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TABLE SHOWING EFFECT OF PARLIAMENTARY LEGISLATION OF 2006
PART I.—CENTRAL ACTS AMENDED, REPEALED OR OTHERWISE AFFECTED

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 2006 Act by which affected
1	2	3	4	5
1860	45	Indian Penal Code, 1860	S. 195A inserted	2, s. 2
1872	1	Indian Evidence Act, 1872	S. 154 amended	<i>ibid.</i> , s. 9
1885	13	Indian Telegraph Act, 1885	S. 3 amended	57, s. 2
1899	2	Indian Stamp Act, 1899	S. 9, 35 amended	21, s. 69
1920	23	Indian Rifles Act, 1920	Repealed	49, s. 2
1926	11	Promissory Notes (Stamp) Act, 1926	Repealed	21, s. 70
1934	2	Reserve Bank of India Act, 1934	Ss. 17, 42 amended Chapter IIID inserted	26, ss. 2, 3 <i>ibid.</i> , s. 4
1940	27	Agriculture Produce Cess Act, 1940	Repealed	46, s. 2
1942	7	Coffee Act, 1942	Ss. 11, 13 repealed	24, s. 2 and First Schedule
1944	1	Central Excise Act, 1944	Ss. 12C, 23C, Third Schedule amended Ss. 11A, 35E amended Ss. 11DDA, 37E inserted	21, ss. 64, 65, 66 29, ss. 35, 37 <i>ibid.</i> , ss. 36, 38
1946	25	Delhi Special Police Establishment Act, 1946	S. 4A amended	20, s. 2
1948	61	Central Silk Board Act, 1948	Ss. 3, 4, 6, 7, 8, 13, 14 amended Ss. 4A, 8A to 8J, 13A, 13B, 14A, 16A inserted Ss. 15, 15A omitted	42, ss. 2, 4, 6, 7, 8, 10, 12 <i>ibid.</i> , ss. 5, 9, 11, 13, 15 <i>ibid.</i> , 14
1949	38	Chartered Accountants Act, 1949	Ss. 2, 4, 5, 6, 9, 12, 13, 17, 18, 19, 20, 24A, 26, 30 amended Ss. 10, 15, 16, 21, 22, 22A, 30B, 30C, 30D, 30E, Schedule I & II substituted Ss. 10A, 10B, 15A, 21A, 21B, 21C, 21D, New Chapter VIIA, 29A, 30C, 30D, 30E inserted	9, ss. 2, 3, 4, 5, 6, 9, 10, 14, 15, 16, 17, 22, 23, 26 <i>ibid.</i> , ss. 7, 11, 13, 18, 20, 21, 27, 29 <i>ibid.</i> , ss. 8, 12, 19, 24, 25, 28 S. 22A modified 7, s. 22
1950	43	Representation of the People Act, 1950	Third and Fourth Schedule amended	1, s. 4
1951	25	Jallianwala Bagh National Memorial Act, 1951	S. 4 amended S. 5 substituted Ss. 7A, 8A, 10A inserted	50, s. 2 <i>ibid.</i> , s. 3 <i>ibid.</i> , ss. 4, 5, 6
1951	43	Representation of the People Act, 1951	S. 15A amended	1, s. 5
1954	30	Salary, Allowances and Pension of Members of Parliament Act, 1954	Ss. 3, 4, 5, 6D, 7, 8A, 8AA amended S. 8AC inserted	40, ss. 2, 3, 4, 5, 6, 7, 8 <i>ibid.</i> , s. 9
1955	10	Essential Commodities Act, 1953	Ss. 2, 3, 12A amended S. 2A inserted	54, ss. 2, 4, 5 <i>ibid.</i> , s. 3
1955	23	State Bank of India Act, 1955	Ss. 20, 21A amended	45, ss. 14, 15

