”, the words “an Institute” shall be substituted;</p> <p style="padding-left: 40px;">(v) for clause (g), the following clauses shall be substituted, namely:—</p> <p style="padding-left: 80px;">‘(g) “Institute” means any of the institutions mentioned in column (3) of the Schedule;</p> <p style="padding-left: 80px;">(ga) “member” means a member of the Council nominated or elected under sub-section (2) of section 30A;</p> <p style="padding-left: 80px;">(gb) “prescribed” means prescribed by rules made under this Act;</p> <p style="padding-left: 80px;">(gc) “Schedule” means the Schedule to this Act;’;</p> <p style="padding-left: 40px;">(vi) in clauses (h) and (j), for the words “the Institute”, the words “an Institute” shall be substituted.</p>	
Amendment of section 4.	<p>6. In section 4 of the principal Act,—</p> <p style="padding-left: 40px;">(i) in the marginal heading, for the words “Establishment of Institute”, the words “Establishment and incorporation of Institutes” shall be substituted;</p> <p style="padding-left: 40px;">(ii) for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 80px;">“(1) Each of the Institutes mentioned in column (3) of the Schedule shall be a body corporate.”;</p>	

(iii) in sub-section (2), for the words “The Institute”, the words “Each Institute” shall be substituted;

(iv) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The Board of Governors of an Institute shall consist of the following persons, namely:—

(a) a Chairperson, who shall be an eminent academician or scientist or technologist or professional, to be nominated by the Visitor;

(b) the Director of the institute, *ex officio*;

(c) the Joint Secretary to the Government of India in Department of Pharmaceuticals dealing with the national institutes of pharmaceutical education and research, *ex officio*;

(d) the Secretary, dealing with medical or technical education in the State Government concerned, *ex officio*;

(e) the representative of Drug Controller General of India, Ministry of Health and Family Welfare of the Government of India, *ex officio*;

(f) three eminent pharmaceutical experts, at least one of whom shall be a woman, having special knowledge or practical experience in education, research and biotechnology, to be nominated by the Council;

(g) two pharmaceutical industrialists to be nominated by the Council;

(h) two professors of the institute, to be nominated by the Senate:

Provided that one member from amongst members to be nominated under clauses (f), (g) and (h) shall be either from the Scheduled Castes or from the Scheduled Tribes;”;

(v) in sub-section (4), the proviso shall be omitted.

7. In section 4A of the principal Act, the words “within its jurisdiction” shall be omitted.

Amendment of section 4A.

8. Section 5 of the principal Act shall be omitted.

Omission of section 5.

9. In section 6 of the principal Act,—

Amendment of section 6.

(i) for the words “On and from the appointed day”, the words “On and from the appointed day, in relation to the National Institute of Pharmaceutical Education and Research, Mohali” shall be substituted;

(ii) after clause (a), the following clause shall be inserted, namely:—

“(aa) all property, movable and immovable of, or belonging to, the Society, shall vest in that Institute;”;

(iii) for the words “the Institute”, wherever they occur, the words “that Institute” shall be substituted.

10. In section 7 of the principal Act,—

Amendment of section 7.

(a) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

(b) for clause (ii), the following clauses shall be substituted, namely:—

“(ii) to develop courses leading to graduate and post graduate degrees, doctoral and post-doctoral distinctions and research in pharmaceutical education or to develop integrated courses relating thereto;

(iii) to conduct executive education courses, short-term certificate courses, training programmes, online or distant education, diploma courses and such other short-term executive courses;”;

(c) in clause (v), for the words “by exchange of faculty members”, the words “by promoting collaborative research, exchange of faculty members, researchers” shall be substituted;

(d) after clause (x), the following clause shall be inserted, namely:—

“(xa) to establish Centres of Excellence for drug discovery and development and medical devices;”.

Amendment of section 8. **11.** In section 8 of the principal Act, for the word “Board”, wherever it occurs, the words “Board of an Institute” shall be substituted.

Amendment of section 9. **12.** In section 9 of the principal Act,—

(i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

(ii) in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted;

(iii) in sub-section (2), for the words “the Institute”, the words “any Institute” shall be substituted.

Amendment of section 10. **13.** In section 10 of the principal Act,—

(i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

(ii) for the words “the Institute”, the words “each of the Institutes” shall be substituted.

Amendment of section 11. **14.** In section 11 of the principal Act,—

(i) in sub-section (1), for the words “the Institute”, the words “every Institute” shall be substituted;

(ii) in sub-section (2), for the words “the Institute”, the words “any Institute” shall be substituted.

Amendment of section 12. **15.** In section 12 of the principal Act,—

(i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

(ii) in the opening portion, for the words “the Institute”, the words “an Institute” shall be substituted.

Amendment of section 13. **16.** In section 13 of the principal Act, in the opening portion, for the words “the Institute”, the words “each Institute” shall be substituted.

Amendment of section 14. **17.** In section 14 of the principal Act, for the words “senate of the Institute”, the words “senate of each Institute” shall be substituted.

Amendment of section 16. **18.** In section 16 of the principal Act, in sub-section (1), for the words “Director of the Institute shall be appointed by the Board” the words “Director of each Institute shall be appointed by the Council” shall be substituted.

Amendment of section 17. **19.** In section 17 of the principal Act, for the words “the Institute”, the words “each Institute” shall be substituted.

Amendment of section 18. **20.** In section 18 of the principal Act, for the words “Registrar of the Institute”, the words “Registrar of each Institute” shall be substituted.

Amendment of section 20. **21.** In section 20 of the principal Act,—

(i) for the words “enabling the Institute”, the words “enabling the Institutes” shall be substituted;

(ii) for the words “pay to the Institute”, the words “pay to each Institute” shall be substituted.

22. In section 21 of the principal Act,—

Amendment
of section 21.

(i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

(ii) in sub-section (1), for the words “The Institute shall”, the words “Every Institute shall” shall be substituted.

23. In section 22 of the principal Act, for the words “the Institute”, the words “every Institute” shall be substituted.

Amendment
of section 22.

24. In section 23 of the principal Act,—

Amendment
of section 23.

(i) in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted;

(ii) in sub-section (2), for the words “the Institute”, the words “every Institute” shall be substituted;

(iii) in sub-section (3), for the words “accounts of the Institute”, the words “accounts of any Institute” shall be substituted;

(iv) in sub-section (4), for the words “the Institute”, the words “every Institute” shall be substituted.

25. In section 24 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.

Amendment
of section 24.

26. In section 25 of the principal Act, for the words “the Institute”, the words “an Institute” shall be substituted.

Amendment
of section 25.

27. In section 27 of the principal Act, in sub-section (1), for the words “the Institute”, the words “every Institute” shall be substituted.

Amendment
of section 27.

28. In section 28 of the principal Act, for the words “Ordinances of the Institute”, the words “Ordinances of each Institute” shall be substituted.

Amendment
of section 28.

29. After Chapter II of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of
new Chapter
II-A.

“CHAPTER II-A

THE COUNCIL

30A. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for all the Institutes specified in column (3) of the Schedule, a central body to be called the Council.

Establishment
of Council.

(2) The Council shall consist of the following members, namely:—

(a) Minister in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Chairperson;

(b) Minister of State in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Vice-Chairperson;

(c) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*;

(d) the Chairperson of every Board of Governors, *ex officio*;

(e) the Director of every Institute, *ex officio*;

(f) the Chairperson, All India Council for Technical Education, *ex officio*;

(g) the Director General, Council of Scientific and Industrial Research, *ex officio*;

(h) four Secretaries to the Government of India, to represent the Ministries or Departments of the Central Government dealing with Biotechnology, Health Research, Higher Education and Science and Technology, *ex officio*;

(i) not less than three, but not more than five persons to be nominated by the Visitor, at least one of whom shall be a woman, having special knowledge or practical experience in education, pharmaceutical industry, medical devices industry or pharmaceutical research;

(j) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States, from amongst its members;

(k) the President, Indian Drugs Manufacturing Association, *ex officio*;

(l) the President, Organisation of Pharmaceutical Producers of India, *ex officio*;

(m) the President, Pharmacy Council of India, *ex officio*;

(n) the Financial Advisor of the Ministry or Department of the Central Government dealing with Pharmaceuticals, *ex officio*;

(o) the Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Member-Secretary.

(3) It is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

30B. (1) Save as otherwise provided in this section, the term of office of a member of the Council shall be three years from the date of his nomination or election, as the case may be.

(2) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

(3) The term of office of a member elected under clause (j) of sub-section (2) of section 30A shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairperson of the Council of States or ceases to be a member of the House which elected him.

(4) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated or elected.

(5) Notwithstanding anything contained in this section an outgoing member shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected as a member in his place.

(6) The members of the Council shall be paid such travelling and other allowances by the Central Government as may be determined by that Government, but no member shall be entitled to any salary by reason of this sub-section.

Term of office of, vacancies among, and allowances payable to, members of Council.

30C. (1) It shall be the general duty of the Council to coordinate the activities of all the Institutes and to take all such steps as to ensure planned and coordinated development of pharmaceutical education and research and maintenance of standards thereof.

Functions of Council.

(2) Without prejudice to the provisions of sub-section (1), the Council shall perform the following functions, namely:—

(a) to advise on matters relating to the duration of the courses, the degrees and other academic distinctions to be conferred by the Institutes, admission standards and other academic matters;

(b) to lay down policy regarding cadres, methods of recruitment and conditions of service of employees, institution of scholarships and free-ships, levying of fees and other matters of common interest;

(c) to examine the development plans of each Institute and to approve such of them as are considered necessary and also to indicate broadly the financial implications of such approved plans;

(d) to lay down policy or guidelines for promoting research and development in pharmaceuticals and related areas, fostering collaboration and overseeing developments and on matters incidental thereto;

(e) to examine the annual budget estimates of each Institute and to recommend to the Central Government the allocation of funds for that purpose;

(f) to advise the Visitor, if so required, in respect of any function to be performed by him under this Act; and

(g) to perform such other functions as are assigned to it by or under this Act.

(3) The Council shall meet at least once every six months and follow such procedure in its meetings as may be prescribed.

30D. (1) The Chairperson of the Council shall ordinarily preside at the meetings of the Council:

Chairman of Council.

Provided that in the absence of the Chairperson, the Vice-Chairperson shall preside at the meetings of the Council:

Provided further that in the absence of both the Chairperson and the Vice-Chairperson, any other member, chosen from amongst themselves by the members present at the meeting shall preside at that meeting.

(2) It shall be the duty of the Chairperson of the Council to ensure that the decisions taken by the Council are implemented.

(3) The Chairman shall exercise such other powers and perform such other duties as are assigned to him by this Act.

30E. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Chapter.

Power to make rules in respect of matters in this Chapter.

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

(a) the manner of filling vacancies among the members of the Council;

(b) the disqualifications for being chosen as, and for being, a member of the Council;

(c) the circumstances in which, and the authority by which, members may be removed;

(d) the meetings of the Council and the procedure of conducting business thereat;

(e) the travelling and other allowances payable to members of the Council; and

(f) the functions of the Council and the manner in which such functions may be exercised.

(3) Every rule made by the Central Government under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment of section 31. **30.** In section 31 of the principal Act, for the words “No act of the Institute”, the words “No act of the Council or any Institute” shall be substituted.

Amendment of section 32. **31.** In section 32 of the principal Act,—
(i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

(ii) for the words “the Institute”, the words “every Institute” shall be substituted.

Amendment of section 33. **32.** In section 33 of the principal Act, for the words “Whenever the Institute”, the words “Whenever an Institute” shall be substituted.

Insertion of new section 33A. **33.** After section 33 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to issue directions. “33A. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.”.

Amendment of section 35. **34.** In section 35 of the principal Act, for clause (b), the following clause shall be substituted, namely:—

“(b) until the first Statutes and the Ordinances in relation to the Institutes mentioned in column (3) of the Schedule are made under this Act, the Statutes and the Ordinances of the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab as in force, shall apply to those Institutes with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act.”.

THE SCHEDULE

[See sections 2(1), 3(a), (g), (gc), 4(1), 30A(1) and 35(b)]

Sl. No.	Location of	Name of institutions incorporated under this Act institute and the State	Date of establishment of Institute
(1)	(2)	(3)	(4)
1.	Mohali, Punjab	The National Institute of Pharmaceutical Education and Research Society, Mohali	8th July, 1998
2.	Ahmedabad, Gujarat	The National Institute of Pharmaceutical Education and Research, Ahmedabad	6th September, 2007
3.	Hajipur, Bihar	The National Institute of Pharmaceutical Education and Research, Hajipur	6th September, 2007
4.	Hyderabad, Telengana	The National Institute of Pharmaceutical Education and Research, Hyderabad	6th September, 2007
5.	Kolkata, West Bengal	The National Institute of Pharmaceutical Education and Research, Kolkata	6th September, 2007
6.	Guwahati, Assam	The National Institute of Pharmaceutical Education and Research, Guwahati	5th August, 2008
7.	Raebareli, Uttar Pradesh	The National Institute of Pharmaceutical Education and Research, Raebareli	26th September, 2008

DR. REETA VASISHTA,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th December, 2021/Agrahayana 29, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 2021

(No. 44 OF 2021)

[18th December, 2021]

An Act further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2021. Short title.

CHAPTER II

AMENDMENT TO THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

Amendment of section 17B. **2.** In section 17B of the High Court Judges (Salaries and Conditions of Service) Act, 1954, the following *Explanation* shall be inserted, namely:— 28 of 1954.

"Explanation.—For the removal of doubts, it is hereby clarified that any entitlement for additional quantum of pension or family pension shall be, and shall be deemed always to have been, from the first day of the month in which the pensioner or family pensioner completes the age specified in the first column of the scale."

CHAPTER III

AMENDMENT TO THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958

Amendment of section 16B. **3.** In section 16B of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, the following *Explanation* shall be inserted, namely:— 41 of 1958.

"Explanation.—For the removal of doubts, it is hereby clarified that any entitlement for additional quantum of pension or family pension shall be, and shall be deemed always to have been, from the first day of the month in which the pensioner or family pensioner completes the age specified in the first column of the scale."

DR. REETA VASISHTA,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th December, 2021/Agrahayana 29, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

THE DELHI SPECIAL POLICE ESTABLISHMENT (AMENDMENT) ACT, 2021

(No. 45 OF 2021)

[18th December, 2021]

An Act further to amend the Delhi Special Police Establishment Act, 1946.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi Special Police Establishment (Amendment) Act, 2021. Short title and commencement.

(2) It shall be deemed to have come into force on the 14th day of November, 2021.

Amendment of section 4B. **2.** In section 4B of the Delhi Special Police Establishment Act, 1946, in sub-section (1), the following provisos shall be inserted, namely:— 25 of 1946.

"Provided that the period for which the Director holds the office on his initial appointment may, in public interest, on the recommendation of the Committee under sub-section (1) of section 4A and for the reasons to be recorded in writing, be extended up to one year at a time:

Provided further that no such extension shall be granted after the completion of a period of five years in total including the period mentioned in the initial appointment."

Repeal and savings. **3.** (1) The Delhi Special Police Establishment (Amendment) Ordinance, 2021 is hereby repealed. Ord.10 of 2021.

(2) Notwithstanding such repeal, anything done or any action taken under the Delhi Special Police Establishment (Amendment) Ordinance, 2021, shall be deemed to have been done or taken under the provisions of this Act. Ord.10 of 2021.

DR. REETA VASISHTA,
Secretary to the Govt. of India.



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भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th December, 2021/Agrahayana 29, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

THE CENTRAL VIGILANCE COMMISSION (AMENDMENT) ACT, 2021 (No. 46 OF 2021)

[18th December, 2021.]

An Act further to amend the Central Vigilance Commission Act, 2003.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Vigilance Commission (Amendment) Act, 2021.

Short title and commencement.

(2) It shall be deemed to have come into force on the 14th day of November, 2021.

45 of 2003.

2. In section 25 of the Central Vigilance Commission Act, 2003, in clause (d), the following provisos shall be inserted, namely:—

Amendment of section 25.

"Provided that the period for which the Director of Enforcement holds the office on his initial appointment may, in public interest, on the recommendation of the Committee under clause (a) and for the reasons to be recorded in writing, be extended up to one year at a time:

Provided further that no such extension shall be granted after the completion of a period of five years in total including the period mentioned in the initial appointment;"

Repeal and savings.

3. (1) The Central Vigilance Commission (Amendment) Ordinance, 2021 is hereby repealed. Ord. 9 of 2021.

(2) Notwithstanding such repeal, anything done or any action taken under the Central Vigilance Commission (Amendment) Ordinance, 2021, shall be deemed to have been done or taken under the provisions of this Act. Ord. 9 of 2021.

DR. REETA VASISHTA,
Secretary to the Govt. of India.



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MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th December, 2021/Pausa 4, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 25th December, 2021 and is hereby published for general information:—

THE SURROGACY (REGULATION) ACT, 2021 (No. 47 OF 2021)

[25th December, 2021.]

An Act to constitute National Assisted Reproductive Technology and Surrogacy Board, State Assisted Reproductive Technology and Surrogacy Boards and appointment of appropriate authorities for regulation of the practice and process of surrogacy and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Surrogacy (Regulation) Act, 2021.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

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

Definitions.

(a) “abandoned child” means a child born out of surrogacy procedure who has been deserted by his intending parents or guardians and declared as abandoned by the appropriate authority after due enquiry;

(b) “altruistic surrogacy” means the surrogacy in which no charges, expenses, fees, remuneration or monetary incentive of whatever nature, except the medical expenses and such other prescribed expenses incurred on surrogate mother and the insurance coverage for the surrogate mother, are given to the surrogate mother or her dependents or her representative;

(c) “appropriate authority” means the appropriate authority appointed under section 35;

(d) “Assisted Reproductive Technology Act” means the Assisted Reproductive Technology (Regulation) Act, 2021;

(e) “Board” means the National Assisted Reproductive Technology and Surrogacy Board constituted under section 17;

(f) “clinical establishment” shall have the same meaning as assigned to it in the Clinical Establishments (Registration and Regulation) Act, 2010;

23 of 2010.

(g) “commercial surrogacy” means commercialisation of surrogacy services or procedures or its component services or component procedures including selling or buying of human embryo or trading in the sale or purchase of human embryo or gametes or selling or buying or trading the services of surrogate motherhood by way of giving payment, reward, benefit, fees, remuneration or monetary incentive in cash or kind, to the surrogate mother or her dependents or her representative, except the medical expenses and such other prescribed expenses incurred on the surrogate mother and the insurance coverage for the surrogate mother;

(h) “couple” means the legally married Indian man and woman above the age of 21 years and 18 years respectively;

(i) “egg” includes the female gamete;

(j) “embryo” means a developing or developed organism after fertilisation till the end of fifty-six days;

(k) “embryologist” means a person who possesses any post-graduate medical qualification or doctoral degree in the field of embryology or clinical embryology from a recognised university with not less than two years of clinical experience;

(l) “fertilisation” means the penetration of the ovum by the spermatozoan and fusion of genetic materials resulting in the development of a zygote;

(m) “foetus” means a human organism during the period of its development beginning on the fifty-seventh day following fertilisation or creation (excluding any time in which its development has been suspended) and ending at the birth;

(n) “gamete” means sperm and oocyte;

(o) “gynaecologist” shall have the same meaning as assigned to it in the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

57 of 1994.

(p) “implantation” means the attachment and subsequent penetration by the zona-free blastocyst, which starts five to seven days following fertilisation;

(q) “insurance” means an arrangement by which a company, individual or intending couple undertake to provide a guarantee of compensation for medical expenses, health issues, specified loss, damage, illness or death of surrogate mother and such other prescribed expenses incurred on such surrogate mother during the process of surrogacy;

(r) “intending couple” means a couple who have a medical indication necessitating gestational surrogacy and who intend to become parents through surrogacy;

(s) “intending woman” means an Indian woman who is a widow or divorcee between the age of 35 to 45 years and who intends to avail the surrogacy;

(t) “Member” means a Member of the National Assisted Reproductive Technology and Surrogacy Board or a State Assisted Reproductive Technology and Surrogacy Board, as the case may be;

(u) “notification” means a notification published in the Official Gazette;

(v) “oocyte” means naturally ovulating oocyte in the female genetic tract;

102 of 1956.

(w) “Paediatrician” means a person who possesses a post-graduate qualification in paediatrics as recognised under the Indian Medical Council Act, 1956;

(x) “prescribed” means prescribed by rules made under this Act;

102 of 1956.

(y) “registered medical practitioner” means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956 and whose name has been entered in a State Medical Register;

(z) “regulation” means regulations made by the Board under this Act;

57 of 1994.