1	2	3	4	5
1955	39	Spiritous Preparations (Inter State Trade and Commerce) Control Act, 1955	Repealed	32, s. 2
1956	1	Companies Act, 1956	S. 253 amended Ss. 266A, 266B, 266C, 266D, 266E, 266F, 266G, 610B, 610C, 610D, 610E inserted	23, s. 2 <i>ibid.</i> , ss. 3, 4
1956	61	Khadi and Village Industries Commission Act, 1956	Ss. 2, 4, 5, 5A, 10, 12, 13, 15, 19A, 25, 26, 27 amended S. 12A inserted	10, ss. 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 <i>ibid.</i> , s. 8
1956	74	Central Sales Tax Act, 1956	S. 14 amended Ss. 19, 21, 22, 26 amended S. 19A inserted Ss. 20, 25 substituted	21, s. 71 3, ss. 2, 5, 6, 8 <i>ibid.</i> , s. 3 <i>ibid.</i> , ss. 4, 7
1957	27	Wealth-tax Act, 1957	S. 17A amended	21, s. 57
1957	58	Additional Duties of Excise (Goods of Special Importance) Act, 1957	S. 3 amended New table inserted	31, s. 2 <i>ibid.</i> , s. 3
1959	10	Parliament (Prevention of Disqualification) Act, 1959	S.3 amended New table inserted	31, s. 2 <i>ibid.</i> , s. 3
1959	23	Cost and Works Accountants Act, 1959	Ss. 2, 4, 5, 6, 9, 12, 13, 14, 17, 18, 19, 20, 25, 27, 39 amended Ss. 10, 15, 16, 21, 22, 36, Schedule I and II substituted Ss. 10A, 10B, 15A, 15B, 21A, 21B, 21C, 21D, 22A, 22B, 22C, 22D, 22E, New Chapter VIIA, 36A, 38A, 40, inserted S. 33 omitted	7, ss. 2, 3, 4, 5, 6, 9, 10, 11, 15, 16, 17, 18, 23, 24, 30 <i>ibid.</i> , ss. 7, 12, 14, 19, 21, 27, 32 <i>ibid.</i> , ss. 8, 13, 20, 22, 25, 28, 29, 31 <i>ibid.</i> , s. 26
1959	38	State Bank of India (Subsidiary Banks) Act, 1959	S. 26 amended	45, s. 16
1961	43	Income-tax Act, 1961	Ss. 2, 10, 10B, 13, 14A, 17, 36, 40, 43, 43B, 54EC, 54ED, 80C, 80CCC, 80-IA, 80P, 92C, 115JAA, 115JB, 115-O, 115R, 115T, 115WB, 115WC, 120, 139, 139A, 140A, or 142, 148, 153, 153B, 155, 194A, 199, 201, 203, 203A, 203AA, 206, 206C, 234A, 234B, 234C, 246A, 272A, 272BB, 273B, Fourth Schedule amended Ss. 80AC, 90A, 115BBC, 139B, 271CA inserted Ss. 2, 10, 12A, 35, 35AC, 35CCA, 40, 40A, 56, 80GGA, 139, 143, 155, 194-I, 194J, 246A, 275 amended 288B substituted	21, ss. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56 <i>ibid.</i> , ss. 15, 20, 22, 33, 52 29, ss. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 <i>ibid.</i> , s. 19
1961	47	Deposit Insurance and Credit Guarantee Corporation Act, 1961	S. 6 amended	45, s. 17