(za) “sex selection” shall have the same meaning as assigned to it in clause (o) of section 2 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

(zb) “State Board” means the State Assisted Reproductive Technology and Surrogacy Board constituted under section 26;

(zc) “State Government” in relation to Union territory with Legislature, means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(zd) “surrogacy” means a practice whereby one woman bears and gives birth to a child for an intending couple with the intention of handing over such child to the intending couple after the birth;

(ze) “surrogacy clinic” means surrogacy clinic, centre or laboratory, conducting assisted reproductive technology services, invitro fertilisation services, genetic counselling centre, genetic laboratory, Assisted Reproductive Technology Banks conducting surrogacy procedure or any clinical establishment, by whatsoever name called, conducting surrogacy procedures in any form;

(zf) “surrogacy procedures” means all gynaecological, obstetrical or medical procedures, techniques, tests, practices or services involving handling of human gametes and human embryo in surrogacy;

(zg) “surrogate mother” means a woman who agrees to bear a child (who is genetically related to the intending couple or intending woman) through surrogacy from the implantation of embryo in her womb and fulfils the conditions as provided in sub-clause (b) of clause (iii) of section 4;

(zh) “zygote” means the fertilised oocyte prior to the first cell division.

(2) Words and expressions used herein and not defined in this Act but defined in the Assisted Reproductive Technology Act shall have the meanings respectively assigned to them in that Act.

CHAPTER II

REGULATION OF SURROGACY CLINICS

Prohibition
and regulation
of surrogacy
clinics.

3. On and from the date of commencement of this Act,—

(i) no surrogacy clinic, unless registered under this Act, shall conduct or associate with, or help in any manner, in conducting activities relating to surrogacy and surrogacy procedures;

(ii) no surrogacy clinic, paediatrician, gynaecologist, embryologist, registered medical practitioner or any person shall conduct, offer, undertake, promote or associate with or avail of commercial surrogacy in any form;

(iii) no surrogacy clinic shall employ or cause to be employed or take services of any person, whether on honorary basis or on payment, who does not possess such qualifications as may be prescribed;

(iv) no registered medical practitioner, gynaecologist, paediatrician, embryologist or any other person shall conduct or cause to be conducted or aid in conducting by himself or through any other person surrogacy or surrogacy procedures at a place other than a place registered under this Act;

(v) no surrogacy clinic, registered medical practitioner, gynaecologist, paediatrician, embryologist or any other person shall promote, publish, canvass, propagate or advertise or cause to be promoted, published, canvassed, propagated or advertised which—

(a) is aimed at inducing or is likely to induce a woman to act as a surrogate mother;

(b) is aimed at promoting a surrogacy clinic for commercial surrogacy or promoting commercial surrogacy in general;

(c) seeks or aimed at seeking a woman to act as a surrogate mother;

(d) states or implies that a woman is willing to become a surrogate mother;
or

(e) advertises commercial surrogacy in print or electronic media or in any other form;

(vi) no surrogacy clinic, registered medical practitioner, gynaecologist, paediatrician, embryologist, intending couple or any other person shall conduct or cause abortion during the period of surrogacy without the written consent of the surrogate mother and on authorisation of the same by the appropriate authority concerned:

Provided that the authorisation of the appropriate authority shall be subject to, and in compliance with, the provisions of the Medical Termination of Pregnancy Act, 1971;

34 of 1971.

(vii) no surrogacy clinic, registered medical practitioner, gynaecologist, paediatrician, embryologist, intending couple or any other person shall store a human embryo or gamete for the purpose of surrogacy:

Provided that nothing contained in this clause shall affect such storage for other legal purposes like sperm banks, IVF and medical research for such period and in such manner as may be prescribed;

(viii) no surrogacy clinic, registered medical practitioner, gynaecologist, paediatrician, embryologist, intending couple or any other person shall in any form conduct or cause to be conducted sex selection for surrogacy.

CHAPTER III

REGULATION OF SURROGACY AND SURROGACY PROCEDURES

4. On and from the date of commencement of this Act,—

Regulation of
surrogacy and
surrogacy
procedures.

(i) no place including a surrogacy clinic shall be used or cause to be used by any person for conducting surrogacy or surrogacy procedures, except for the purposes specified in clause (ii) and after satisfying all the conditions specified in clause (iii);

(ii) no surrogacy or surrogacy procedures shall be conducted, undertaken, performed or availed of, except for the following purposes, namely:—

(a) when an intending couple has a medical indication necessitating gestational surrogacy:

Provided that a couple of Indian origin or an intending woman who intends to avail surrogacy, shall obtain a certificate of recommendation from the Board on an application made by the said persons in such form and manner as may be prescribed.

Explanation.—For the purposes of this sub-clause and item (I) of sub-clause (a) of clause (iii) the expression “gestational surrogacy” means a practice whereby a surrogate mother carries a child for the intending couple through implantation of embryo in her womb and the child is not genetically related to the surrogate mother;

(b) when it is only for altruistic surrogacy purposes;

(c) when it is not for commercial purposes or for commercialisation of surrogacy or surrogacy procedures;

(d) when it is not for producing children for sale, prostitution or any other form of exploitation; and

(e) any other condition or disease as may be specified by regulations made by the Board;

(iii) no surrogacy or surrogacy procedures shall be conducted, undertaken, performed or initiated, unless the Director or in-charge of the surrogacy clinic and the person qualified to do so are satisfied, for reasons to be recorded in writing, that the following conditions have been fulfilled, namely:—

(a) the intending couple is in possession of a certificate of essentiality issued by the appropriate authority, after satisfying itself, for the reasons to be recorded in writing, about the fulfilment of the following conditions, namely:—

(I) a certificate of a medical indication in favour of either or both members of the intending couple or intending woman necessitating gestational surrogacy from a District Medical Board.

Explanation.—For the purposes of this item, the expression “District Medical Board” means a medical board under the Chairpersonship of Chief Medical Officer or Chief Civil Surgeon or Joint Director of Health Services of the district and comprising of at least two other specialists, namely, the chief gynaecologist or obstetrician and chief paediatrician of the district;

(II) an order concerning the parentage and custody of the child to be born through surrogacy, has been passed by a court of the Magistrate

of the first class or above on an application made by the intending couple or the intending woman and the surrogate mother, which shall be the birth affidavit after the surrogate child is born; and

(III) an insurance coverage of such amount and in such manner as may be prescribed in favour of the surrogate mother for a period of thirty-six months covering postpartum delivery complications from an insurance company or an agent recognised by the Insurance Regulatory and Development Authority established under the Insurance Regulatory and Development Authority Act, 1999;

41 of 1999.

(b) the surrogate mother is in possession of an eligibility certificate issued by the appropriate authority on fulfilment of the following conditions, namely:—

(I) no woman, other than an ever married woman having a child of her own and between the age of 25 to 35 years on the day of implantation, shall be a surrogate mother or help in surrogacy by donating her egg or oocyte or otherwise;

(II) a willing woman shall act as a surrogate mother and be permitted to undergo surrogacy procedures as per the provisions of this Act:

Provided that the intending couple or the intending woman shall approach the appropriate authority with a willing woman who agrees to act as a surrogate mother;

(III) no woman shall act as a surrogate mother by providing her own gametes;

(IV) no woman shall act as a surrogate mother more than once in her lifetime:

Provided that the number of attempts for surrogacy procedures on the surrogate mother shall be such as may be prescribed; and

(V) a certificate of medical and psychological fitness for surrogacy and surrogacy procedures from a registered medical practitioner;

(c) an eligibility certificate for intending couple is issued separately by the appropriate authority on fulfilment of the following conditions, namely:—

(I) the intending couple are married and between the age of 23 to 50 years in case of female and between 26 to 55 years in case of male on the day of certification;

(II) the intending couple have not had any surviving child biologically or through adoption or through surrogacy earlier:

Provided that nothing contained in this item shall affect the intending couple who have a child and who is mentally or physically challenged or suffers from life threatening disorder or fatal illness with no permanent cure and approved by the appropriate authority with due medical certificate from a District Medical Board; and

(III) such other conditions as may be specified by the regulations.

Prohibition of
conducting
surrogacy.

5. No person including a relative or husband of a surrogate mother or intending couple or intending woman shall seek or encourage to conduct any surrogacy or surrogacy procedures on her except for the purpose specified in clause (ii) of section 4.

- 6.** (1) No person shall seek or conduct surrogacy procedures unless he has—
- (i) explained all known side effects and after effects of such procedures to the surrogate mother concerned; and
- (ii) obtained in the prescribed form, the written informed consent of the surrogate mother to undergo such procedures in the language she understands.
- (2) Notwithstanding anything contained in sub-section (1), the surrogate mother shall have an option to withdraw her consent for surrogacy before the implantation of human embryo in her womb.
- 7.** The intending couple or intending woman shall not abandon the child, born out of a surrogacy procedure, whether within India or outside, for any reason whatsoever, including but not restricted to, any genetic defect, birth defect, any other medical condition, the defects developing subsequently, sex of the child or conception of more than one baby and the like.
- 8.** A child born out of surrogacy procedure, shall be deemed to be a biological child of the intending couple or intending woman and the said child shall be entitled to all the rights and privileges available to a natural child under any law for time being in force.
- 9.** The number of oocytes or human embryos to be implanted in the uterus of the surrogate mother for the purpose of surrogacy, shall be such as may be prescribed.
- 10.** No person, organisation, surrogacy clinic, laboratory or clinical establishment of any kind shall force the surrogate mother to abort at any stage of surrogacy except in such conditions as may be prescribed.

Written informed consent of surrogate mother.

Prohibition to abandon child born through surrogacy.

Rights of surrogate child.

Number of oocytes or human embryos to be implanted.

Prohibition of abortion.

CHAPTER IV

REGISTRATION OF SURROGACY CLINICS

- 11.** (1) No person shall establish any surrogacy clinic for undertaking surrogacy or to render surrogacy procedures in any form unless such clinic is duly registered under this Act.
- (2) Every application for registration under sub-section (1) shall be made to the appropriate authority in such form, manner and shall be accompanied by such fees as may be prescribed.
- (3) Every surrogacy clinic which is conducting surrogacy or surrogacy procedures, partly or exclusively, referred to in clause (ii) of section 4 shall, within a period of sixty days from the date of appointment of appropriate authority, apply for registration:
- Provided that such clinic shall cease to conduct any such counselling or procedures on the expiry of six months from the date of commencement of this Act, unless such clinic has applied for registration and is so registered separately or till such application is disposed of, whichever is earlier.
- (4) No surrogacy clinic shall be registered under this Act, unless the appropriate authority is satisfied that such clinic is in a position to provide such facilities and maintain such equipment and standards including specialised manpower, physical infrastructure and diagnostic facilities as may be prescribed.
- 12.** (1) The appropriate authority shall after holding an enquiry and after satisfying itself that the applicant has complied with all the requirements of this Act and the rules and regulations made thereunder, grant a certificate of registration to the surrogacy clinic, within a period of ninety days from the date of application received by it, in such form, on payment of such fees and in such manner, as may be prescribed.

Registration of surrogacy clinics.

Certificate of registration.

(2) Where, after the inquiry and after giving an opportunity of being heard to the applicant, the appropriate authority is satisfied that the applicant has not complied with the requirements of this Act or the rules or regulations made thereunder, it shall, for reasons to be recorded in writing, reject the application for registration.

(3) Every certificate of registration shall be valid for a period of three years and shall be renewed in such manner and on payment of such fees as may be prescribed.

(4) The certificate of registration shall be displayed by the surrogacy clinic at a conspicuous place.

Cancellation or suspension of registration.

13. (1) The appropriate authority may, *suo motu* or on receipt of a complaint, issue a notice to the surrogacy clinic to show cause as to why its registration should not be suspended or cancelled for the reasons mentioned in the notice.

(2) If after giving a reasonable opportunity of being heard to the surrogacy clinic, the appropriate authority is satisfied that there has been a breach of the provisions of the Act or the rules or regulations made thereunder, it may, without prejudice to any criminal action that it may take against such clinic, suspend its registration for such period as it may think fit or cancel its registration, as the case may be.

(3) Notwithstanding anything contained in sub-sections (1) and (2), if the appropriate authority is of the opinion that it is necessary or expedient to do so in the public interest, it may, for reasons to be recorded in writing, suspend the registration of any surrogacy clinic without issuing any notice under sub-section (1).

Appeal.

14. The surrogacy clinic or the intending couple or the intending woman may, within a period of thirty days from the date of receipt of the communication relating to order of rejection of application, suspension or cancellation of registration passed by the appropriate authority under section 13 and communication relating to rejection of the certificates under section 4, prefer an appeal against such order to—

(a) the State Government, where the appeal is against the order of the appropriate authority of a State;

(b) the Central Government, where the appeal is against the order of the appropriate authority of a Union territory,

in such manner as may be prescribed.

Establishment of National Assisted Reproductive Technology and Surrogacy Registry.

15. There shall be established a Registry to be called the National Assisted Reproductive Technology and Surrogacy Registry for the purposes of registration of surrogacy clinics under this Act.

Application of provisions of Assisted Reproductive Technology Act with respect to National Registry.

16. The National Assisted Reproductive Technology and Surrogacy Registry referred to in section 15 and to be established under section 9 of the Assisted Reproductive Technology Act shall be the National Registry for the purposes of this Act and the functions to be discharged by the said Registry under the Assisted Reproductive Technology Act shall, *mutatis mutandis*, apply.

CHAPTER V

NATIONAL ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARD AND STATE ASSISTED REPRODUCTIVE TECHNOLOGY AND SURROGACY BOARDS

17. (1) The Central Government shall, by notification, constitute a Board to be known as the National Assisted Reproductive Technology and Surrogacy Board to exercise the powers and perform the functions conferred on the Board under this Act.

Constitution of National Assisted Reproductive Technology and Surrogacy Board.

(2) The Board shall consist of—

(a) the Minister in-charge of the Ministry of Health and Family Welfare, the Chairperson, *ex officio*;

(b) the Secretary to the Government of India in-charge of the Department dealing with the surrogacy matter, Vice-Chairperson, *ex officio*;

(c) three women Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States, Members, *ex officio*;

(d) three Members of the Ministries of the Central Government in-charge of Women and Child Development, Legislative Department in the Ministry of Law and Justice and the Ministry of Home Affairs, not below the rank of Joint Secretary, Members, *ex officio*;

(e) the Director General of Health Services of the Central Government, Member, *ex officio*;

(f) ten expert Members to be appointed by the Central Government in such manner as may be prescribed and two each from amongst—

(i) eminent medical geneticists or embryologists;

(ii) eminent gynaecologists and obstetricians;

(iii) eminent social scientists;

(iv) representatives of women welfare organisations; and

(v) representatives from civil society working on women's health and child issues,

possessing such qualifications and experience as may be prescribed;

(g) four Chairpersons of the State Boards to be nominated by the Central Government by rotation to represent the States and the Union territories, two in the alphabetical order and two in the reverse alphabetical order, Member, *ex officio*; and

(h) an officer, not below the rank of a Joint Secretary to the Central Government, in-charge of Surrogacy Division in the Ministry of Health and Family Welfare, who shall be the Member-Secretary, *ex officio*.

18. (1) The term of office of a Member, other than an *ex officio* Member, shall be—

Term of office of Members.

(a) in case of nomination under clause (c) of sub-section (2) of section 14, three years:

Provided that the term of such Member shall come to an end as soon as the Member becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairman of the Council of States or ceases to be a Member of the House from which she was elected; and

(b) in case of appointment under clause (f) of sub-section (2) of section 17, three years:

Provided that the person to be appointed as Member under this clause shall be of such age as may be prescribed.

(2) Any vacancy occurring in the office whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, shall be filled by the Central Government by making a fresh appointment within a period of one month from the date on which such vacancy occurs and the Member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed.

(3) The Vice-Chairperson shall perform such functions as may be assigned to him by the Chairperson from time to time.

Meetings of Board.

19. (1) The Board shall meet at such places and times and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be determined by the regulations:

Provided that the Board shall meet at least once in six months.

(2) The Chairperson shall preside at the meeting of the Board and if for any reason the Chairperson is unable to attend the meeting of the Board, the Vice-Chairperson shall preside at the meetings of the Board.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence, the Vice-Chairperson shall have a second or casting vote.

(4) The Members, other than *ex officio* Members, shall receive only compensatory travelling expenses for attending the meetings of the Board.

Vacancies, etc., not to invalidate proceedings of Board.

20. No act or proceeding of the Board shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board; or

(b) any defect in the appointment of a person acting as a Member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

Disqualifications for appointment as Member.

21. (1) A person shall be disqualified for being appointed and continued as a Member if, he—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence, which in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a Member; or

(d) has acquired such financial or other interest, as is likely to affect prejudicially his functions as a Member; or

(e) has so abused his position, as to render his continuance in office prejudicial to the public interest; or

(f) is a practicing member or an office-bearer of any association representing surrogacy clinics, having financial or other interest likely to affect prejudicially, his function as a Member; or

(g) is an office-bearer, heading or representing, any of the professional bodies having commercial interest in surrogacy or infertility.

(2) The Members referred to in clause (f) of section 17 shall not be removed from their office except by an order of the Central Government on the ground of their proved misbehaviour or incapacity after the Central Government, has, on an inquiry, held in accordance with the procedure prescribed in this behalf by the Central Government, come to the conclusion that the Member ought on any such ground to be removed.

(3) The Central Government may suspend any Member against whom an inquiry under sub-section (2) is being initiated or pending until the Central Government has passed an order on receipt of the report of the inquiry.

22. (1) The Board may associate with itself, in such manner and for such purposes as may be determined by the regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

Temporary association of persons with Board for particular purposes.

(2) A person associated with the Board under sub-section (1) shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Board and shall not be a Member for any other purpose.

23. All orders and decisions of the Board shall be authenticated by the signature of the Chairperson and all other instruments issued by the Board shall be authenticated by the signature of the Member-Secretary of the Board.

Authentication of orders and other instruments of Board.

24. Subject to other terms and conditions of service as may be prescribed, any person ceasing to be a Member shall be eligible for re-appointment as such Member:

Eligibility of Member for re-appointment.

Provided that no Member other than an *ex officio* Member shall be appointed for more than two consecutive terms.

25. The Board shall discharge the following functions, namely:—

Functions of Board.

(a) to advise the Central Government on policy matters relating to surrogacy;

(b) to review and monitor the implementation of the Act, and the rules and regulations made thereunder and recommend to the Central Government, changes therein;

(c) to lay down the code of conduct to be observed by persons working at surrogacy clinics;

(d) to set the minimum standards of physical infrastructure, laboratory and diagnostic equipment and expert manpower to be employed by the surrogacy clinics;

(e) to oversee the performance of various bodies constituted under the Act and take appropriate steps to ensure their effective performance;

(f) to supervise the functioning of State Assisted Reproductive Technology and Surrogacy Boards; and

(g) such other functions as may be prescribed.

26. Each State and Union territory having Legislature shall constitute a Board to be known as the State Assisted Reproductive Technology and Surrogacy Board or the Union territory Assisted Reproductive Technology and Surrogacy Board, as the case may be, which shall discharge the following functions, namely:—

Constitution of State Assisted Reproductive Technology and Surrogacy Board.

(i) to review the activities of the appropriate authorities functioning in the State or Union territory and recommend appropriate action against them;

(ii) to monitor the implementation of the provisions of the Act, and the rules and regulations made thereunder and make suitable recommendations relating thereto, to the Board;

(iii) to send such consolidated reports as may be prescribed, in respect of the various activities undertaken in the State under the Act, to the Board and the Central Government; and

(iv) such other functions as may be prescribed.

27. The State Board shall consist of—

Composition of State Board.

(a) the Minister in-charge of Health and Family Welfare in the State, Chairperson, *ex officio*;

(b) the Secretary in-charge of the Department of Health and Family Welfare, Vice-Chairperson, *ex officio*;

(c) Secretaries or Commissioners in-charge of the Departments of Women and Child Development, Social Welfare, Law and Justice and Home Affairs or their nominees, members, *ex officio*;

(d) Director-General of Health and Family Welfare of the State Government, member, *ex officio*;

(e) three women members of the State Legislative Assembly or Union territory Legislative Council, members, *ex officio*;

(f) ten expert members to be appointed by the State Government in such manner as may be prescribed, two each from amongst—

(i) eminent medical geneticists or embryologists;

(ii) eminent gynaecologists and obstetricians;

(iii) eminent social scientists;

(iv) representatives of women welfare organisations; and

(v) representatives from civil society working on women's health and child issues,

possessing such qualifications and experiences as may be prescribed;

(g) an officer not below the rank of Joint Secretary to the State Government in-charge of Family Welfare, who shall be the Member-Secretary, *ex officio*.