1	2	3	4	5
1962	52	Customs Act, 1962	Ss. 23, 68 amended Notifications issued under s. 25 of the Customs Act, 1962 amended Ss. 17, 18, 28, 104, 108, 124, 129D, 132, 133, 139 amended Ss. 28BA, 110A, 114AA, 154B inserted	21, ss. 58, 59 <i>ibid.</i> , s. 60 29, ss. 20, 21, 22, 24, 25, 28, 29, 30, 31, 32 <i>ibid.</i> , ss. 23, 26, 27, 33
1963	20	Union Territories Act, 1963	S. 43F inserted	5, s. 2
1966	15	Produce Cess Act, 1966	Repealed	46, s. 3
1970	5	Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970	Ss. 3, 9, 10A, 20, 21A amended Ss. 9A, 10B, 18A inserted	45, ss. 2, 8, 9, 11, 14, 15 <i>ibid.</i> , ss. 4, 6, 7, 10, 12, 13
1971	70	Contempt of Court Act, 1971	S. 13 substituted	6, s. 2
1972	13	Marine Products Export Development Authority Act, 1972	Ss. 14, 15 repealed	24, s. 2 and First Schedule
1972	53	Wild Life (Protection) Act, 1972	New Chapters IVB, IVC inserted Ss. 51, 55, 59, 60, 63 amended	39, s. 2 <i>ibid.</i> , ss. 3, 4, 5, 6, 7
1974	2	Code of Criminal Procedure, 1973	S. 195 amended New Chapter XXIA inserted, ss. 265A to 265L Ss. 292, 340 amended First Schedule amended	2, s. 3 <i>ibid.</i> , s. 4 <i>ibid.</i> , ss. 5, 6 <i>ibid.</i> , s. 7
1974	47	Oil Industry (Development) Act, 1974	Schedule amended	21, s. 73
1975	26	The Tobacco Cess Act, 1975	S. 4 omitted and S. 5 amended	24, s. 3 and Second Schedule
1975	51	Customs Tariff Act, 1975	Ss. 9, 9A, First Schedule amended S. 8B amended	21, ss. 61, 62, 63 29, s. 34
1978	40	Additional Duties of Excise (Textiles and Textile Articles) Act, 1978	Schedule amended	21, s. 74
1980	14	Union Duties of Excise (Electricity) Distribution Act, 1980	Repealed	30, s. 2
1980	40	Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980	Ss. 3, 9, 10A amended Ss. 9A, 10B, 18A inserted	45, ss. 8, 9, 11 <i>ibid.</i> , ss. 10, 12, 13
1980	56	Company Secretaries Act, 1980	Ss. 2, 4, 5, 6, 9, 12, 13, 14, 17, 18, 19, 20, 25, 27, 39 amended Ss. 10, 15, 16, 21, 22, 36 Schedules I & II substituted Ss. 10A, 10B, 15A, 15B, 21A, 21B, 21C, 21D, 22A, 22B, 22C, 22D, 22E, New Chapters VIIA, 36A, 38A, 40 inserted S. 30 omitted	8, ss. 2, 3, 4, 5, 6, 9, 10, 11, 15, 16, 17, 18, 23, 24, 30 <i>ibid.</i> , ss. 7, 12, 14, 19, 21, 27, 32 <i>ibid.</i> , ss. 8, 13, 20, 22, 25, 28, 29, 31 <i>ibid.</i> , s. 26
1981	28	Export-Import Bank of India Act, 1981	S. 6 amended	45, s. 18

1	2	3	4	5
1986	3	Agricultural and Processed Food Products Export Cess Act, 1985	The whole Act repealed	24. s. 2 and First Schedule
1986	5	Central Excise Tariff Act, 1985	First Schedule amended	21, s. 67
1986	11	Spices Cess Act, 1986	The whole Act repealed	24. s. 2 and First Schedule
1987	53	National Housing Bank Act, 1987	S. 7 amended	45, s. 19
1992	1	National Capital Territory of Delhi Act, 1991	S. 3 amended	5, s. 3
1994	10	Protection of Human Rights Act, 1993	Ss. 2, 3, 4, 10, 12, 13, 21, 22, 23, 40, 41 amended	43, ss. 2, 3, 4, 8, 9, 12, 13, 14, 17, 19
			Ss. 5, 6, 8, 18, 24, 26 substituted	<i>ibid.</i> , ss. 5, 6, 7, 11, 15, 16
			s. 40B inserted	<i>ibid.</i> , s. 18
1994	32	Finance Act, 1994	Ss. 65, 66, 73, 83, 94, 95, 96C amended	21, ss. 68(A), 68(B), 68(E), 68(H), 68(K), 68(L), 68(N)
			Ss. 66A, 73A, 73B, 73C, 73D, 87, 93A inserted	<i>ibid.</i> , ss. 68(C), 68(F), 68(I), 68(J)
			Ss. 67, 76 substituted	<i>ibid.</i> , ss. 68(D), 68(G)
2000	56	Juvenile Justice (Care and Protection of Children) Act, 2000	Ss. 1, 2, 4, 6, 10, 12, 14, 15, 16, 20, 29, 32, 33, 34, 39, 41, 59, 64, 68 amended	33, ss. 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26
			Ss. 7A, 62A inserted	<i>ibid.</i> , ss. 8, 24
			Ss. 21, 57 substituted	<i>ibid.</i> , ss. 15, 22
			Long title amended	33, s. 2
2001	14	Finance Act, 2001	Seventh Schedule amended	21, s. 75
2004	23	Finance Act, 2004	Ss. 97, 98 amended	21, s. 76
2005	2	National Commission for Minority Educational Institutions Act, 2004	Ss. 2, 11, 12, 24	18, ss. 2, 4, 5, 8
			Chapter III substituted	<i>ibid.</i> , s. 3
			Ss. 12A to 12F inserted	<i>ibid.</i> , s. 6
			S. 18 and Schedule omitted	<i>ibid.</i> , ss. 7, 10
2005	25	Code of Criminal Procedure (Amendment), 2005	S. 1 amended	25, s. 2