28. (1) The term of office of a member, other than an *ex officio* member, shall be—

(a) in case of nomination under clause (e) of section 27, three years:

Provided that the term of such member shall come to an end as soon as the member becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the Legislative Assembly, or the Deputy Chairman of the Legislative Council or ceases to be a member of the House from which she was elected; and

(b) in case of appointment under clause (f) of section 27, three years:

Provided that the person to be appointed as member under this clause shall be of such age, as may be prescribed.

(2) Any vacancy occurring in the office whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, shall be filled within a period of one month from the date on which such vacancy occurs by the State Government by making a fresh appointment and the member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed.

(3) The Vice-Chairperson shall perform such functions as may be assigned to him by the Chairperson from time to time.

29. (1) The State Board shall meet at such places and times and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be specified by the regulations:

Provided that the State Board shall meet at least once in four months.

(2) The Chairperson shall preside at the meetings of the Board and if for any reason the Chairman is unable to attend the meeting of the State Board, the Vice-Chairperson shall preside at the meetings of the State Board.

Term of
office of
members.

Meetings of
State Board.

(3) All questions which come up before any meeting of the State Board shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence, the Vice-Chairperson shall have a second or casting vote.

(4) The members, other than *ex officio* members, shall receive only compensatory travelling expenses for attending the meetings of the State Board.

30. No act or proceeding of the State Board shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the State Board; or

(b) any defect in the appointment of a person acting as a member of the State Board; or

(c) any irregularity in the procedure of the State Board not affecting the merits of the case.

Vacancies, etc., not to invalidate proceedings of State Board.

31. (1) A person shall be disqualified for being appointed and continued as a member if, he—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence, which in the opinion of the State Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a member; or

(d) has acquired such financial or other interest, as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position, as to render his continuance in office prejudicial to the public interest; or

(f) is a practicing member or an office-bearer of any association representing surrogacy clinics, having financial or other interest likely to affect prejudicially, his functions as a member; or

(g) is an office-bearer, heading or representing, any of the professional bodies having commercial interest in surrogacy or infertility.

Disqualifications for appointment as member.

(2) The members referred to in clause (f) of section 27 shall not be removed from their office except by an order of the State Government on the ground of their proved misbehaviour or incapacity after the State Government, has, on an inquiry, held in accordance with the procedure prescribed in this behalf by the State Government, come to the conclusion that the member ought on any such ground to be removed.

(3) The State Government may suspend any member against whom an inquiry under sub-section (2) is being initiated or pending until the State Government has passed an order on receipt of the report of the inquiry.

32. (1) The State Board may associate with itself, in such manner and for such purposes as may be determined by the regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated with it by the State Board under sub-section (1) shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the State Board and shall not be a member for any other purpose.

Temporary association of persons with State Board for particular purposes.

33. All orders and decisions of the State Board shall be authenticated by the signature of the Chairperson and all other instruments issued by the State Board shall be authenticated by the signature of the Member-Secretary of the State Board.

Authentication of orders and other instruments of State Board.

Eligibility of member for re-appointment.

34. Subject to the other terms and conditions of service as may be prescribed, any person ceasing to be a member shall be eligible for re-appointment as such member:

Provided that no member other than an *ex officio* member shall be appointed for more than two consecutive terms.

CHAPTER VI

APPROPRIATE AUTHORITY

Appointment of appropriate authority.

35. (1) The Central Government shall, within a period of ninety days from the date of commencement of this Act, by notification, appoint one or more appropriate authorities for each of the Union territories for the purposes of this Act and the Assisted Reproductive Technology Act.

(2) The State Government shall, within a period of ninety days from the date of commencement of this Act, by notification, appoint one or more appropriate authorities for the whole or any part of the State for the purposes of this Act and the Assisted Reproductive Technology Act.

(3) The appropriate authority, under sub-section (1) or sub-section (2), shall,—

(a) when appointed for the whole of the State or the Union territory, consist of—

(i) an officer of or above the rank of the Joint Secretary of the Health and Family Welfare Department—Chairperson, *ex officio*;

(ii) an officer of or above the rank of the Joint Director of the Health and Family Welfare Department—Vice Chairperson, *ex officio*;

(iii) an eminent woman representing women's organisation—member;

(iv) an officer of Law Department of the State or the Union territory concerned not below the rank of a Deputy Secretary—member; and

(v) an eminent registered medical practitioner—member:

Provided that any vacancy occurring therein shall be filled within one month of the occurrence of such vacancy;

(b) when appointed for any part of the State or the Union territory, be officers of such other rank as the State Government or the Central Government, as the case may be, may deem fit.

Functions of appropriate authority.

36. The appropriate authority shall discharge the following functions, namely:—

(a) to grant, suspend or cancel registration of a surrogacy clinic;

(b) to enforce the standards to be fulfilled by the surrogacy clinics;

(c) to investigate complaints of breach of the provisions of this Act, rules and regulations made thereunder and take legal action as per provision of this Act;

(d) to take appropriate legal action against the use of surrogacy by any person at any place other than prescribed, *suo motu* or brought to its notice, and also to initiate independent investigations in such matter;

(e) to supervise the implementation of the provisions of this Act and rules and regulations made thereunder;

(f) to recommend to the Board and State Boards about the modifications required in the rules and regulations in accordance with changes in technology or social conditions;

(g) to take action after investigation of complaints received by it against the surrogacy clinics; and

(h) to consider and grant or reject any application under clause (vi) of section 3 and sub-clauses (a) to (c) of clause (iii) of section 4 within a period of ninety days.

37. (1) The appropriate authority shall exercise the powers in respect of the following matters, namely:—

Powers of appropriate authorities.

- (a) summoning of any person who is in possession of any information relating to violation of the provisions of this Act, and rules and regulations made thereunder;
- (b) production of any document or material object relating to clause (a);
- (c) search any place suspected to be violating the provisions of this Act, and the rules and regulations made thereunder; and
- (d) such other powers as may be prescribed.

(2) The appropriate authority shall maintain the details of registration of surrogacy clinics, cancellation of registration, renewal of registration, grant of certificates to the intending couple and surrogate mothers or any other matter pertaining to grant of license, etc., of the surrogacy clinics in such format as may be prescribed and submit the same to the National Assisted Reproductive Technology and Surrogacy Board.

CHAPTER VII

OFFENCES AND PENALTIES

38. (1) No person, organisation, surrogacy clinic, laboratory or clinical establishment of any kind shall—

Prohibition of commercial surrogacy, exploitation of surrogate mothers and children born through surrogacy.

- (a) undertake commercial surrogacy, provide commercial surrogacy or its related component procedures or services in any form or run a racket or an organised group to empanel or select surrogate mothers or use individual brokers or intermediaries to arrange for surrogate mothers and for surrogacy procedures, at such clinics, laboratories or at any other place;
- (b) issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated, any advertisement in any manner regarding commercial surrogacy by any means whatsoever, scientific or otherwise;
- (c) abandon or disown or exploit or cause to be abandoned, disowned or exploited in any form, the child or children born through surrogacy;
- (d) exploit or cause to be exploited the surrogate mother or the child born through surrogacy in any manner whatsoever;
- (e) sell human embryo or gametes for the purpose of surrogacy and run an agency, a racket or an organisation for selling, purchasing or trading in human embryos or gametes for the purpose of surrogacy;
- (f) import or shall help in getting imported in, whatsoever manner, the human embryo or human gametes for surrogacy or for surrogacy procedures; and
- (g) conduct sex selection in any form for surrogacy.

45 of 1860.

(2) Notwithstanding anything contained in the Indian Penal Code, contraventions of the provisions of clauses (a) to (g) of sub-section (1) by any person shall be an offence punishable with imprisonment for a term which may extend to ten years and with fine which may extend to ten lakh rupees.

(3) For the purposes of this section, the expression “advertisement” includes any notice, circular, label, wrapper or any other document including advertisement through internet or any other media, in electronic or print form and also includes any visible representation made by means of any hoarding, wall-painting, signal light, sound, smoke or gas.

39. (1) Any registered medical practitioner, gynaecologists, paediatrician, embryologists or any person who owns a surrogacy clinic or employed with such a clinic or centre or laboratory and renders his professional or technical services to or at such clinic or centre or laboratory, whether on an honorary basis or otherwise, and who contravenes any

Punishment for contravention of provisions of Act.

of the provisions of this Act (other than the provisions referred to in section 38) and rules and regulations made thereunder shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten lakh rupees.

(2) In case of subsequent or continuation of the offence referred to in sub-section (1), the name of the registered medical practitioner shall be reported by the appropriate authority to the State Medical Council concerned for taking necessary action including suspension of registration for a period of five years.

Punishment for not following altruistic surrogacy.

40. Any intending couple or intending woman or any person who seeks the aid of any surrogacy clinic, laboratory or of a registered medical practitioner, gynaecologist, paediatrician, embryologist or any other person for not following the altruistic surrogacy or for conducting surrogacy procedures for commercial purposes shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five lakh rupees for the first offence and for any subsequent offence with imprisonment which may extend to ten years and with fine which may extend to ten lakh rupees.

Penalty for contravention of provisions of Act or rules for which no specific punishment is provided.

41. Whoever contravenes any of the provisions of this Act, rules or regulations made thereunder for which no penalty has been provided in this Act, shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees and in the case of continuing contravention with an additional fine which may extend to ten thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

Presumption in the case of surrogacy.

42. Notwithstanding anything contained in the Indian Evidence Act, 1872, the court shall presume, unless the contrary is proved, that the woman or surrogate mother was compelled by her husband, the intending couple or any other relative, as the case may be, to render surrogacy services, procedures or to donate gametes for the purpose other than those specified in clause (ii) of section 4 and such person shall be liable for abetment of such offence under section 40 and shall be punishable for the offence specified under that section.

1 of 1872.

Offence to be cognizable, non-bailable and non-compoundable.

43. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable, non-bailable and non-compoundable.

2 of 1974.

Cognizance of offences.

44. (1) No court shall take cognizance of any offence punishable under this Act except on a complaint in writing made by—

(a) the appropriate authority concerned, or any officer or an agency authorised in this behalf by the Central Government or the State Government, as the case may be, or the appropriate authority; or

(b) a person including a social organisation who has given notice of not less than fifteen days in the manner prescribed, to the appropriate authority, of the alleged offence and of his intention to make a complaint to the court.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Certain provisions of Code of Criminal Procedure, 1973 not to apply.

45. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, Chapter XXI A of the said Code relating to plea bargaining shall not apply to the offences under this Act.

2 of 1974.

CHAPTER VIII

MISCELLANEOUS

46. (1) The surrogacy clinic shall maintain all records, charts, forms, reports, consent letters, agreements and all the documents under this Act and they shall be preserved for a period of twenty-five years or such period as may be prescribed:

Maintenance of records.

Provided that, if any criminal or other proceedings are instituted against any surrogacy clinic, the records and all other documents of such clinic shall be preserved till the final disposal of such proceedings.

(2) All such records shall, at all reasonable times, be made available for inspection to the appropriate authority or to any other person authorised by the appropriate authority in this behalf.

47. (1) If the appropriate authority has reason to believe that an offence under this Act has been or is being committed at any surrogacy clinic or any other place, such authority or any officer authorised in this behalf may, subject to such rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such authority or officers considers necessary, such surrogacy clinic or any other place and examine any record, register, document, book, pamphlet, advertisement or any other material object found therein and seize and seal the same if such authority or officer has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

Power to search and seize records, etc.

2 of 1974.

(2) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall apply, as far as may be, to all action taken by the appropriate authority or any officer authorised by it under this Act.

48. No suit, prosecution or other legal proceeding shall lie against the Central Government or the State Government or the appropriate authority or any officer authorised by the Central Government or the State Government or by the appropriate authority for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

Protection of action taken in good faith.

49. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Application of other laws not barred.

50. (1) The Central Government may, by notification and subject to the condition of pre-publication, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the prescribed expenses under clauses (b), (f) and (g) of sub-section (1) of section 2;

(b) the minimum qualifications for persons employed at a registered surrogacy clinic under clause (iii) of section 3;

(c) the period and manner in which a person shall store human embryo or gamete under clause (vii) of section 3;

(d) the form and manner of application for obtaining certificate of recommendation from the Board under proviso to sub-clause (a) of clause (ii) of section 4;

(e) the insurance coverage in favour of the surrogate mother from an insurance company and the manner of such coverage under item (III) of sub-clause (a) of clause (iii) of section 4;

(f) the number of attempts of surrogacy or providing of gametes under the proviso to item (III) of sub-clause (b) of clause (iii) of section 4;

(g) the form in which consent of a surrogate mother has to be obtained under clause (ii) of section 6;

(h) the number of oocytes or embryos to be implanted in the uterus of the surrogate mother under section 9;

- (i) the conditions under which the surrogate mother may be allowed for abortion during the process of surrogacy under section 10;
- (j) the form and manner in which an application shall be made for registration and the fee payable thereof under sub-section (2) of section 11;
- (k) the facilities to be provided, equipment and other standards to be maintained by the surrogacy clinics under sub-section (4) of section 11;
- (l) the period, manner and form in which a certificate of registration shall be issued under sub-section (1) of section 12;
- (m) the manner in which the certificate of registration shall be renewed and the fee payable for such renewal under sub-section (3) of section 12;
- (n) the manner in which an appeal may be preferred under section 14;
- (o) the qualifications and experiences of the Members as admissible under clause (f) of sub-section (2) of section 17;
- (p) the procedures for conducting an inquiry against the Members under sub-section (2) of section 21;
- (q) the conditions under which a Member of the Board eligible for re-appointment under section 24;
- (r) the other functions of the Board under clause (g) of section 25;
- (s) the manner in which reports shall be furnished by the State Assisted Reproductive Technology and Surrogacy Board and the Union territory Assisted Reproductive Technology and Surrogacy Board to the Board and the Central Government under clause (iii) of section 26;
- (t) the other functions of the State Board under clause (iv) of section 26;
- (u) the qualifications and experiences of the members as admissible under clause (f) of section 27;
- (v) the age of the person to be appointed as a member, referred to in clause (f) of section 27, under the proviso to clause (b) of sub-section (1) of section 28;
- (w) the procedures for conducting an inquiry against the members under sub-section (2) of section 31;
- (x) the conditions under which the members of State Board eligible for re-appointment under section 34;
- (y) empowering the appropriate authority in any other matter under clause (d) of section 36;
- (z) the other powers of appropriate authority under clause (d) of sub-section (1) of section 37;
- (za) the particulars of the details of registration of surrogacy clinics, cancellation of registration, etc., in such format under sub-section (2) of section 37;
- (zb) the manner of giving notice by a person under clause (b) of sub-section (1) of section 44;
- (zc) the period up to which records, charts, etc., shall be preserved under sub-section (1) of section 46;
- (zd) the manner in which the seizure of documents, records, objects, etc., shall be made and the manner in which seizure list shall be prepared and delivered under sub-section (1) of section 47; and
- (ze) any other matter which is to be, or may be, or in respect of which provision is to be made by rules.

51. The Board may, with the prior approval of the Central Government, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder to provide for—

Power to make regulations.

(a) the fulfilment of any other condition under which eligibility certificate to be issued by the appropriate authority under sub-clause (d) of clause (v) of section 4;

(b) the time and place of the meetings of the Board and the procedure to be followed for the transaction of business at such meetings and the number of Members which shall form the quorum under sub-section (1) of section 19;

(c) the manner in which a person may be temporarily associated with the Board under sub-section (1) of section 22;

(d) the time and place of the meetings of the State Board and the procedure to be followed for the transaction of business at such meetings and the number of members which shall form the quorum under sub-section (1) of section 29;

(e) the manner in which a person may be temporarily associated with the Board under sub-section (1) of section 32; and

(f) any other matter which is required to be, or may be, specified by regulations.

52. Every rule made by the Central Government and every regulation made by the Board under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification.

Rules and regulations to be laid before Parliament.

53. Subject to the provisions of this Act, there shall be provided a gestation period of ten months from the date of coming into force of this Act to existing surrogate mothers' to protect their well being.

Transitional provision.

54. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of the said Act as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

DR. REETA VASISHTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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सं० 66] नई दिल्ली, बृहस्पतिवार, दिसम्बर 30, 2021/पौष 9, 1943 (शक)
No. 66] NEW DELHI, THURSDAY, DECEMBER 30, 2021/PAUSA 9, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 30th December, 2021/Pausa 9, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2021 and is hereby published for general information:—

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ACT, 2021

(No. 48 OF 2021)

[29th December, 2021.]

An Act further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2021.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of May, 2014.

61 of 1985.

2. In section 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, for the words, brackets, letters and figure "clause (viii) of section 2", the words, brackets, letters and figure "clause (viii) of section 2" shall be substituted.

Amendment of section 27A.

Repeal and
savings.

3. (1) The Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021 is hereby repealed.

Ord. 8 of
2021.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

DR. REETA VASISHTA,
Secretary to the Govt. of India.



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भाग II — खण्ड 1

PART II — Section 1

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MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 30th December, 2021/Pausa 9, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2021 and is hereby published for general information:—

THE ELECTION LAWS (AMENDMENT) ACT, 2021

(No. 49 OF 2021)

[29th December, 2021.]

An Act further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

- (1) This Act may be called the Election Laws (Amendment) Act, 2021.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commencement.

CHAPTER II

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

Amendment of section 14. **2.** In the Representation of the People Act, 1950 (hereafter in this Chapter referred to as the 1950 Act), in section 14, in clause (b), for the words, figure and letters "the 1st day of January", the words, figures and letters "the 1st day of January, the 1st day of April, the 1st day of July and the 1st day of October" shall be substituted. 43 of 1950.

Amendment of section 20. **3.** In section 20 of the 1950 Act, in sub-section (6),—
(i) for the word "wife", the word "spouse" shall be substituted;
(ii) for the words "if she", the words "if such spouse" shall be substituted.

Amendment of section 23. **4.** In section 23 of the 1950 Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

'(4) The electoral registration officer may for the purpose of establishing the identity of any person require that such person may furnish the Aadhaar number given by the Unique Identification Authority of India as per the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016:

18 of 2016.

Provided that the electoral registration officer may also require the Aadhaar number from persons already included in the electoral roll for the purposes of authentication of entries in electoral roll and to identify registration of name of the same person in the electoral roll of more than one constituency or more than once in the same constituency.

(5) Every person whose name is included in the electoral roll may intimate his Aadhaar number to such authority in such form and manner as may be prescribed, on or before a date to be notified by the Central Government in the Official Gazette.

(6) No application for inclusion of name in the electoral roll shall be denied and no entries in the electoral roll shall be deleted for inability of an individual to furnish or intimate Aadhaar number due to such sufficient cause as may be prescribed:

Provided that such individual may be allowed to furnish such other alternate documents as may be prescribed.

Explanation.—For the purposes of this section, the expression "Aadhaar number" shall have the same meaning as assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.'

18 of 2016.

Amendment of section 28. **5.** In section 28 of the 1950 Act, in sub-section (2), after clause (hhh), the following clauses shall be inserted, namely:—

"(hhha) the authority and the form and manner of intimation of Aadhaar number under sub-section (5) of section 23;

(hhhb) the sufficient cause and furnishing of alternate documents to be provided by the individual under sub-section (6) of section 23."

CHAPTER III

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment of section 60. **6.** In the Representation of the People Act, 1951 (hereafter in this Chapter referred to as the 1951 Act), in section 60, in clause (b), in sub-clause (ii), for the word "wife", occurring at both the places, the word "spouse" shall be substituted. 43 of 1951.

7. In section 160 of the 1951 Act, in sub-section (1),—

Amendment
of section
160.

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) any premises are needed or are likely to be needed for the purpose of being used as polling stations, for counting, for storage of ballot boxes, voting machines (including voter verifiable paper audit trail) and poll related material after a poll has been taken, accommodation for security forces and polling personnel; or";

(ii) in the proviso, for the words "Provided that", the following shall be substituted, namely:—

"Provided that such premises shall be requisitioned after the issuance of the notification by the Election Commission under section 30 for such election till the date notified under clause (e) thereof:

Provided further that".

DR. REETA VASISHTA,
Secretary to the Govt. of India.



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PART II — Section 1

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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th August, 2021/ Sravana 28, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 18th August, 2021, and is hereby published for general information:—

THE CONSTITUTION (ONE HUNDRED AND FIFTH AMENDMENT) ACT, 2021

[18th August, 2021.]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (One Hundred and Fifth Amendment) Act, 2021. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of article
338B.

2. In article 338B of the Constitution, in clause (9), the following proviso shall be inserted, namely:—

“Provided that nothing in this clause shall apply for the purposes of clause (3) of article 342A.”.

Amendment
of article
342A.

3. In article 342A of the Constitution,—

(a) in clause (1), for the words “the socially and educationally backward classes which shall for the purposes of this Constitution”, the words “the socially and educationally backward classes in the Central List which shall for the purposes of the Central Government” shall be substituted;

(b) after clause (2), the following shall be inserted, namely:—

‘Explanation.— For the purposes of clauses (1) and (2), the expression “Central List” means the list of socially and educationally backward classes prepared and maintained by and for the Central Government.

(3) Notwithstanding anything contained in clauses (1) and (2), every State or Union territory may, by law, prepare and maintain, for its own purposes, a list of socially and educationally backward classes, entries in which may be different from the Central List.’.

Amendment
of article 366.

4. In article 366 of the Constitution, for clause (26C), the following clause shall be substituted, namely:—

‘(26C) “socially and educationally backward classes” means such backward classes as are so deemed under article 342A for the purposes of the Central Government or the State or Union territory, as the case may be.’.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 3686]
No. 3686]

नई दिल्ली, बुधवार, सितम्बर 29, 2021/आश्विन 7, 1943
NEW DELHI, WEDNESDAY, SEPTEMBER 29, 2021/ASVINA 7, 1943

सामाजिक न्याय और अधिकारिता मंत्रालय
(सामाजिक न्याय और अधिकारिता विभाग)

अधिसूचना

नई दिल्ली, 15 सितम्बर, 2021

का.आ. 4020(अ).—केन्द्रीय सरकार, संविधान (एक सौ पांच संशोधन) अधिनियम, 2021 की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 15 सितम्बर, 2021 जिस तारीख को उक्त अधिनियम के उपबंध प्रवृत्त होंगे, एतद्वारा नियत करती है।

[फा. सं. 12018/1/2021-बीसी-II]

आर. सुब्रह्मन्यम, सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT**(Department of Social Justice and Empowerment)****NOTIFICATION**

New Delhi, the 15th September, 2021

S.O. 4020(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (One Hundred and Fifth Amendment) Act, 2021, the Central Government hereby appoints the 15th August, 2021 as the date on which the provisions of the said Act shall come into force.

[F.No. 12018/1/2021-BC-II]

R. SUBRAHMANYAM, Secy.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 1] नई दिल्ली, बृहस्पतिवार, जनवरी 07, 2021/ पौष 17, 1942 (शक)
No. 1] NEW DELHI, THURSDAY, JANUARY 07, 2021/PAUSHA 17, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 07th January, 2021/Pausha 17, 1942 (Saka)

THE JAMMU AND KASHMIR REORGANISATION
(AMENDMENT) ORDINANCE, 2021

No. 1 of 2021

Promulgated by the President in the Seventy-first Year
of the Republic of India.

*An Ordinance to amend the Jammu and Kashmir
Reorganisation Act, 2019.*

WHEREAS Parliament is not in session and the President
is satisfied that circumstances exist which render it
necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred
by clause (1) of article 123 of the Constitution, the President
is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Jammu and
Kashmir Reorganisation (Amendment) Ordinance, 2021.

Short title and
commencement.

(2) It shall come into force at once.

Amendment of
section 13.

2. In section 13 of the Jammu and Kashmir Reorganisation Act, 2019 (hereinafter referred to as the principal Act), after the words, figures and letter “in article 239A”, the words “or any other article containing reference to elected members of the Legislative Assembly of the State” shall be inserted.

34 of 2019.

Amendment of
section 88.

3. In section 88 of the principal Act, for sub-sections (2) to (6), the following sub-sections shall be substituted, namely:-

“(2) The members of the Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing cadre of Jammu and Kashmir, shall be borne and become part of the Arunachal Pradesh, Goa, Mizoram and Union territories cadre, and all future allocations of All India Services Officers for the Union territory of Jammu and Kashmir and Union territory of Ladakh shall be made to Arunachal Pradesh, Goa, Mizoram and Union territories cadre for which necessary modifications may be made in corresponding cadre allocation rules by the Central Government.

(3) The officers so borne or allocated on Arunachal Pradesh, Goa, Mizoram and Union territories cadre shall function in accordance with the rules framed by the Central Government.”.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-04042021-226364
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 20]

नई दिल्ली, रविवार, अप्रैल 4, 2021/चैत्र 14, 1943 (शक)

No. 20]

NEW DELHI, SUNDAY, APRIL 4, 2021/CHAITRA 14, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 4th April, 2021/Chaitra 14, 1943 (Saka)

THE TRIBUNALS REFORMS (RATIONALISATION AND CONDITIONS OF SERVICE) ORDINANCE, 2021

No. 2 OF 2021

Promulgated by the President in the Seventy-Second
Year of the Republic of India.

An Ordinance further to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001 and certain other Acts.

WHEREAS The Tribunal Reforms (Rationalisation and Conditions of Service) Bill, 2021 has been introduced in the House of the People on the 13th day of February, 2021;

AND WHEREAS the aforesaid Bill could not be taken up for consideration and passing in the House of the People;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1.(1) This Ordinance may be called the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021.

Short title and commencement.

(2) It shall come into force at once.

Definitions.

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

(a) “notified date” means the date of commencement of this Ordinance;

(b) “Schedule” means the Schedule appended to this Ordinance;

CHAPTER II

AMENDMENTS TO THE CINEMATOGRAPH ACT, 1952

Amendment of Act 37 of 1952.

3. In the Cinematograph Act, 1952, —

(a) in section 2, clause (h) shall be omitted;

(b) in section 5C,—

(i) for the word “Tribunal”, at both the places where it occurs, the words “High Court” shall be substituted;

(ii) sub-section (2) shall be omitted;

(c) sections 5D and 5DD shall be omitted;

(d) in section 6, the words “or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal)” shall be omitted;

(e) in sections 7A and 7C, for the word “Tribunal”, wherever it occurs, the words “High Court” shall be substituted;

(f) in sections 7D, 7E and 7F, the words “the Tribunal,” wherever they occur, shall be omitted;

(g) in section 8, in sub-section (2), clauses (h), (i), (j), and (k) shall be omitted.

CHAPTER III

AMENDMENTS TO THE COPYRIGHT ACT, 1957

Amendment of
Act 14 of 1957.

3. In the Copyright Act, 1957,—

(a) in section 2,—

(i) clause (aa) shall be omitted;

(ii) clause (fa) shall be re-lettered as clause (faa) and before the clause (faa) as so re-lettered, the following clause shall be inserted, namely:—

‘(fa) “Commercial Court”, for the purposes of any State, means a Commercial Court constituted under section 3, or the Commercial Division of a High Court constituted under section 4, of the Commercial Courts Act, 2015;’;

4 of 2016.

(iii) for clause (u), the following clause shall be substituted, namely:—

‘(u) “prescribed” means,—

(A) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(B) in other cases, prescribed by rules made under this Act;’;

(b) in section 6,—

(i) for the words “Appellate Board”, wherever they occur, the words “Commercial Court” shall be substituted;

(ii) the words “constituted under section 11 whose decision thereon shall be final” shall be omitted;

(c) in Chapter II, in the Chapter heading, the words “AND APPELLATE BOARD” shall be omitted;

(d) sections 11 and 12 shall be omitted;

(e) in sections 19A, 23, 31, 31A, 31B, 31C, 31D, 32, 32A and 33A, for the words “Appellate Board”, wherever they occur, the words “Commercial Court” shall be substituted;

(f) in section 50, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(g) in section 53A,—

(i) for the words “Appellate Board”, wherever they occur, the words “Commercial Court” shall be substituted;

(ii) in sub-section (2), the words “and the decision of the Appellate Board in this behalf shall be final” shall be omitted;

(h) in section 54, for the words “Appellate Board”, the words “Commercial Court” shall be substituted;

(i) for section 72, the following section shall be substituted, namely:—

“72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the High Court.

Appeals against orders of Registrar of Copyrights.

(2) Every such appeal shall be heard by a single Judge of the High Court:

Provided that any such Judge may, if he so thinks fit, refer the appeal at any stage of the proceeding to a Bench of the High Court.

(3) Where an appeal is heard by a single Judge, a further appeal shall lie to a Bench of the High Court within three months from the date of decision or order of the single Judge.

(4) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.”;

(j) in sections 74 and 75, the words “and the Appellate Board”, wherever they occur, shall be omitted;

(k) in section 77, the words “and every member of the Appellate Board” shall be omitted;

(l) in section 78, in sub-section (2),—

(i) clauses (cA) and (ccB) shall be omitted;

(ii) in clause (f), the words “and the Appellate Board” shall be omitted.

CHAPTER IV

AMENDMENTS TO THE CUSTOMS ACT, 1962

Amendment of
Act 52 of 1962.

5. In the Customs Act, 1962,—

(a) in section 28E, clauses (ba), (f) and (g) shall be omitted;

(b) in section 28EA, the proviso shall be omitted;

(c) in section 28F, sub-section (1) shall be omitted;

(d) in section 28KA,—

(i) in sub-section (1), for the word “Appellate Authority”, at both the places where they occur, the words “High Court” shall be substituted;

(ii) sub-section (2) shall be omitted;

(e) in section 28L, the words “or Appellate Authority”, wherever they occur, shall be omitted;

(f) in section 28M,—

(i) in the marginal heading, the words “and

Appellate Authority” shall be omitted;

(ii) sub-section (2) shall be omitted.

CHAPTER V

AMENDMENTS TO THE PATENTS ACT, 1970

Amendment of
Act 39 of 1970.

6. In the Patents Act, 1970,—

(a) in section 2, in sub-section (1),—

(i) clause (a) shall be omitted;

(ii) in clause (u), sub-clause (B) shall be omitted;

(b) in section 52, the words “Appellate Board or”, wherever they occur, shall be omitted;

(c) in section 58,—

(i) the words “the Appellate Board or”, wherever they occur, shall be omitted;

(ii) the words “as the case may be” shall be omitted;

(d) in section 59, the words “the Appellate Board or” shall be omitted;

(e) in section 64, in sub-section (1), the words “by the Appellate Board” shall be omitted;

(f) in section 71, for the words “Appellate Board” and “Board”, wherever they occur, the words “High Court” shall be substituted;

(g) in section 76, the words “or Appellate Board” shall be omitted;

(h) in section 113,—

(i) in sub-section (1),—

(A) the words “the Appellate Board or”, wherever they occur, shall be omitted;

(B) the words “as the case may be” shall be omitted;

(ii) in sub-section (3), the words “or the Appellate Board” shall be omitted;

(i) in Chapter XIX, for the Chapter heading, the Chapter heading “APPEALS” shall be substituted;

(j) sections 116 and 117 shall be omitted;

(k) in section 117A, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(l) sections 117B, 117C and 117D shall be omitted;

(m) in section 117E, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(n) sections 117F, 117G and 117H shall be omitted;

(o) in section 151,—

(A) in sub-section (1), the words “or the Appellate Board”, at both the places where they occur, shall be omitted;

(B) in sub-section (3), for the words “the Appellate Board or the courts, as the case may be”, the words “the courts” shall be substituted;

(p) in section 159, in sub-section (2), clauses (xiia), (xiib) and (xiic) shall be omitted.

CHAPTER VI

AMENDMENTS TO THE AIRPORT AUTHORITY OF INDIA ACT, 1994

7. In the Airports Authority of India Act, 1994,—

Amendment of
Act 55 of 1994.

(a) in section 28A, clause (e) shall be omitted;

(b) in section 28E, for the word “Tribunal”, at both the places where it occurs, the words “Central Government” shall be substituted;

(c) sections 28I, 28J and 28JA shall be omitted;

(d) in section 28K,—

(i) in sub-section (1),—

(A) for the words “Tribunal in such form as may be prescribed”, the words “High Court” shall be substituted;

(B) in the proviso, for the word “Tribunal”, the words “High Court” shall be substituted;

(ii) sub-sections (2), (3), (4) and (5) shall be omitted;

(e) section 28L shall be omitted;

(f) in section 28M, the words “or the Tribunal” shall be omitted;

(g) in section 28N, in sub-section (2), for the word “Tribunal”, the words “High Court” shall be substituted;

(h) in section 33, the words “or the Chairperson of the Tribunal” shall be omitted;

(i) in section 41, in sub-section (2), clauses (gvi), (gvii), (gviii) and (gix) shall be omitted.

CHAPTER VII

AMENDMENTS TO THE TRADE MARKS ACT, 1999

Amendment of
Act 47 of 1999.

8. In the Trade Marks Act, 1999,—

(a) in section 2, in sub-section (1), —

(i) clauses (a), (d), (f), (k), (n), (ze) and (zf) shall be omitted;

(ii) for clause (s), the following clause shall be substituted, namely:—

‘(s) “prescribed” means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act;’;

(b) in section 10, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(c) in section 26, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(d) in section 46, in sub-section (3), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(e) in section 47, —

(i) for the words “Appellate Board”, at both the places where it occurs, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, wherever it occurs, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(f) in section 55, in sub-section (1), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(g) in section 57, —

(i) for the words “Appellate Board”, wherever it occurs, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, wherever it occurs, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(h) in section 71, in sub-section (3), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(i) in Chapter XI, for the Chapter heading, the

Chapter heading “APPEALS” shall be substituted;

(j) sections 83, 84, 85, 86, 87, 88, 89, 89A and 90 shall be omitted;

(k) in section 91, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(l) sections 92 and 93 shall be omitted;

(m) for section 94, the following section shall be substituted, namely:—

Bar to appear
before
Registrar.

“94. On ceasing to hold the office, the erstwhile Chairperson, Vice-Chairperson or other Members, shall not appear before the Registrar.”;

(l) sections 95 and 96 shall be omitted;

(m) in section 97, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(n) in section 98, for the words “Appellate Board” and “Board”, wherever they occur, the words “High Court” shall be substituted;

(o) sections 99 and 100 shall be omitted;

(p) in section 113, —

(i) for the words “Appellate Board”, at both the places where they occur, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(q) in section 123, the words “and every Member of the Appellate Board” shall be omitted;

(r) in sections 124 and 125, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(s) in section 130, the words “the Appellate Board or” shall be omitted;

(t) in section 141, for the words “Appellate Board”, at both the places where they occur, the words “High Court” shall be substituted;

(u) in section 144, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(v) in section 157, in sub-section (2),—

(i) clauses (xxxi) and (xxxii) shall be omitted;

(ii) in clause (xxxiii), for the words “Appellate Board”, the words “High Court” shall be substituted.

CHAPTER VIII

AMENDMENTS TO THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999

Amendment of
Act 48 of 1999.

9. In the Geographical Indications of Goods
(Registration and Protection) Act, 1999,—

(a) in section 2, in sub-section (1), clauses (a) and (p) shall be omitted;

(b) in section 19, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(c) in section 23, for the words “and before the Appellate Board before which”, the words “before whom” shall be substituted;

(d) in section 27, —

(i) for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, wherever it occurs,

the words “Registrar or the High Court, as the case may be,” shall be substituted;

(e) in Chapter VII, for the Chapter heading, the Chapter heading “APPEALS” shall be substituted;

(f) in section 31,—

(i) for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(ii) sub-section (3) shall be omitted;

(g) sections 32 and 33 shall be omitted;

(h) in sections 34 and 35, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(i) section 36 shall be omitted;

(j) in sections 48,—

(i) for the words “Appellate Board”, at both the places where it occurs, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(k) in sections 57 and 58, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(l) in section 63, the words “the Appellate Board or” shall be omitted;

(m) in section 72, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(n) in section 75, for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(o) in section 87, in sub-section (2), clause (n) shall be omitted.

CHAPTER IX

AMENDMENTS TO THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

Amendment of Act 53 of 2001. **10.** In the Protection of Plant Varieties and Farmers' Rights Act, 2001,—

(a) in section 2, —

(i) clauses (d), (n) and (o) shall be omitted;

(ii) for clause (q), the following clause shall be substituted, namely:—

'(q) "prescribed" means,—

(A) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(B) in other cases, prescribed by rules made under this Act;':

(iii) clauses (y) and (z) shall be omitted;

(b) in section 44, the words "or the Tribunal" shall be omitted;

(c) in Chapter VIII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(d) sections 54 and 55 shall be omitted;

(e) in section 56,—

(i) for the word "Tribunal", wherever they occur, the words "High Court" shall be substituted;

(ii) sub-section (3) shall be omitted;

(f) in section 57,—

(i) for the word “Tribunal”, wherever it occurs, the words “High Court” shall be substituted;

(ii) sub-section (5) shall be omitted;

(g) sections 58 and 59 shall be omitted;

(h) in section 89, the words “or the Tribunal” shall be omitted.

CHAPTER X

AMENDMENTS TO THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

11. In the Control of National Highways (Land and Traffic) Act, 2002,— Amendment of Act 13 of 2003.

(a) in section 2,—

(i) clause (a) shall be omitted;

(ii) after clause (d), the following clause shall be inserted, namely:—

‘(da) “Court” means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;’;

(iii) clause (l) shall be omitted;

(b) in Chapter II, in the Chapter heading, the words “AND TRIBUNALS, ETC.” shall be omitted;

(c) section 5 shall be omitted;

(d) for section 14, the following section shall be substituted, namely:—

Appeals.

“14. An appeal from any order passed, or any action taken, excluding issuance or serving of notices, under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be, shall lie to the

Court.”;

(e) sections 15 and 16 shall be omitted;

(f) in section 17, for the word “Tribunal”, at both the places where it occurs, the word “Court” shall be substituted;

(g) section 18 shall be omitted;

(h) in section 19, for the word “Tribunal”, at both the places where it occurs, the word “Court” shall be substituted;

(i) section 40 shall be omitted;

(j) in section 41,—

(i) the words “or every order passed or decision made on appeal under this Act by the Tribunal” shall be omitted;

(ii) the words “or Tribunal” shall be omitted;

(k) in section 50, in sub-section (2), clause (f) shall be omitted.

CHAPTER XI

AMENDMENTS TO THE FINANCE ACT, 2017

Amendment of Act 7 of 2017.

12. In the Finance Act, 2017 (hereinafter referred to as the Finance Act),—

(i) for section 184, the following section shall be substituted, namely:—

Qualifications, appointment, etc., of Chairperson and Members of Tribunal.

“184. (1) The Central Government may, by notification, make rules to provide for the qualifications, appointment, salaries and allowances, resignation, removal and the other conditions of service of the Chairperson and Members of the Tribunal as specified in the Eighth Schedule:

Provided that a person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson or Member:

Provided further that the allowances and benefits so payable shall be to the extent as are admissible to a Central Government officer holding the post carrying the same pay:

Provided also that where the Chairperson or Member takes a house on rent, he may be reimbursed a house rent subject to such limits and conditions as may be provided by rules.

(2) The Chairperson and Members of a Tribunal shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee (hereinafter referred to as the Committee) constituted under sub-section (3), in such manner as the Central Government may, by rules, provide.

(3) The Search-cum-Selection Committee shall consist of—

(a) the Chief Justice of India or a Judge of Supreme Court nominated by him— Chairperson of the Committee;

(b) two Secretaries nominated by the Government of India — Members;

(c) one Member, who—

(i) in case of appointment of a Chairperson of a Tribunal, shall be the outgoing Chairperson of the Tribunal; or

(ii) in case of appointment of a Member of a Tribunal, shall be the sitting Chairperson of the Tribunal; or

(iii) in case of the Chairperson of the Tribunal seeking re-appointment, shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court nominated by the Chief Justice of India:

Provided that, in the following cases, such Member shall always be a retired Judge of the Supreme Court or a retired Chief Justice of a

High Court nominated by the Chief Justice of India, namely:—

(i) Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947; 14 of 1947.

(ii) Tribunals and Appellate Tribunals constituted under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993; 51 of 1993.

(iii) Tribunals where the Chairperson or the outgoing Chairperson, as the case may be, of the Tribunal is not a retired Judge of the Supreme Court or a retired Chief Justice or Judge of a High Court; and

(iv) such other Tribunals as may be notified by the Central Government in consultation with the Chairperson of the Search-cum-Selection Committee of that Tribunal; and

(d) the Secretary to the Government of India in the Ministry or Department under which the Tribunal is constituted or established — Member-Secretary.

(4) The Chairperson of the Committee shall have the casting vote.

(5) The Member-Secretary of the Committee shall not have any vote.

(6) The Committee shall determine its procedure for making its recommendations.

(7) Notwithstanding anything contained in any judgment, order or decree of any court or in any law for the time being in force, the Committee shall recommend a panel of two names for appointment to the post of Chairperson or Member, as the case may be, and the Central Government shall take a decision on the recommendations of the Committee preferably within three months from the date on which the Committee makes its recommendations to the Government.

(8) No appointment shall be invalid merely by reason of any vacancy or absence in the Committee.

(9) The Chairperson and Member of a Tribunal shall be eligible for re-appointment in accordance with the provisions of this section:

Provided that in making such re-appointment, preference shall be given to the service rendered by such person.

(10) The Central Government shall, on the recommendation of the Committee, remove from office, in such manner as may be provided by rules, any Member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such a Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where a Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

Explanation.— For the purposes of this section, the expressions —

(i) “Tribunal” means a Tribunal, Appellate Tribunal or Authority as specified in column (2) of the Eighth Schedule;

(ii) “Chairperson” includes Chairperson, Chairman, President and Presiding Officer of a Tribunal;

(iii) “Member” includes Vice-Chairman, Vice-Chairperson, Vice-President, Account Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member and Technical Member, as the case may be, of a Tribunal.”;

(ii) in section 184 as so substituted, after sub-section (10) and before the *Explanation*, the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 26th May, 2017, namely:—

“(11) Notwithstanding anything contained in any judgment, order, or decree of any court or any law for the time being in force, —

(i) the Chairperson of a Tribunal shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier;

(ii) the Member of a Tribunal shall hold office for a term of four years or till he attains the age of sixty-seven years, whichever is earlier:

Provided that where a Chairperson or Member is appointed between the 26th day of May, 2017 and the notified date and the term of his office or the age of retirement specified in the order of appointment issued by the Central Government is greater than that which is specified in this section, then, notwithstanding anything contained in this section, the term of office or age of retirement or both, as the case may be, of the Chairperson or Member shall be as specified in his order of appointment subject to a maximum term of office of five years.”.

Amendment of section 186.

13. Section 186 of the Finance Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Subject to the provisions of sections 184 and 185, neither the salary and allowances nor the other terms and conditions of service of Chairperson, Vice-

Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or, as the case may be, other Authority may be varied to his disadvantage after his appointment.”.

14. In the Finance Act, in the Eighth Schedule, —

Amendment of Eighth Schedule.

(i) items 10, 12, 14, and 15 shall be omitted;

(ii) for item 16, the following item shall be substituted, namely:—

(1)	(2)	(3)
16.	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 2019 (35 of 2019)

15. (1) Notwithstanding anything contained in any law for the time being in force, any person appointed as the Chairperson or Chairman or President or Presiding Officer or Vice-Chairperson or Vice-Chairman or Vice-President or Member of the Tribunal, Appellate Tribunal, or, as the case may be, other Authorities specified in the Schedule and holding office as such immediately before the notified date, shall, on and from the notified date, cease to hold such office, and he shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of his office or of any contract of service.

Transitional provisions.

(2) The officers and other employees of the Tribunals, Appellate Tribunals and other Authorities specified in the Schedule appointed on deputation, before the notified date, shall, on and from the notified date, stand reverted to their parent cadre, Ministry or Department.

(3) Any appeal, application or proceeding pending before the Tribunal, Appellate Tribunal or other Authorities specified in the Schedule, other than those pending before the Authority for Advance Rulings under the Income-tax Act, 1961, before the notified date, shall stand transferred to the Court before which it would have been filed had this Ordinance been in force on the date of filing of such appeal or application or initiation of the

43 of 1961.

proceeding, and the Court may proceed to deal with such cases from the stage at which it stood before such transfer, or from any earlier stage, or de novo, as the Court may deem fit.

(4) The balance of all monies received by, or advanced to, the Tribunal, Appellate Tribunal or other Authorities specified in the Schedule and not spent by it before the notified date, shall, on and from the notified date, stand transferred to the Central Government.

(5) All property of whatever kind owned by, or vested in, the Tribunal, Appellate Tribunal or other Authorities specified in the Schedule before the notified date, shall stand transferred to, on and from the notified date, and shall vest in the Central Government.

Power
remove
difficulties.

to **16.** (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by general or special order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each Houses of Parliament.

THE SCHEDULE
(See section 15)

1. Appellate Tribunal under Cinematograph Act, 1952 (37 of 1952).
2. Authority for Advance Rulings under Income-tax Act, 1961 (43 of 1961).
3. Airport Appellate Tribunal under Airports Authority of India Act, 1994 (Act 55 of 1994).
4. Intellectual Property Appellate Board under Trade Marks Act, 1999 (47 of 1999).
5. Plant Varieties Protection Appellate Tribunal under Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001).

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th April, 2021/Chaitra 14, 1943 (Saka)

**THE INSOLVENCY AND BANKRUPTCY CODE
(AMENDMENT) ORDINANCE, 2021**

NO. 3 OF 2021

Promulgated by the President in the Seventy-second Year
of the Republic of India.

*An Ordinance further to amend the Insolvency and
Bankruptcy Code, 2016.*

WHEREAS COVID-19 pandemic has impacted businesses, financial markets and economies all over the world, including India, and has impacted the business operations of micro, small and medium enterprises and exposed many of them to financial distress;

AND WHEREAS the Government has taken several measures to mitigate the distress caused by the pandemic, including increasing the minimum amount of default for initiation of corporate insolvency resolution process to one crore rupees, and suspending filing of applications for initiation of corporate insolvency resolution process in respect of the defaults arising during the period of one year beginning from 25th March 2020;

AND WHEREAS such suspension for filing of applications for initiation of corporate insolvency resolution process has ended on 24th March 2021;

AND WHEREAS the country has shown remarkable resilience, be it tackling the pandemic or ensuring economic recovery;

AND WHEREAS micro, small and medium enterprises are critical for India's economy as they contribute significantly to its gross domestic product and provide employment to a sizeable population;

AND WHEREAS it is considered necessary to urgently address the specific requirements of micro, small and medium enterprises relating to the resolution of their insolvency, due to the unique nature of their businesses and simpler corporate structures;

AND WHEREAS it is considered expedient to provide an efficient alternative insolvency resolution process for corporate persons classified as micro, small and medium enterprises under the Insolvency and Bankruptcy Code, 2016, ensuring quicker, cost-effective and value maximising outcomes for all the stakeholders, in a manner which is least disruptive to the continuity of their businesses and which preserves jobs;

AND WHEREAS in order to achieve these objectives, it is considered expedient to introduce a pre-packaged insolvency resolution process for corporate persons classified as micro, small and medium enterprises;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (1) This Ordinance may be called the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2021.

(2) It shall come into force at once.

Amendment of section 4.

2. In the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the principal Act), in section 4, after the proviso, the following proviso shall be inserted, namely:—

31 of 2016.

“Provided further that the Central Government may, by notification, specify such minimum amount of default of higher value, which shall not be more than one crore rupees, for matters relating to the pre-packaged insolvency resolution process of corporate debtors under Chapter III-A.”.

3. In section 5 of the principal Act,—

Amendment of
section 5.

(i) after clause (2), the following clause shall be inserted, namely: —

“(2A) “base resolution plan” means a resolution plan provided by the corporate debtor under clause (c) of sub-section (4) of section 54A;”;

(ii) in clause (5), in sub-clause (b), after the words “corporate insolvency resolution process”, the words “or the pre-packaged insolvency resolution process, as the case may be,” shall be inserted;

(iii) in clause (11), after the words “corporate insolvency resolution process”, the words “or pre-packaged insolvency resolution process, as the case may be” shall be inserted;

(iv) in clause (15), after the words, “process period”, the words “or by the corporate debtor during the pre-packaged insolvency resolution process period, as the case may be,” shall be inserted;

(v) in clause (19), after the words “for the purposes of”, the words and figures “Chapter VI and” shall be inserted;

(vi) after clause (23), the following clauses shall be inserted, namely: —

“(23A)“preliminary information” means a memorandum submitted by the corporate debtor under clause (b) of sub-section (1) of section 54G;

(23B)“pre-packaged insolvency date” means the date of admission of an application for initiating the pre-packaged insolvency resolution process by the Adjudicating Authority under clause (a) of sub-section (4) of section 54C;

(23C) “pre-packaged insolvency resolution process costs” means—

(a) the amount of any interim finance and the costs incurred in raising such finance;

(b) the fees payable to any person acting as a resolution professional and any expenses incurred by him for conducting the pre-packaged insolvency resolution process during the pre-packaged insolvency resolution process period, subject to sub-section (6) of section 54F;

(c) any costs incurred by the resolution professional in running the business of the corporate debtor as a going concern pursuant to an order under sub-section (2) of section 54J;

(d) any costs incurred at the expense of the Government to facilitate the pre-packaged insolvency resolution process; and

(e) any other costs as may be specified;

(23D) “pre-packaged insolvency resolution process period” means the period beginning from the pre-packaged insolvency commencement date and ending on the date on which an order under sub-section (1) of section 54L, or sub-section (1) of section 54N, or sub-section (2) of section 54-O, as the case may be, is passed by the Adjudicating Authority; ;

(vii) in clause (25), after the words, brackets and figures “of sub-section (2) of section 25”, the words, figures and letter “or pursuant to section 54K, as the case may be” shall be inserted;

(viii) in clause (27), after the words “corporate insolvency resolution process”, the words “or the pre-packaged insolvency resolution process, as the case may be,” shall be inserted.

Amendment of section 11.

4. In section 11 of the principal Act,—

(i) in clause (a), after the words “corporate insolvency resolution process”, the words “or a pre-packaged insolvency resolution process” shall be inserted;

(ii) after clause (a), the following clause shall be inserted, namely:—

“(aa) a financial creditor or an operational creditor of a corporate debtor undergoing a pre-packaged insolvency resolution process; or”;

(iii) after clause (b), the following clause shall be inserted, namely:—

“(ba) a corporate debtor in respect of whom a resolution plan has been approved under Chapter III-A, twelve months preceding the date of making of the application; or”.

5. After section 11 of the principal Act, the following section shall be inserted, namely: — Insertion of new section 11A.

“**11A.** (1) Where an application filed under section 54C is pending, the Adjudicating Authority shall pass an order to admit or reject such application, before considering any application filed under section 7 or section 9 or section 10 during the pendency of such application under section 54C, in respect of the same corporate debtor. Disposal of applications under section 54C and under section 7 or section 9 or section 10.

(2) Where an application under section 54C is filed within fourteen days of filing of any application under section 7 or section 9 or section 10, which is pending, in respect of the same corporate debtor, then, notwithstanding anything contained in sections 7, 9 and 10, the Adjudicating Authority shall first dispose of the application under section 54C.

(3) Where an application under section 54C is filed after fourteen days of the filing of any application under section 7 or section 9 or section 10, in respect of the same corporate debtor, the Adjudicating Authority shall first dispose of the application under sections 7, 9 or 10.

(4) The provisions of this section shall not apply where an application under section 7 or section 9 or section 10 is filed and pending as on the date of the commencement of the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2021.”.

6. In section 33 of the principal Act, in sub-section (3), after the words, “approved by the Adjudicating Authority”, the words, figures, brackets and letter “under Amendment of section 33.

section 31 or under sub-section (1) of section 54L,” shall be inserted.

Amendment of section 34.

7. In section 34 of the principal Act, in sub-section (1), after the words and figures, “under Chapter II”, the words, figures and letter “or for the pre-packaged insolvency resolution process under Chapter III-A” shall be inserted.

Insertion of new Chapter III-A.

8. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

‘CHAPTER III-A

PRE-PACKAGED INSOLVENCY RESOLUTION PROCESS

Corporate debtors eligible for pre-packaged insolvency resolution process.

54A.(1) An application for initiating pre-packaged insolvency resolution process may be made in respect of a corporate debtor classified as a micro, small or medium enterprise under sub-section (1) of section 7 of the Micro, Small and Medium Enterprises Development Act, 2006. 27 of 2006.

(2) Without prejudice to sub-section (1), an application for initiating pre-packaged insolvency resolution process may be made in respect of a corporate debtor, who commits a default referred to in section 4, subject to the following conditions, that—

(a) it has not undergone pre-packaged insolvency resolution process or completed corporate insolvency resolution process, as the case may be, during the period of three years preceding the initiation date;

(b) it is not undergoing a corporate insolvency resolution process;

(c) no order requiring it to be liquidated is passed under section 33;

(d) it is eligible to submit a resolution plan under section 29A;

(e) the financial creditors of the corporate debtor, not being its related parties, representing such number and such manner as may be specified, have proposed the name of the insolvency professional to be appointed as resolution professional for conducting the pre-packaged

insolvency resolution process of the corporate debtor, and the financial creditors of the corporate debtor, not being its related parties, representing not less than sixty-six per cent. in value of the financial debt due to such creditors, have approved such proposal in such form as may be specified:

Provided that where a corporate debtor does not have any financial creditors, not being its related parties, the proposal and approval under this clause shall be provided by such persons as may be specified;

(f) the majority of the directors or partners of the corporate debtor, as the case may be, have made a declaration, in such form as may be specified, stating, *inter alia*, —

(i) that the corporate debtor shall file an application for initiating pre-packaged insolvency resolution process within a definite time period not exceeding ninety days;

(ii) that the pre-packaged insolvency resolution process is not being initiated to defraud any person; and

(iii) the name of the insolvency professional proposed and approved to be appointed as resolution professional under clause (e);

(g) the members of the corporate debtor have passed a special resolution, or at least three-fourth of the total number of partners, as the case may be, of the corporate debtor have passed a resolution, approving the filing of an application for initiating pre-packaged insolvency resolution process.

(3) The corporate debtor shall obtain an approval from its financial creditors, not being its related parties, representing not less than sixty-six per cent. in value of the financial debt due to such creditors, for the filing of an application for initiating pre-packaged insolvency resolution process, in such form as may be specified:

Provided that where a corporate debtor does not have any financial creditors, not being its related parties, the approval under this sub-section shall be provided by such persons as may be specified.

(4) Prior to seeking approval from financial creditors under sub-section (3), the corporate debtor shall provide such financial creditors with —

(a) the declaration referred to in clause (f) of sub-section (2);

(b) the special resolution or resolution referred to in clause (g) of sub-section (2);

(c) a base resolution plan which conforms to the requirements referred to in section 54K, and such other conditions as may be specified; and

(d) such other information and documents as may be specified.

Duties of resolution professional before initiation of pre-packaged insolvency resolution process.

54B. (1) The insolvency professional, proposed to be appointed as the resolution professional, shall have the following duties commencing from the date of the approval under clause (e) of sub-section (2) of section 54A, namely:—

(a) prepare a report in such form as may be specified, confirming whether the corporate debtor meets the requirements of section 54A, and the base resolution plan conforms to the requirements referred to in clause (c) of sub-section (4) of section 54A;

(b) file such reports and other documents, with the Board, as may be specified; and

(c) perform such other duties as may be specified.

(2) The duties of the insolvency professional under sub-section (1) shall cease, if, —

(a) the corporate debtor fails to file an application for initiating pre-packaged insolvency resolution process within the time period as stated under the declaration referred to in clause (f) of sub-section (2) of section 54A; or

(b) the application for initiating pre-packaged insolvency resolution process is admitted or rejected by the Adjudicating Authority,

as the case may be.

(3) The fees payable to the insolvency professional in relation to the duties performed under sub-section (1) shall be determined and borne in such manner as may be specified and such fees shall form part of the pre-packaged insolvency resolution process costs, if the application for initiation of pre-packaged insolvency resolution process is admitted.

54C. (1) Where a corporate debtor meets the requirements of section 54A, a corporate applicant thereof may file an application with the Adjudicating Authority for initiating pre-packaged insolvency resolution process.

Application to initiate pre-packaged insolvency resolution process.

(2) The application under sub-section (1) shall be filed in such form, containing such particulars, in such manner and accompanied with such fee as may be prescribed.

(3) The corporate applicant shall, along with the application, furnish—

(a) the declaration, special resolution or resolution, as the case may be, and the approval of financial creditors for initiating pre-packaged insolvency resolution process in terms of section 54A;

(b) the name and written consent, in such form as may be specified, of the insolvency professional proposed to be appointed as resolution professional, as approved under clause (e) of sub-section (2) of section 54A, and his report as referred to in clause (a) of sub-section (1) of section 54B;

(c) a declaration regarding the existence of any transactions of the corporate debtor that may be within the scope of provisions in respect of avoidance of transactions under Chapter III or fraudulent or wrongful trading under Chapter VI, in such form as may be specified;

(d) information relating to books of account of the corporate debtor and such other documents relating to such period as may be specified.

(4) The Adjudicating Authority shall, within a period of fourteen days of the receipt of the application, by an order,—

(a) admit the application, if it is complete; or

(b) reject the application, if it is incomplete:

Provided that the Adjudicating Authority shall, before rejecting an application, give notice to the applicant to rectify the defect in the application within seven days from the date of receipt of such notice from the Adjudicating Authority.

(5) The pre-packaged insolvency resolution process shall commence from the date of admission of the application under clause (a) of sub-section (4).

Time-limit for completion of pre-packaged insolvency resolution process.

54D. (1) The pre-packaged insolvency resolution process shall be completed within a period of one hundred and twenty days from the pre-packaged insolvency commencement date.

(2) Without prejudice to sub-section (1), the resolution professional shall submit the resolution plan, as approved by the committee of creditors, to the Adjudicating Authority under sub-section (4) or sub-section (12), as the case may be, of section 54K, within a period of ninety days from the pre-packaged insolvency commencement date.

(3) Where no resolution plan is approved by the committee of creditors within the time period referred to in sub-section (2), the resolution professional shall, on the day after the expiry of such time period, file an application with the Adjudicating Authority for termination of the pre-packaged insolvency resolution process in such form and manner as may be specified.

Declaration of moratorium and public announcement during pre-packaged insolvency resolution process.

54E. (1) The Adjudicating Authority shall, on the pre-packaged insolvency commencement date, along with the order of admission under section 54C —

(a) declare a moratorium for the purposes referred to in sub-section (1) read with sub-section (3) of section 14, which shall, *mutatis mutandis* apply, to the proceedings under this Chapter;

(b) appoint a resolution professional —

(i) as named in the application, if no disciplinary proceeding is pending against him; or

(ii) based on the recommendation made by the Board, if any disciplinary proceeding is pending against the insolvency professional named in the application.

(c) cause a public announcement of the initiation of the pre-packaged insolvency resolution process to be made by the resolution professional, in such form and manner as may be specified, immediately after his appointment.

(2) The order of moratorium shall have effect from the date of such order till the date on which the pre-packaged insolvency resolution process period comes to an end.

54F. (1) The resolution professional shall conduct the pre-packaged insolvency resolution process of a corporate debtor during the pre-packaged insolvency resolution process period.

Duties and powers of resolution professional during pre-packaged insolvency resolution process.

(2) The resolution professional shall perform the following duties, namely:—

(a) confirm the list of claims submitted by the corporate debtor under section 54G, in such manner as may be specified;

(b) inform creditors regarding their claims as confirmed under clause (a), in such manner as may be specified;

(c) maintain an updated list of claims, in such manner as may be specified;

(d) monitor management of the affairs of the corporate debtor;

(e) inform the committee of creditors in the event of breach of any of the obligations of the Board of Directors or partners, as the case may be, of the corporate debtor, under the provisions of this Chapter and the rules and regulations made thereunder;

(f) constitute the committee of creditors and convene and attend all its meetings;

(g) prepare the information memorandum on the basis of the preliminary information memorandum submitted under section 54G and any other relevant information, in such form and manner as may be specified;

(h) file applications for avoidance of transactions under Chapter III or fraudulent or wrongful trading under Chapter VI, if any; and

(i) such other duties as may be specified.

(3) The resolution professional shall exercise the following powers, namely:—

(a) access all books of accounts, records and information available with the corporate debtor;

(b) access the electronic records of the corporate debtor from an information utility having financial information of the corporate debtor;

(c) access the books of accounts, records and other relevant documents of the corporate debtor available with Government authorities, statutory auditors, accountants and such other persons as may be specified;

(d) attend meetings of members, Board of Directors and committee of directors, or partners, as the case may be, of the corporate debtor;

(e) appoint accountants, legal or other professionals in such manner as may be specified;

(f) collect all information relating to the assets, finances and operations of the corporate debtor for determining the financial position of the corporate debtor and the existence of any transactions that may be within the scope of provisions relating to avoidance of transactions under Chapter III or fraudulent or wrongful trading under Chapter VI, including information relating to —

(i) business operations for the previous two years from the date of pre-packaged insolvency commencement date;

(ii) financial and operational payments for

the previous two years from the date of pre-packaged insolvency commencement date;

(iii) list of assets and liabilities as on the initiation date; and

(iv) such other matters as may be specified;

(g) take such other actions in such manner as may be specified.

(4) From the date of appointment of the resolution professional, the financial institutions maintaining accounts of the corporate debtor shall furnish all information relating to the corporate debtor available with them to the resolution professional, as and when required by him.

(5) The personnel of the corporate debtor, its promoters and any other person associated with the management of the corporate debtor shall extend all assistance and cooperation to the resolution professional as may be required by him to perform his duties and exercise his powers, and for such purposes, the provisions of sub-sections (2) and (3) of section 19 shall, *mutatis mutandis* apply, in relation to the proceedings under this Chapter.

(6) The fees of the resolution professional and any expenses incurred by him for conducting the pre-packaged insolvency resolution process shall be determined in such manner as may be specified:

Provided that the committee of creditors may impose limits and conditions on such fees and expenses:

Provided further that the fees and expenses for the period prior to the constitution of the committee of creditors shall be subject to ratification by it.

(7) The fees and expenses referred to in sub-section (6) shall be borne in such manner as may be specified.

54G. (1) The corporate debtor shall, within two days of the pre-packaged insolvency commencement date, submit to the resolution professional the following information, updated as on that date, in such form and manner as may be specified, namely:—

List of claims and preliminary information memorandum.

(a) a list of claims, along with details of the respective creditors, their security interests and

guarantees, if any; and

(b) a preliminary information memorandum containing information relevant for formulating a resolution plan.

(2) Where any person has sustained any loss or damage as a consequence of the omission of any material information or inclusion of any misleading information in the list of claims or the preliminary information memorandum submitted by the corporate debtor, every person who—

(a) is a promoter or director or partner of the corporate debtor, as the case may be, at the time of submission of the list of claims or the preliminary information memorandum by the corporate debtor; or

(b) has authorised the submission of the list of claims or the preliminary information memorandum by the corporate debtor,

shall, without prejudice to section 77A, be liable to pay compensation to every person who has sustained such loss or damage.

(3) No person shall be liable under sub-section (2), if the list of claims or the preliminary information memorandum was submitted by the corporate debtor without his knowledge or consent.

(4) Subject to section 54E, any person, who sustained any loss or damage as a consequence of omission of material information or inclusion of any misleading information in the list of claims or the preliminary information memorandum shall be entitled to move a court having jurisdiction for seeking compensation for such loss or damage.

Management of
affairs of
corporate debtor.

54H. During the pre-packaged insolvency resolution process period,—

(a) the management of the affairs of the corporate debtor shall continue to vest in the Board of Directors or the partners, as the case may be, of the corporate debtor, subject to such conditions as may be specified;

(b) the Board of Directors or the partners, as the

case may be, of the corporate debtor, shall make every endeavour to protect and preserve the value of the property of the corporate debtor, and manage its operations as a going concern; and

(c) the promoters, members, personnel and partners, as the case may be, of the corporate debtor, shall exercise and discharge their contractual or statutory rights and obligations in relation to the corporate debtor, subject to the provisions of this Chapter and such other conditions and restrictions as may be prescribed.

54-I. (1) The resolution professional shall, within seven days of the pre-packaged insolvency commencement date, constitute a committee of creditors, based on the list of claims confirmed under clause (a) of sub-section (2) of section 54F: Committee of creditors.

Provided that the composition of the committee of creditors shall be altered on the basis of the updated list of claims, in such manner as may be specified, and any such alteration shall not affect the validity of any past decision of the committee of creditors.

(2) The first meeting of the committee of creditors shall be held within seven days of the constitution of the committee of creditors.

(3) Provisions of section 21, except sub-section (1) thereof, shall, *mutatis mutandis* apply, in relation to the committee of creditors under this Chapter:

Provided that for the purposes of this sub-section, references to the “resolution professional” under sub-sections (9) and (10) of section 21, shall be construed as references to “corporate debtor or the resolution professional”.

54J. (1) Where the committee of creditors, at any time during the pre-packaged insolvency resolution process period, by a vote of not less than sixty-six per cent. of the voting shares, resolves to vest the management of the corporate debtor with the resolution professional, the resolution professional shall make an application for this purpose to the Adjudicating Authority, in such form and manner as may be specified. Vesting management of corporate debtor with resolution professional.

(2) On an application made under sub-section (1), if the Adjudicating Authority is of the opinion that

during the pre-packaged insolvency resolution process—

(a) the affairs of the corporate debtor have been conducted in a fraudulent manner; or

(b) there has been gross mismanagement of the affairs of the corporate debtor,

it shall pass an order vesting the management of the corporate debtor with the resolution professional.

(3) Notwithstanding anything to the contrary contained in this Chapter, the provisions of—

(a) sub-sections (2) and (2A) of section 14;

(b) section 17;

(c) clauses (e) to (g) of section 18;

(d) sections 19 and 20;

(e) sub-section (1) of section 25;

(f) clauses (a) to (c) and clause (k) of sub-section (2) of section 25; and

(g) section 28,

shall, *mutatis mutandis* apply, to the proceedings under this Chapter, from the date of the order under sub-section (2), until the pre-packaged insolvency resolution process period comes to an end.

Consideration and approval of resolution plan.

54K. (1) The corporate debtor shall submit the base resolution plan, referred to in clause (c) of sub-section (4) of section 54A, to the resolution professional within two days of the pre-packaged insolvency commencement date, and the resolution professional shall present it to the committee of creditors.

(2) The committee of creditors may provide the corporate debtor an opportunity to revise the base resolution plan prior to its approval under sub-section (4) or invitation of prospective resolution applicants under sub-section (5), as the case may be.

(3) The resolution plans and the base resolution plan, submitted under this section shall conform to the requirements referred to in sub-sections (1) and (2) of section 30, and the provisions of sub-sections (1), (2) and (5) of section 30 shall, *mutatis mutandis* apply, to

the proceedings under this Chapter.

(4) The committee of creditors may approve the base resolution plan for submission to the Adjudicating Authority if it does not impair any claims owed by the corporate debtor to the operational creditors.

(5) Where —

(a) the committee of creditors does not approve the base resolution plan under sub-section (4); or

(b) the base resolution plan impairs any claims owed by the corporate debtor to the operational creditors,

the resolution professional shall invite prospective resolution applicants to submit a resolution plan or plans, to compete with the base resolution plan, in such manner as may be specified.

(6) The resolution applicants submitting resolution plans pursuant to invitation under sub-section (5), shall fulfil such criteria as may be laid down by the resolution professional with the approval of the committee of creditors, having regard to the complexity and scale of operations of the business of the corporate debtor and such other conditions as may be specified.

(7) The resolution professional shall provide to the resolution applicants, —

(a) the basis for evaluation of resolution plans for the purposes of sub-section (9), as approved by the committee of creditors subject to such conditions as may be specified; and

(b) the relevant information referred to in section 29, which shall, *mutatis mutandis* apply, to the proceedings under this Chapter,

in such manner as may be specified.

(8) The resolution professional shall present to the committee of creditors, for its evaluation, resolution plans which conform to the requirements referred to in sub-section (2) of section 30.

(9) The committee of creditors shall evaluate the resolution plans presented by the resolution professional and select a resolution plan from amongst them.

(10) Where, on the basis of such criteria as may be laid down by it, the committee of creditors decides that the resolution plan selected under sub-section (9) is significantly better than the base resolution plan, such resolution plan may be selected for approval under sub-section (12):

Provided that the criteria laid down by the committee of creditors under this sub-section shall be subject to such conditions as may be specified.

(11) Where the resolution plan selected under sub-section (9) is not considered for approval or does not fulfil the requirements of sub-section (10), it shall compete with the base resolution plan, in such manner and subject to such conditions as may be specified, and one of them shall be selected for approval under sub-section (12).

(12) The resolution plan selected for approval under sub-section (10) or sub-section (11), as the case may be, may be approved by the committee of creditors for submission to the Adjudicating Authority:

Provided that where the resolution plan selected for approval under sub-section (11) is not approved by the committee of creditors, the resolution professional shall file an application for termination of the pre-packaged insolvency resolution process in such form and manner as may be specified.

(13) The approval of the resolution plan under sub-section (4) or sub-section (12), as the case may be, by the committee of creditors, shall be by a vote of not less than sixty-six per cent. of the voting shares, after considering its feasibility and viability, the manner of distribution proposed, taking into account the order of priority amongst creditors as laid down in sub-section (1) of section 53, including the priority and value of the security interest of a secured creditor and such other requirements as may be specified.

(14) While considering the feasibility and viability of a resolution plan, where the resolution plan submitted by the corporate debtor provides for impairment of any claims owed by the corporate debtor, the committee of creditors may require the promoters of the corporate debtor to dilute their shareholding or voting or control rights in the corporate debtor:

Provided that where the resolution plan does not provide for such dilution, the committee of creditors shall, prior to the approval of such resolution plan under sub-section (4) or sub-section (12), as the case may be, record reasons for its approval.

(15) The resolution professional shall submit the resolution plan as approved by the committee of creditors under sub-section (4) or sub-section (12), as the case may be, to the Adjudicating Authority.

Explanation I.—For the removal of doubts, it is hereby clarified that, the corporate debtor being a resolution applicant under clause (25) of section 5, may submit the base resolution plan either individually or jointly with any other person.

Explanation II.—For the purposes of sub-sections (4) and (14), claims shall be considered to be impaired where the resolution plan does not provide for the full payment of the confirmed claims as per the updated list of claims maintained by the resolution professional.

54L. (1) If the Adjudicating Authority is satisfied that the resolution plan as approved by the committee of creditors under sub-section (4) or sub-section (12) of section 54K, as the case may be, subject to the conditions provided therein, meets the requirements as referred to in sub-section (2) of section 30, it shall, within thirty days of the receipt of such resolution plan, by order approve the resolution plan:

Approval of
resolution plan.

Provided that the Adjudicating Authority shall, before passing an order for approval of a resolution plan under this sub-section, satisfy itself that the resolution plan has provisions for its effective implementation.

(2) The order of approval under sub-section (1) shall have such effect as provided under sub-sections (1), (3) and (4) of section 31, which shall, *mutatis mutandis* apply, to the proceedings under this Chapter.

(3) Where the Adjudicating Authority is satisfied that the resolution plan does not conform to the requirements referred to in sub-section (1), it may, within thirty days of the receipt of such resolution plan, by an order, reject the resolution plan and pass an order under section 54N.

(4) Notwithstanding anything to the contrary

contained in this section, where the Adjudicating Authority has passed an order under sub-section (2) of section 54J and the resolution plan approved by the committee of creditors under sub-section (4) or sub-section (12), as the case may be, of section 54K, does not result in the change in the management or control of the corporate debtor to a person who was not a promoter or in the management or control of the corporate debtor, the Adjudicating Authority shall pass an order —

(a) rejecting such resolution plan;

(b) terminating the pre-packaged insolvency resolution process and passing a liquidation order in respect of the corporate debtor as referred to in sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1) of section 33; and

(c) declaring that the pre-packaged insolvency resolution process costs, if any, shall be included as part of the liquidation costs for the purposes of liquidation of the corporate debtor.

Appeal against order under section 54L.

54M. Any appeal from an order approving the resolution plan under sub-section (1) of section 54L, shall be on the grounds laid down in sub-section (3) of section 61.

Termination of pre-packaged insolvency resolution process.

54N. (1) Where the resolution professional files an application with the Adjudicating Authority, —

(a) under the proviso to sub-section (12) of section 54K; or

(b) under sub-section (3) of section 54D,

the Adjudicating Authority shall, within thirty days of the date of such application, by an order, —

(i) terminate the pre-packaged insolvency resolution process; and

(ii) provide for the manner of continuation of proceedings initiated for avoidance of transactions under Chapter III or proceedings initiated under section 66 and section 67A, if any.

(2) Where the resolution professional, at any time after the pre-packaged insolvency commencement date, but before the approval of resolution plan under sub-section (4) or sub-section (12), as the case may be, of section 54K, intimates the Adjudicating Authority of the decision of the committee of creditors, approved by a vote of sixty-six per cent. of the voting shares, to terminate the pre-packaged insolvency resolution process, the Adjudicating Authority shall pass an order under sub-section (1).

(3) Where the Adjudicating Authority passes an order under sub-section (1), the corporate debtor shall bear the pre-packaged insolvency resolution process costs, if any.

(4) Notwithstanding anything to the contrary contained in this section, where the Adjudicating Authority has passed an order under sub-section (2) of section 54J and the pre-packaged insolvency resolution process is required to be terminated under sub-section (1), the Adjudicating Authority shall pass an order —

(a) of liquidation in respect of the corporate debtor as referred to in sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1) of section 33; and

(b) declare that the pre-packaged insolvency resolution process costs, if any, shall be included as part of the liquidation costs for the purposes of liquidation of the corporate debtor.

54-O. (1) The committee of creditors, at any time after the pre-packaged insolvency commencement date but before the approval of resolution plan under sub-section (4) or sub-section (12), as the case may be, of section 54K, by a vote of sixty-six per cent. of the voting shares, may resolve to initiate a corporate insolvency resolution process in respect of the corporate debtor, if such corporate debtor is eligible for corporate insolvency resolution process under Chapter II.

Initiation of corporate insolvency resolution process.

(2) Notwithstanding anything to the contrary contained in Chapter II, where the resolution professional intimates the Adjudicating Authority of the decision of the committee of creditors under sub-section (1), the Adjudicating Authority shall, within thirty days of the date of such intimation, pass an order to —

(a) terminate the pre-packaged insolvency

resolution process and initiate corporate insolvency resolution process under Chapter II in respect of the corporate debtor;

(b) appoint the resolution professional referred to in under clause (b) of sub-section (1) of section 54E as the interim resolution professional, subject to submission of written consent by such resolution professional to the Adjudicatory Authority in such form as may be specified; and

(c) declare that the pre-packaged insolvency resolution process costs, if any, shall be included as part of insolvency resolution process costs for the purposes of the corporate insolvency resolution process of the corporate debtor.

(3) Where the resolution professional fails to submit written consent under clause (b) of sub-section (2), the Adjudicating Authority shall appoint an interim resolution professional by making a reference to the Board for recommendation, in the manner as provided under section 16.

(4) Where the Adjudicating Authority passes an order under sub-section (2) —

(a) such order shall be deemed to be an order of admission of an application under section 7 and shall have the same effect;

(b) the corporate insolvency resolution process shall commence from the date of such order;

(c) the proceedings initiated for avoidance of transactions under Chapter III or proceedings initiated under section 66 and section 67A, if any, shall continue during the corporate insolvency resolution process;

(d) for the purposes of sections 43, 46 and 50, references to “insolvency commencement date” shall mean “pre-packaged insolvency commencement date”; and

(e) in computing the relevant time or the period for avoidable transactions, the time-period for the duration of the pre-packaged insolvency resolution process shall also be included, notwithstanding anything to the contrary contained in sections 43, 46 and 50.

54P. (1) Save as provided under this Chapter, the provisions of sections 24, 25A, 26, 27, 28, 29A, 32A, 43 to 51, and the provisions of Chapters VI and VII of this Part shall, *mutatis mutandis* apply, to the pre-packaged insolvency resolution process, subject to the following, namely:—

Application of provisions of Chapters II, III, VI, and VII to this Chapter.

(a) reference to “members of the suspended Board of Directors or the partners” under clause (b) of sub-section (3) of section 24 shall be construed as reference to “members of the Board of Directors or the partners, unless an order has been passed by the Adjudicating Authority under section 54J”;

(b) reference to “clause (j) of sub-section (2) of section 25” under section 26 shall be construed as reference to “clause (h) of sub-section (2) of section 54F”;

(c) reference to “section 16” under section 27 shall be construed as reference to “section 54E”;

(d) reference to “resolution professional” in sub-sections (1) and (4) of section 28 shall be construed as “corporate debtor”;

(e) reference to “section 31” under sub-section (3) of section 61 shall be construed as reference to “sub-section (1) of section 54L”;

(f) reference to “section 14” in sub-sections (1) and (2) of section 74 shall be construed as reference to “clause (a) of sub-section (1) of section 54E”;

(g) reference to “section 31” in sub-section (3) of section 74 shall be construed as reference to “sub-section (1) of section 54L”.

(2) Without prejudice to the provisions of this Chapter and unless the context otherwise requires, where the provisions of Chapters II, III, VI and VII are applied to the proceedings under this Chapter, references to —

(a) “insolvency commencement date” shall be construed as references to “pre-packaged insolvency commencement date”;

(b) “resolution professional” or “interim resolution professional”, as the case may be, shall be construed as references to the resolution

professional appointed under this Chapter;

(c) “corporate insolvency resolution process” shall be construed as references to “pre-packaged insolvency resolution process”; and

(d) “insolvency resolution process period” shall be construed as references to “pre-packaged insolvency resolution process period.”.

Amendment of section 61.

9. In section 61 of the principal Act, for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) An appeal against a liquidation order passed under section 33, or sub-section (4) of section 54L, or sub-section (4) of section 54N, may be filed on grounds of material irregularity or fraud committed in relation to such a liquidation order.

(5) An appeal against an order for initiation of corporate insolvency resolution process passed under sub-section (2) of section 54-O may be filed on grounds of material irregularity or fraud committed in relation to such an order.”.

Amendment of section 65.

10. In section 65 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

“(3) If, any person initiates the pre-packaged insolvency resolution process—

(a) fraudulently or with malicious intent for any purpose other than for the resolution of insolvency; or

(b) with the intent to defraud any person,

the Adjudicating Authority may impose upon such person a penalty which shall not be less than one lakh rupees, but may extend to one crore rupees.”.

Insertion of new section 67A.

11. After section 67 of the principal Act, the following section shall be inserted, namely:—

Fraudulent management of corporate debtor during pre-packaged insolvency resolution process.

“**67A.** On and after the pre-packaged insolvency commencement date, where an officer of the corporate debtor manages its affairs with the intent to defraud creditors of the corporate debtor or for any fraudulent purpose, the Adjudicating Authority may, on an application by the resolution professional, pass an order imposing upon any such officer, a penalty which

shall not be less than one lakh rupees, but may extend to one crore rupees.”.

12. In section 77 of the principal Act, the *Explanation* shall be omitted. Omission of *Explanation* to section 77.

13. After section 77 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 77A.

“77A. (1) Where—

Punishment for offences related to pre-packaged insolvency resolution process.

(a) a corporate debtor provides any information in the application under section 54C which is false in material particulars, knowing it to be false or omits any material fact, knowing it to be material; or

(b) a corporate debtor provides any information in the list of claims or the preliminary information memorandum submitted under sub-section (1) of section 54G which is false in material particulars, knowing it to be false or omits any material fact, knowing it to be material; or

(c) any person who knowingly and wilfully authorised or permitted the furnishing of such information under sub-clauses (a) and (b),

such corporate debtor or person, as the case may be, shall be punishable with imprisonment for a term which shall not be less than three years, but which may extend to five years or with fine which shall not be less than one lakh rupees, but which may extend to one crore rupees, or with both.

(2) If a director or partner of the corporate debtor, as the case may be, deliberately contravenes the provisions of Chapter III-A, such person shall be punishable with imprisonment for not less than three years, but which may extend to five years, or with fine which shall not be less than one lakh rupees, but which may extend to one crore rupees, or with both.

Explanation.—For the purposes of this section, and sections 75, 76 and 77, an application shall be deemed to be false in material particulars in case the facts

mentioned or omitted in the application, if true, or not omitted from the application as the case may be, would have been sufficient to determine the existence of a default under this Code.”.

Amendment of section 208.

14. In section 208 of the principal Act,—

(i) after clause (c), the following clause shall be inserted, namely:—

“(ca) pre-packaged insolvency resolution process under Chapter III-A of Part II;”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where the name of the insolvency professional proposed to be appointed as a resolution professional, is approved under clause (e) of sub-section (2) of section 54A, it shall be the function of such insolvency professional to take such actions as may be necessary to perform his functions and duties prior to the initiation of the pre-packaged insolvency resolution process under Chapter III-A of Part II.”.

Amendment of section 239.

15. In section 239 of the principal Act, in sub-section (2), after clause (fc), the following clauses shall be inserted, namely:—

“(fd) the form, particulars, manner and fee for making application before the Adjudicating Authority under sub-section (2) of section 54C;

(fe) the conditions and restrictions with which the promoters, members, personnel and partners of the corporate debtor shall exercise and discharge contractual or statutory rights and obligations under clause (c) of section 54H;”.

Amendment of section 240.

16. In section 240 of the principal Act, in sub-section (2),—

(i) after clause (e), the following clause shall be inserted, namely:—

“(ea) the other costs under sub-clause (e) of clause (23C) of section 5;”;

(ii) after clause (zk), the following clauses shall be inserted, namely:—

“(zka) such number of financial creditors and the manner of proposing the insolvency professional, and the form for approving such insolvency professional by the financial creditors under clause (e), the persons who shall provide approval under the proviso to clause (e), the form for making a declaration under clause (f) of sub-section (2) of section 54A;

(zkb) the form for obtaining approval from financial creditors under sub-section (3), and the persons who shall provide approval under the proviso to sub-section (3) of section 54A;

(zkc) the other conditions for the base resolution plan under clause (c), and such information and documents under clause (d) of sub-section (4) of section 54A;

(zkd) the form in which the report is to be prepared under clause (a), such reports and other documents under clause (b), and such other duties under clause (c) of sub-section (1), and the manner of determining the fees under sub-section (3) of section 54B;

(zke) the form for providing written consent of the insolvency professional under clause (b), the form for declaration under clause (c), the information relating to books of account and such other documents relating to such period under clause (d) of sub-section (3) of section 54C;

(zkf) the form and manner for making application for termination of the pre-packaged insolvency resolution process under sub-section (3) of section 54D;

(zkg) the form and manner of making public announcement under clause (c) of sub-section (1) of section 54E;

(zkh) the manner of confirming the list of claims under clause (a), the manner of informing creditors under clause (b), the manner of maintaining an updated list of claims under clause (c), the form and manner of preparing the information memorandum under clause (g), and such other duties under clause (i) of sub-section (2) of section 54F;

(zki) such other persons under clause (c), the manner of appointing accountants, legal or other professionals under clause (e), such other matters under sub-clause (iv) of clause (f) and the manner of taking other actions under clause (g) of sub-section (3) of section 54F;

(zkj) the manner of determination of fees and expenses as may be incurred by the resolution professional under sub-section (6) of section 54F;

(zkk) manner of bearing fees and expenses under sub-section (7) of section 54F;

(zkl) the form and manner of list of claims and preliminary information memorandum under sub-section (1) of section 54G;

(zkm) the conditions under clause (a) of section 54H;

(zkn) the manner of alteration of the composition of the committee of creditors under the proviso to sub-section (1) of section 54I;

(zko) the form and manner of making application under sub-section (1) of section 54J;

(zkp) the manner of inviting prospective resolution applicants under sub-section (5) of section 54K;

(zkq) other conditions under sub-section (6) of section 54K;

(zkr) the conditions under clause (a) and the manner of providing the basis for evaluation of resolution plans and the information referred to in section 29 under sub-section (7) of section 54K;

(zks) the conditions under the proviso to sub-section (10) of section 54K;

(zkt) the manner and conditions under sub-section (11) of section 54K;

(zku) the form and manner of filing application under the proviso to sub-section (12) of section 54K;

(zkv) other requirements under sub-section (13) of section 54K;

(zkw) the form for submission of written consent under clause (b) of sub-section (2) of section 54-O;”.

17. In section 240A of the principal Act, in sub-section (1), after the words “corporate insolvency resolution process”, the words “or pre-packaged insolvency resolution process” shall be inserted. Amendment of section 240A.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 5th April, 2021/ Chaitra 15, 1943 (Saka)

CORRIGENDA

In the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2021 (Ord.3 of 2021), published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 4th April, 2021, Issue No. 21,—

- (i) in page 3, line 31, *for* “preliminary information”, *read* “preliminary information memorandum”;
- (ii) in page 3, line 34, *for* “insolvency date”, *read* “insolvency commencement date”;
- (iii) in page 22, line 5, *for* “ in under clause (b)”, *read* “ in clause (b)”
- (iv) in page 27, line 20, *for* “cause (c)”, *read* “clause (c)”.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

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MINISTRY OF LAW AND JUSTICE (Legislative Department)

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THE COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND ADJOINING AREAS ORDINANCE, 2021

No. 4 OF 2021

Promulgated by the President in the Seventy-second
Year of the Republic of India.

An Ordinance to provide for the constitution of the
Commission for Air Quality Management in National
Capital Region and Adjoining Areas for better co-ordination,
research, identification and resolution of problems
surrounding the air quality index and for matters connected
therewith or incidental thereto.

WHEREAS the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020 was promulgated by the President on the 28th day of October, 2020; Ord.13 of 2020.

AND WHEREAS the Bill to replace the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020 has not been passed;

AND WHEREAS the Commission constituted under section 3 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020 was operational, but ceased to exist on account of lapse of said Ordinance on the 12th day of March, 2021;

AND WHEREAS the continuance of the Commission is necessary for effective management of air quality in the National Capital Region and Adjoining Areas;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

Short title,
application and
commencement.

1. (1) This Ordinance may be called the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021.

(2) It shall apply to the National Capital Region and also to adjoining areas in so far as it relates to matters concerning air pollution in the National Capital Region.

(3) It shall come into force at once.

Definitions.

2. (1) In this Ordinance, unless the context otherwise requires,—

(a) “adjoining areas” means the areas in the States of Haryana, Punjab, Rajasthan and Uttar Pradesh, adjoining the National Capital Territory of Delhi and the National

Capital Region, where any source of pollution is located, causing adverse impact on air quality in the National Capital Region;

(b) “Associate Member” means a member who is co-opted under sub-section (3) of section 3;

(c) “Chairperson” means the Chairperson of the Commission for Air Quality Management in National Capital Region and Adjoining Areas referred to in section 3;

(d) “Commission” means the Commission for Air Quality Management in National Capital Region and Adjoining Areas constituted under section 3;

(e) “Member” means a Member of the Commission and includes the Chairperson thereof;

2 of 1985. (f) “National Capital Region” shall have the same meaning as assigned to it in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985;

(g) “prescribed” means prescribed by rules made under this Ordinance.

26 of 1986. (2) The words used herein and not defined, but defined in the Environment (Protection) Act, 1986, shall have the meaning as assigned to them in that Act.

CHAPTER II

COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND ADJOINING AREAS

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Commission for Air Quality Management in National Capital Region and Adjoining Areas to exercise the powers conferred upon, and to perform the functions assigned to, that Commission under this Ordinance.

Constitution of
Commission.

(2) The Commission shall consist of the following Members—

(a) a full-time Chairperson having special knowledge in

the field of environment protection or pollution control with experience of not less than fifteen years or having administrative experience of not less than twenty-five years;

(b) a representative of the Secretary to the Government of India in the Ministry of Environment, Forest and Climate Change, who shall be an officer not below the rank of Joint Secretary, *ex officio*;

(c) five *ex-officio* Members who are either Chief Secretaries, or Secretaries in-charge of the department dealing with environment protection in the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(d) one full-time member who is or has been a Joint Secretary to the Government of India;

(e) three full-time independent technical Members to be appointed from amongst persons having specific scientific knowledge and experience in matters relating to air pollution;

(f) one technical member from the Central Pollution Control Board, *ex officio*;

(g) one technical member to be nominated by the Indian Space Research Organisation, *ex officio*;

(h) three members from non-Governmental organisations having experience in matters concerning combating of air pollution;

(i) one representative of the National Institution for Transforming India, not below the rank of Joint Secretary or Adviser, *ex officio*;

(j) one officer in the rank of Joint Secretary to the Government of India to be appointed by the Central Government as a full-time Member-Secretary of the Commission;

(k) three members, being stakeholders from such sectors as agriculture, industry, transport or construction.

(3) The Commission may co-opt the following persons as Associate Members, namely:—

(a) a representative of the Ministry of Road Transport and Highways, not below the rank of Joint Secretary to the Government of India;

(b) a representative of the Ministry of Power, not below the rank of Joint Secretary to the Government of India;

(c) a representative of the Ministry of Housing and Urban Affairs, not below the rank of Joint Secretary to the Government of India;

(d) a representative of the Ministry of Petroleum and Natural Gas, not below the rank of Joint Secretary to the Government of India;

(e) a representative of the Ministry of Agriculture and Farmers' Welfare, not below the rank of Joint Secretary to the Government of India;

(f) a representative of the Ministry of Commerce and Industry, not below the rank of Joint Secretary to the Government of India;

(g) a representative of any association of commerce or industry;

(h) such other Associate Members, as may be prescribed.

(4) The Member-Secretary shall be the Chief Coordinating Officer of the Commission and shall assist the Commission in the discharge of its functions under this Ordinance.

(5) The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in National Capital Region or Adjoining Areas.

(6) Notwithstanding anything contained in any other law for the time being in force, and notwithstanding any judgment or order of any court, the Commission shall have exclusive jurisdiction in the National Capital Region and Adjoining Areas in respect of matters covered by this Ordinance and no other body, authority, individual or committee shall have any power or jurisdiction in the matters

covered under this Ordinance:

Provided that the powers, functions and duties of the Commission shall not be in derogation of the powers, functions and duties of the Central Government, the Governments of the National Capital territory of Delhi and of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh, the Central Pollution Control Board, the State Pollution Control Boards of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh and the Pollution Control Committee of the State of Delhi:

Provided further that in case of any conflict in the orders or directions of the Commission and the Governments of the National Capital territory of Delhi and of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh or the Central Pollution Control Board or the State Pollution Control Boards of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh or the Pollution Control Committee of the State of Delhi or any other statutory authority set up or established under a State Act, the order or direction of the Commission shall prevail.

Appointment of
Chairperson,
Members and
Member-
Secretary.

4. (1) The full-time Chairperson and full-time Members, other than *ex officio* Members, of the Commission shall be appointed by the Central Government:

Provided that every appointment under this sub-section shall, subject to the provisions of second proviso, be made on the recommendations of a Selection Committee consisting of—

(a) Minister in-charge of the Ministry of Environment, Forest and Climate Change in the Government of India— Chairperson;

(b) Minister in-charge of the Ministry of Commerce and Industry in the Government of India — member;

(c) Minister in-charge of the Ministry of Road Transport and Highways in the Government of India — member;

(d) Minister in-charge of the Ministry of Science and Technology in the Government of India— member;

(e) Cabinet Secretary— member:

Provided further that in case where the Central Government appoints a serving officer as the Chairperson under clause (a) of sub-section (2) of section 3, or the full-time Member under clause (d) thereof, then, no recommendation of the Selection Committee shall be required.

(2) No appointment of the Chairperson or a Member shall be invalid merely by reason of any vacancy of any member in the Selection Committee referred to in sub-section (1).

(3) The appointment of the Member-Secretary of the Commission shall be made by the Central Government in such manner, subject to such terms and conditions, as may be prescribed.

5. (1) The full-time Chairperson or a Member, other than an *ex officio* member, may, by notice in writing under his hand addressed to the Central Government, resign his office.

Resignation
and removal of
Chairperson
and Members.

(2) The Central Government may remove the Chairperson or any member, other than an *ex officio* member, from his office, in such manner as may be prescribed, if such person--

(a) is adjudged an insolvent;

(b) engages during his term of office in any paid employment outside the duties of his office;

(c) is unfit to continue in office by reason of infirmity of mind or body;

(d) is of unsound mind and stands so declared by a competent court;

(e) has so abused his position as to render his continuance in office prejudicial to the public interest;

(f) has acquired such financial or other interest as is likely to affect prejudicially his functions; or

(g) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude:

Provided that no such Member shall be so removed,

unless he has been given an opportunity of being heard.

Term of office of Chairperson and Members.

6. The full-time Chairperson or a Member, other than an *ex-officio* member, shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier, and shall be eligible for re-appointment.

Member to act as Chairperson or to discharge his functions in certain circumstances.

7. (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of death, resignation or otherwise, the Central Government may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the Central Government may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

Terms and conditions of service of Chairperson and Members.

8. The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members, other than *ex officio* members, shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.

Vacancies, etc., not to invalidate proceedings of Commission.

9. No act or proceedings of the Commission shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

Procedure to be regulated by Commission.

10. (1) The Commission shall meet at such time and place as the Chairperson may think fit.

(2) Subject to the provisions of this Ordinance and the rules made thereunder, the Commission shall have the power to lay down by regulations its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Chairperson in

this behalf.

(4) The Commission may, by general or special order, subject to such conditions and limitations, if any, as may be specified therein, delegate to the Chairperson, full-time member, Member-Secretary or any Sub-Committee constituted under section 11, such of its powers under this Ordinance (except the power to make regulations under section 25), as it may deem necessary or expedient for the purpose of protecting and improving the quality of the air in the Nation Capital Region and Adjoining Areas.

11. (1) The Commission shall have at least the following three Sub-Committees—

- (a) Sub-Committee on Monitoring and Identification;
- (b) Sub-Committee on Safeguarding and Enforcement;
- (c) Sub-Committee on Research and Development.

Sub-Committees and other staff of Commission.

(2) The Sub-Committee on Monitoring and Identification shall be headed by a Member of the Commission chosen by it and shall have the following additional members, namely:—

- (a) one representative from the Central Pollution Control Board;
- (b) one representative each from the State Pollution Control Board or Committee, as the case may be, of the National Capital territory of Delhi, Punjab, Haryana, Rajasthan and Uttar Pradesh;
- (c) one representative from the National Environmental Engineering Research Institute; and
- (d) such other members as may be specified by regulations.

(3) The Sub-Committee on Safeguarding and Enforcement shall be headed by the full-time Chairperson of the Commission and shall have the following additional members, namely :-

- (a) one representative each, not below the rank of Secretary from the department tackling air pollution from the National Capital territory of Delhi and the States of Punjab,

Haryana, Rajasthan and Uttar Pradesh;

(b) one representative each from the State Pollution Control Board or Committee, as the case may be, from National Capital territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) one officer not below the rank of Inspector General of Police or equivalent from the National Capital territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(d) such other members as may be specified by regulations.

(4) The Sub-Committee on Research and Development shall be headed by a full-time technical member of the Commission and shall have the following additional members, namely :-

(a) two technical representatives from the National Environmental Engineering Research Institute;

(b) one technical representative each from research institutions or Universities or colleges or organisations in the National Capital territory of Delhi and in the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) two technical representatives from the field of medicine and research working or studying on the impact of air pollution on living beings;

(d) such other members as may be specified by regulations.

(5) The Commission may also constitute such other Sub-Committees as it thinks fit.

(6) The members of the Sub-Committees, other than *ex officio* members, shall be paid such allowances as may be prescribed.

(7) The Central Government, in consultation with the Commission, shall determine the nature and the categories of officers and other staff required to assist the Commission in the discharge of its function and provide the Commission with such officers and employees as it may deem fit.

(8) The officers and other staff of the Commission shall discharge their duties and functions under the General Superintendence of the Chairperson.

(9) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (7) shall be such as may be prescribed.

CHAPTER III

POWERS AND FUNCTIONS OF THE COMMISSION

12. (1) Notwithstanding anything contained in any other law for the time being in force, the Commission shall have the power to take all such measures, issue directions and entertain complaints, as it deems necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas and shall also have the duty to take all such measures as may become necessary for protecting and improving the quality of the air in the National Capital Region and Adjoining Areas.

Powers and functions of Commission.

(2) In particular and without prejudice to the generality of sub-section (1), the Commission shall, for the purposes of sub-section (1), have the following powers to perform its duties, including taking measures to abate air pollution and to regulate or prohibit activities that are likely to cause or increase air pollution in the National Capital Region and Adjoining Areas, namely:—

(i) co-ordination of actions by the Governments of the National Capital territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh, officers and other authorities under this Ordinance or the rules made thereunder or under any other law for the time being in force, which is relatable to the objects of this Ordinance;

(ii) planning and execution of a programme for the region for the prevention, control and abatement of air pollution;

(iii) laying down parameters for the quality of air in its various aspects;

(iv) laying down parameters for emission or discharge of environmental pollutants from various sources whatsoever

that have implications on air quality in the region:

Provided that different parameters for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources that have implications on air quality in the region;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes, that have implications on air quality in the region, shall not be carried out or shall be carried out subject to certain safeguards;

(vi) carrying out and requiring investigations and research relating to problems of environmental pollution that have implications on air quality in the region;

(vii) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of air pollution in the region;

(viii) collection and dissemination of information in respect of matters relating to air pollution in the region;

(ix) preparation of manuals, codes or guides relating to the prevention, control and abatement of air pollution in the region;

(x) appoint officers, with prior approval of the Central Government, with such designations as it thinks fit for the purposes of this Ordinance and may entrust to them such of the powers and functions under this Ordinance or for the purposes of achieving the objects of this Ordinance as it may deem fit.

(xi) issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) stoppage or regulation of the supply of electricity or water or any other service.

(3) (a) Subject to the provisions of this section, any person authorised by the Commission in this behalf shall have a right to enter, at all reasonable times and with such assistance as he considers necessary, any place, for the purpose of —

(i) performing any of the functions of the Commission entrusted to him;

(ii) determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Ordinance or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Ordinance is being or has been complied with;

(iii) examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reasons to believe that an offence under this Ordinance or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the Commission of an offence punishable under this Ordinance or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution.

(b) every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Commission under clause (a) for carrying out the functions under that clause and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Ordinance.

(c) if any person willfully delays or obstructs any person authorised by the Commission under clause (a) in the performance of his functions, he shall be guilty of an offence under this Ordinance.

(d) the provisions of the Code of Criminal Procedure, 1973 shall apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provisions of the said law. 2 of 1974.

(4) (a) The Commission or any officer authorised by it in this behalf, shall, for the purpose of analysis, have power to take samples of air from any factory, premises or other place in such manner as may be prescribed.

(b) the result of any analysis of a sample taken under clause (a) shall not be admissible in evidence in any legal proceeding unless the provisions of clauses (c) and (d) are complied with.

(c) subject to the provisions of clause (d), the person taking the sample under clause (a) shall,—

(i) serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(ii) in the presence of the occupier or his agent or person, collect a sample for analysis;

(iii) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;

(iv) send without delay, the container or the containers to the laboratory established or recognised by the Central Government;

(d) when a sample is taken for analysis under clause (a) and the person taking the sample serves on the occupier or his agent or person, a notice under sub-clause (i) of clause (c), then,—

(i) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the

sample; and

(ii) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under sub-clause (iii) of clause (c), the marked and sealed container or containers shall be signed by the person taking the samples,

and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised by the Central Government and such person shall inform the Government Analyst appointed or recognised, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

(5) In discharge of its functions and exercising of its authority, the Commission and the Sub-Committees mentioned in section 11 shall be bound by such general or specific directions of the Central Government, as may be issued from time to time.

(6) For removal of doubts, it is hereby clarified that notwithstanding anything contained in any other law for the time being in force, and notwithstanding any judgment or order of any court, and subject to the provisions of this Ordinance, the Commission shall have exclusive jurisdiction in respect of matters covered by this Ordinance and no other body or authority or committee or individual shall have any power or jurisdiction in that matter.

(7) In particular and without prejudice to the generality of the foregoing provisions, the Commission shall perform all or any of the following functions, namely:—

(a) take up matters *suomotu*, or on the basis of complaints made by any individual, representative body or organisation functioning in the field of environment, against any individual, association, company, public undertaking or local body carrying on any industry, operation or process;

(b) provide the mechanism and the means to implement in the National Capital Region and Adjoining Areas –

- (i) the National Clean Air Programme;
- (ii) the National Air Quality Monitoring Programme;
- (iii) the National Ambient Air Quality Standards;
- (c) provide an effective framework and platform in the National Capital Region and Adjoining Areas for –
 - (i) source identification of air pollutants on a periodic basis;
 - (ii) taking on-ground steps for curbing air pollution;
 - (iii) specific research and development in the field of air pollution;
 - (iv) synergising the energies and efforts of all stakeholders in developing innovative ways to monitor, enforce and research on the issues concerning air pollution;
 - (v) building a network between technical institutions working or researching in the field of air pollution;
 - (vi) international co-operation including sharing of international best practices in the field of air pollution;
 - (vii) training and creating a special work-force for tackling the problem of air pollution;
- (d) provide an effective frame work, action plan and take appropriate steps for –
 - (i) tackling the problem of stubble burning;
 - (ii) monitoring, assessing and inspecting air polluting agents;
 - (iii) increasing plantation;
- (e) monitoring the measures taken by the States to prevent stubble burning;
- (f) undertake and promote research in the field of air pollution;
- (g) spread awareness regarding air pollution among various sections of society and promote awareness of the collective steps that the public may take through publications, the media, seminars and other available means;
- (h) encourage the efforts of non-governmental

organisations and institutions working in the field of air pollution;

(i) any other functions as have been entrusted to any *ad hoc* committee or commission or task force or body formed for the purpose of dealing with issues concerning air pollution, stubble burning or the monitoring of related factors, in pursuance of any judicial order passed for the time being in force;

(j) such other functions as it may consider necessary for the prevention of air pollution in the National Capital Region and Adjoining Areas.

13. (1) The Commission shall furnish to the Central Government an annual report containing such details of the steps taken, proposals made, researches awaited and other measures undertaken by it in pursuance of its functions under section 12, in such form and manner as may be specified by regulations.

Annual report.

(2) The Central Government shall cause the annual report furnished under sub-section (1) to be laid before each House of the Parliament.

14. (1) Any non-compliance or contravention of any provisions of this Ordinance, rules made thereunder or any order or direction issued by the Commission, shall be an offence punishable with imprisonment for a term which may extend upto five years or with fine which may extend upto one crore rupees or with both.

Penalty for contravention of provisions of Ordinance, rules, order or direction.

Provided that the provisions of this section shall not apply to any farmer for causing air pollution by stubble burning or mismanagement of agricultural residue.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence under this Ordinance shall be non-cognizable and shall be triable by the Judicial Magistrate of the First Class who shall not take cognizance of the offence except upon a complaint made by the Commission or any officer authorised by the Commission in this behalf.

2 of 1974.

(3) Where any offence under this Ordinance has been committed by a company, every person who, at the time the

offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(4) Notwithstanding anything contained in sub-section (3), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of sub-sections (3) and (4),—

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

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

(5) Where an offence under this Ordinance has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(6) Notwithstanding anything contained in sub-section (5), where an offence under this Ordinance has been committed

by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

2 of 1974. (7) For the purpose of this section and the procedure to be followed thereunder, the provisions of the Code of Criminal Procedure, 1973, shall apply.

15. The Commission may impose and collect Environmental Compensation from farmers causing air pollution by stubble burning, at such rate and in such manner, as may be prescribed.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

16. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Ordinance.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Ordinance, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

17. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Ordinance shall have the same

rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

Appeal.

18. An appeal shall lie only to the National Green Tribunal constituted under the National Green Tribunal Act, 2010 against any order, direction or action taken by or on behalf of the Commission constituted under section 3 of this Ordinance. 19 of 2010.

Constitution of special investigation teams.

19. Notwithstanding anything contained in any other law for the time being in force or any judicial order by any Court, where the Commission considers it necessary so to do, it may constitute one or more special investigation teams, consisting of such officers or such persons, as it thinks necessary, for purposes of carrying out its functions under this Ordinance.

Power of Central Government to issue direction.

20. Notwithstanding anything contained in any other law for the time being in force, but subject to the provision of this Ordinance, the Central Government may issue in writing such direction, as it deems fit, to the Commission or any person, officer or authority authorised by the Commission, and the Commission, person, or authority, as the case may be, shall be bound to comply with such direction.

Power of Central Government to call for information.

21. The Central Government may, from time to time, call for such information and reports from the Commission, as it deems fit and the Commission shall be bound to provide such information and report.

22. No civil court shall have jurisdiction to entertain any suit, proceeding or dispute pertaining to or arising out of the actions taken or directions issued by the Commission in respect of any matter which the Commission is empowered by or under this Ordinance, except the National Green Tribunal referred to in section 18.

Bar of jurisdiction.

23. No suit or other legal proceeding shall lie against the Central Government, the State Government, the Commission, or any Member thereof, or any person acting under the direction either of the Central Government, State Government, or the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules or any order made thereunder.

Protection of action taken in good faith.

24. Every Member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members and officers to be public servants.

45 of 1860.

25. (1) The Central Government may, by notification, make rules to carry out the provisions of this Ordinance.

Power of Central Government to make rules.

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

(a) the other Associate Members under clause (h) of sub-section (3) of section 3;

(b) the manner of removal of Chairperson or a Member under sub-section (2) of section 5;

(c) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (1) of section 8;

(d) the allowance payable to the members, other than *ex officio* members of the Sub-Committees, under sub-section (6) of section 11;

(e) the appointment of such officers and other staff under sub-section (7) of section 11;

(f) the salaries, allowances and conditions of service of the officers and other staff under sub-section (9) of section 11;

(g) the manner of taking samples under clause (a), and the form of notice under sub-clause (i) of clause (c), of sub-section (4) of section 12;

(h) the rate at which, and the manner in which, the Environmental Compensation shall be imposed and collected under section 15;

(i) the form in which annual statement of accounts shall be prepared under sub-section (1) of section 17;

(j) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of
Commission to
make
regulations.

26. (1) Subject to the provisions of this Ordinance and the rules made thereunder, the Commission may, with the previous approval of the Central Government, by notification, make regulations to carry out the provisions of this Ordinance.

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

(a) the procedure to be followed by the Commission under sub-section (2) of section 10;

(b) the conditions and limitations subject to which power may be delegated by the Commission under sub-section (4), of section 10;

(c) the members of each Sub-Committee under sub-sections (2), (3) and (4) of section 11;

(d) the form and the manner of furnishing annual report under section 13;

(e) any other matter which has to be, or may be, specified by regulations.

(3) Every regulation made by the Commission under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

27. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance as appear to it to be necessary or expedient for removing the difficulty.

Power to
remove
difficulties.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

28. (1) The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, any document, judgement, order, bye-law, rule, regulation, notification having the force of law in the territory of India.

Ordinance to
have
overriding
effect.

(2) Notwithstanding anything contained in any other law for the time being in force or any judgement or any order of any Court and subject to the provisions of this Ordinance, upon the notification of the constitution of the Commission under section 3, no other individual or body or authority

constituted either under a law enacted by Parliament, or by a State, or appointed or nominated in terms of any judicial order, shall act upon or have jurisdiction in relation to the matters covered by this Ordinance.

Repeal and savings of order constituting Environment Pollution (Prevention and Control) Authority for National Capital Region.

29. (1) The Order made under section 3 of the Environment (Protection) Act, 1986 constituting the Environment Pollution (Prevention and Control) Authority for the National Capital Region vide notification number S.O.93(E), dated the 29th January, 1998 is hereby repealed and the Environment Pollution (Prevention and Control) Authority for the National Capital Region is hereby dissolved.

29 of 1986.

(2) Notwithstanding such repeal, anything done or any action taken by the Environment Pollution (Prevention and Control) Authority for the National Capital Region under the said Order, shall be deemed to have been done or taken under the corresponding provisions of this Ordinance.

Savings.

30. Notwithstanding the cessation of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020, anything done or any action taken under the Ordinance so ceased, shall be deemed to have been done or taken under the corresponding provisions of this Ordinance.

Ord. 13 of 2020.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

CORRIGENDA

In the Tribunal Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 (2 of 2021), as Published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 4th April, 2021, Issue No.20,—

- (i) at page 3, in line 7, *for “3.”, read “4.”*;
- (ii) at page 5, in line 22, *for “word”, read “words”*;
- (iii) at page 7, in line 26, *for “AIRPORT”, read “AIRPORTS”*;
- (iv) at page 22, in line 5, *for “(Act 55 of 1994)”, read “(55 of 1994)”*.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 27] नई दिल्ली, वृहस्पतिवार, अप्रैल 22, 2021/वैशाख 2, 1943 (शक)
No. 27] NEW DELHI, THURSDAY, APRIL 22, 2021/VAISAKHA 2, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi the 22nd April, 2021 / Vaisakha 2, 1943 (Saka)

THE INDIAN MEDICINE CENTRAL COUNCIL (AMENDMENT) ORDINANCE, 2021

No. 5 of 2021

Promulgated by the President in the Seventy-second Year of the Republic of
India.

An Ordinance further to amend the Indian Medicine Council Act, 1970.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Indian Medicine Council (Amendment) Ordinance, 2021.

Short title and commencement.

(2) It shall come into force at once.

Amendment
of section 3A.

2. In section 3A of the Indian Medicine Central Council Act, 1970, in sub-section (2), 48 of 1970.
for the words “within a period of one year”, the words “within a period of two years” shall
be substituted.

RAM NATH KOVIND,
President.

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-27042021-226768
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 28] नई दिल्ली, मंगलवार, अप्रैल 27, 2021/वैशाख 7, 1943 (शक)
No. 28] NEW DELHI, TUESDAY, APRIL 27, 2021/VAISAKHA 7, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 27th April, 2021/ Vaisakha 7, 1943 (Saka)

CORRIGENDA

In The Indian Medicine Central Council (Amendment) Ordinance, 2021 (5 of 2021), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 22nd April, 2021, Issue No. 27,—

(i) at page 1, in line 3, for “Medicine Council”, read “Medicine Central Council”;

(ii) at page 1, in line 8, for “Medicine Council”, read “Medicine Central Council”.

K. BISWAL,
Addl. Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 29]

नई दिल्ली, रविवार, मई 16, 2021/ वैशाख 26, 1943 (शक)

No. 29]

NEW DELHI, SUNDAY, MAY 16, 2021/VAISAKHA 26, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi the 16th May, 2021 / Vaisakha 26, 1943 (Saka)

THE HOMOEOPATHY CENTRAL COUNCIL (AMENDMENT) ORDINANCE, 2021

No. 6 OF 2021

Promulgated by the President in the Seventy-second Year of the Republic of India.

An Ordinance further to amend the Homoeopathy Central Council Act, 1973.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Homoeopathy Central Council (Amendment) Ordinance, 2021.

Short title and commencement.

(2) It shall come into force at once.

Amendment
of section 3A.

2. In section 3A of the Homoeopathy Central Council Act, 1973, in sub-section (2), for the words “within a period of three years”, the words “within a period of four years” shall be substituted.

RAM NATH KOVIND,
President.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 30]

नई दिल्ली, बुधवार, जून 30, 2021/ आषाढ़ 9, 1943 (शक)

No. 30]

NEW DELHI, WEDNESDAY, JUNE 30, 2021/ASADHA 9, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 30th June, 2021/Asadha 9, 1943 (Saka)

THE ESSENTIAL DEFENCE SERVICES ORDINANCE, 2021

No. 7 OF 2021

Promulgated by the President in the Seventy-second year of the Republic of India.

An Ordinance to provide for the maintenance of essential defence services so as to secure the security of nation and the life and property of public at large and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Essential Defence Services Ordinance, 2021.

Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2.(1) In this Ordinance, unless the context otherwise requires,— Definitions.

(a) “essential defence services” means —

(i) any service in any establishment or undertaking dealing with production of goods or equipment required for any purpose connected with defence;

(ii) any service in any establishment of, or connected with, the armed forces of the Union or in any other establishment or installation connected with defence;

(iii) any service in any section of any establishment connected with defence, on the working of which the safety of such establishment or employee employed therein depends;

(iv) any other service, as the Central Government may, by notification in the Official Gazette, declare to be essential defence services, the cessation of work of which would prejudicially affect the —

(I) production of defence equipment or goods; or

(II) operation or maintenance of any industrial establishment or unit engaged in production of goods or equipment required for any purpose connected with defence; or

(III) repair or maintenance of products connected with defence;

(b) “strike” means the cessation of work, go-slow, sit down, stay-in, token strike, sympathetic strike or mass casual leave, by a body of persons engaged in the essential defence services, acting in combination or a concerted refusal or a refusal under a common understanding of

any number of persons who are or have been so engaged to continue to work or to accept employment, and includes—

- (i) refusal to work overtime, where such work is necessary for the maintenance of the essential defence services;
- (ii) any other conduct which is likely to result in, or results in, cessation or retardation or disruption of work in the essential defence services.

14 of 1947. (2) Words and expressions used herein and not defined but defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act.

3. (1) If the Central Government is satisfied that in the—

- (a) public interest; or
- (b) interest of the sovereignty and integrity of India; or
- (c) security of any State; or
- (d) public order; or
- (e) decency; or
- (f) morality,

Power to prohibit strikes in essential defence services.

it is necessary or expedient so to do, it may, by general or special order, prohibit strikes in the essential defence services.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government may deem fit to bring it to the notice of the persons affected by such order.

(3) An order made under sub-section (1) shall be in force for six months, but the Central Government may, by a like order, extend it for any period not exceeding six months, if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order made under sub-section (1) —

- (a) no person engaged in the essential defence services shall go or remain on strike;

- (b) any strike declared or commenced, whether before or after the issue of such order, by persons engaged or employed in such services shall be illegal.

4. Where any order has been issued under sub-section (1) of section 3, any police officer may take all such measures as such officer may deem fit including the use of police force, if he considers necessary, to remove any person, whose presence in any area connected with the—

Removal of persons.

- (a) defence equipment production services; or
- (b) operation or maintenance of any industrial establishment or unit engaged in production or manufacturing of goods or equipment required for any purpose connected with defence; or
- (c) repair or maintenance of products connected with defence,

would be prejudicial to the functioning, safety or maintenance of the essential defence services.

5. (1) Any person —

Dismissal of employees participating in illegal strikes.

- (a) who commences a strike which is illegal under this Ordinance or goes or remains on, otherwise takes part in, any such strike; or
- (b) who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike,

shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

(2) Notwithstanding anything contained in any other law for the time being in force or under the terms and conditions of service applicable to any person employed in the essential defence services, before dismissing any person under sub-section (1), no inquiry shall be necessary if the authority empowered to dismiss or remove such person is satisfied that for some reason,

to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry.

6. Any person, who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

Penalty for illegal strikes.

7. Any person, who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifteen thousand rupees, or with both.

Penalty for instigation, etc.

8. Any person, who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifteen thousand rupees, or with both.

Penalty for giving financial aid to illegal strikes.

9.(1) If the Central Government is satisfied that in the—

- (a) public interest; or
- (b) interest of the sovereignty and integrity of India; or
- (c) security of any State; or
- (d) public order; or
- (e) decency; or
- (f) morality,

Power to prohibit lock-outs in any industrial establishment or unit engaged in essential defence services.

it is necessary or expedient so to do, it may by general or special order, prohibit lock-outs in the industrial establishments or units engaged in the essential defence services.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government may deem fit to bring it to the notice of the persons affected by such order.

(3) An order made under sub-section (1) shall be in force for six months, but the Central Government may, by a like order

extend it for any period not exceeding six months, if it is satisfied that in the public interest it is necessary so to do.

(4) Upon the issue of an order under sub-section (1),—

(a) no employer engaged in the essential defence services shall commence any lock-out; and

(b) any lock-out declared or commenced, whether before or after the issue of such order, by any employer engaged in the essential defence services shall be illegal.

(5) Any employer of an industrial establishment or unit engaged in the essential defence services, who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this section, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

10. (1) If the Central Government is satisfied that in the—

(a) public interest; or

(b) interest of the sovereignty and integrity of India; or

(c) security of any State; or

(d) public order; or

(e) decency; or

(f) morality,

it is necessary or expedient so to do, it may, by general or special order, prohibit lay-off, on any ground other than shortage of power or natural calamity, of any workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of any industrial establishment or unit engaged in the essential defence services.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government may deem fit to bring it to the notice of the persons affected by the order.

Power to prohibit lay-off in any industrial establishment or unit engaged in essential defence services.

(3) An order made under sub-section (1) shall be in force for six months, but the Central Government may, by a like order, extend it for any period not exceeding six months, if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1),—

(a) no employer in relation to an establishment to which such order applies shall lay-off or continue the lay-off any workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of any industrial establishment or unit engaged in the essential defence services, unless such lay-off is due to shortage of power or natural calamity, and any laying-off or continuation of laying-off shall, unless such laying-off or continuation of laying-off is due to shortage of power or natural calamity, be illegal;

(b) a workman whose laying-off is illegal under clause (a) shall be entitled to all the benefits under any law for the time being in force as if he had not been laid-off.

(5) Any employer, of an industrial establishment or unit engaged in the essential defence services, who lays-off or continues the laying-off of any workman shall, if such laying-off or continuation of laying-off is illegal under this section, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

2 of 1974. **11.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected to have committed any offence under this Ordinance. Power to arrest without warrant.

2 of 1974. **12.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Ordinance shall be tried in a summary way by any Metropolitan Magistrate or any Judicial Magistrate of the first class, specially empowered in this behalf. Offences to be tried summarily.

by the State Government and the provisions of sections 262 to 265 (inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for such Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Ordinance.

- | | | |
|-------------|---|--|
| 2 of 1974. | 13. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences punishable under this Ordinance shall be cognisable and non-bailable. | Cognizance of offences. |
| | 14. Any reference in this Ordinance to any law which is not in force in any area and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law. | Reference of other laws in certain areas. |
| | 15. No suit, prosecution or other legal proceedings shall lie against the Central Government or any officer for anything which is in good faith done or intended to be done under this Ordinance. | Protection of action taken in good faith. |
| 14 of 1947. | 16. The provisions of this Ordinance and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force. | Ordinance to override other laws. |
| | 17. In the Industrial Disputes Act, 1947, in section 2, in clause (n), in sub-clause (ia), for the words “or dock”, the words “or dock or any industrial establishment or unit engaged in essential defence services” shall be substituted. | Amendment of Act 14 of 1947. |
| | 18. Every notification issued under this Ordinance shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in such notification or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such | Laying of notifications before Parliament. |

modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

RAM NATH KOVIND,
President.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 53]

नई दिल्ली, बृहस्पतिवार, सितम्बर 30, 2021/ आश्विन 8, 1943 (शक)

No. 53]

NEW DELHI, THURSDAY, SEPTEMBER 30, 2021/ASVINA 8, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 30th September, 2021 / Asvina 8, 1943 (Saka)

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ORDINANCE, 2021

No. 8 OF 2021

Promulgated by the President in the Seventy-second Year of the Republic of India.

An Ordinance further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

WHEREAS the Narcotic Drugs and Psychotropic Substances Act, 1985 was amended by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 which, *inter alia*, introduced a new clause (viiiia) in section 2 and renumbered existing clause (viiiia) relating to definition of "illicit traffic" as clause (viiiib) thereof, but due to oversight the reference of the said clause could not be corrected in section 27A of the said Act, which provides for punishment for financing "illicit traffic" and harbouring offenders;

AND WHEREAS the amendment does not create any new offence but contains a legislative declaration that reference of clause (viiiia) always meant the corresponding

renumbered provision in clause (viii**b**) and the amendment seeks to rectify this anomaly by making changes in section 27 of the said Act in order to carry out the legislative intent of the statute, which has always been to read clause (viii**b**) in section 27, and already stood therein;

AND WHEREAS the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 came into force on the 1st day of May, 2014;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers confirmed by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

Short title and commencement.

1. (1) This Ordinance may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021.

(2) It shall be deemed to have come into force on the 1st day of May, 2014.

Amendment of section 27A of Act 61 of 1985.

2. In section 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, for the words, brackets, letters and figure "clause (viii**a**) of section 2", the words, brackets, letters and figure "clause (viii**b**) of section 2" shall be substituted.

RAM NATH KOVIND,
President.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 54] नई दिल्ली, रविवार, नवम्बर 14, 2021/ कार्तिक 23, 1943 (शक)
No. 54] NEW DELHI, SUNDAY, NOVEMBER 14, 2021/KARTIKA 23, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 14th November, 2021/Kartika 23, 1943 (Saka)

THE CENTRAL VIGILANCE COMMISSION (AMENDMENT) ORDINANCE, 2021

(No. 9 of 2021)

Promulgated by the President in the Seventy-second Year of the Republic of India.

An Ordinance further to amend the Central Vigilance Commission Act, 2003.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Central Vigilance Commission (Amendment) Ordinance, 2021. Short title and commencement.

(2) It shall come into force at once.

Amendment
of section 25.

2. In section 25 of the Central Vigilance Commission Act, 2003, in clause (d), the following provisos shall be inserted, namely,— 45 of 2003.

“Provided that the period for which the Director of Enforcement holds the office on his initial appointment may, in public interest, on the recommendation of the Committee under clause(a) and for the reasons to be recorded in writing, be extended up to one year at a time:

Provided further that no such extension shall be granted after the completion of a period of five years in total including the period mentioned in the initial appointment;”.

RAM NATH KOVIND,
President.

DR. REETA VASISHTA,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 55]

नई दिल्ली, रविवार, नवम्बर 14, 2021/ कार्तिक 23, 1943 (शक)

No. 55] NEW DELHI, SUNDAY, NOVEMBER 14, 2021/KARTIKA 23, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 14th November, 2021/Kartika 23, 1943 (Saka)

THE DELHI SPECIAL POLICE ESTABLISHMENT (AMENDMENT) ORDINANCE, 2021

(No. 10 OF 2021)

Promulgated by the President in the Seventy-second Year of the Republic of India.

An Ordinance further to amend the Delhi Special Police Establishment Act, 1946.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Delhi Special Police Establishment (Amendment) Ordinance, 2021. Short title and commencement.

(2) It shall come into force at once.

25 of 1946.

2. In section 4B of the Delhi Special Police Establishment Act, 1946, in sub-section (1), the following provisos shall be inserted, namely,— Amendment of section 4.

"Provided that the period for which the Director holds the office on his initial appointment may, in public interest, on the recommendation of the Committee

under sub-section (1) of section 4A and for the reasons to be recorded in writing, be extended up to one year at a time:

Provided further that no such extension shall be granted after the completion of a period of five years in total including the period mentioned in the initial appointment;".

RAM NATH KOVIND,
President.

DR. REETA VASISHTA,
Secretary to the Govt. of India.