PART II.—CENTRAL ORDINANCE REPEALED

Year of Ordinance	No. of Ordinance	Short title of Ordinance	No. and section of 2006 Act by which affected
1	2	3	4
2006	1	National Commission for Minority Educational Institutions (Amendment) Ordinance, 2006	18, s. 10
2006	3	Indian Telegraph (Amendment) Ordinance, 2006	57, s. 3

PART III.—CONSTITUTION OF INDIA AMENDED

How affected	No. and section of 2006 Act by which affected
Article 15 amended	Constitution (Ninety-third Amendment) Act, 2005, s. 2
Article 164 amended	Constitution (Ninety-fourth Amendment) Act, 2006, s. 2

THE ANDHRA PRADESH LEGISLATIVE COUNCIL ACT, 2005

No. 1 OF 2006

[11th January, 2006.]

An Act to provide for the creation of Legislative Council for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto.

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

1. This Act may be called the Andhra Pradesh Legislative Council Act, 2005.

Short title.

2. In this Act, unless the context otherwise requires, each of the words and expressions used herein and not defined but defined in the Representation of the People Act, 1950, shall have the same meaning as in that Act.

43 of 1950.

Definitions.

3. (1) As from such date 30-3-2007, *vide* notification No. G.S.R. 262(E) dated 30-3-2007 as the President may by order appoint, there shall be a Legislative Council for the State of Andhra Pradesh; and as from that date, in sub-clause (a) of clause (1) of article 168, after the words "States of", the words "Andhra Pradesh," shall be inserted.

Creation of
Legislative
Council for
Andhra
Pradesh.

(2) In the said Council, there shall be 90 seats of which—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 31, 8 and 8 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Andhra Pradesh in accordance with the provisions of sub-clause (a) of the said clause shall be 31; and

(c) the number to be filled by persons nominated by the Governor of Andhra Pradesh in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(3) As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall, by order, determine—

(a) the constituencies into which the State of Andhra Pradesh shall be divided for the purpose of elections to the said Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats to be allotted to each constituency.

(4) As soon as may be after such determination, steps shall be taken to constitute the said Council in accordance with the provisions of this Act, the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

43 of 1950.
43 of 1951.

Amendment of
Third Schedule
and Fourth
Schedule of Act
43 of 1950.

4. In the Representation of the People Act, 1950,—

(a) in the Third Schedule, before entry No. 2 relating to Bihar, the following entry shall be inserted, namely:—

“1. Andhra Pradesh 90 31 8 8 31 12”;

(b) in the Fourth Schedule, before the heading “BIHAR”, the following heading and entries shall be inserted, namely:—

“ANDHRA PRADESH

1. Municipal Corporations.
2. Municipalities.
3. Nagar Panchayats.
4. Cantonment Boards.
5. Zila Praja Parishads.
6. Mandal Praja Parishads.”

Amendment
of section
15A of Act 43
of 1951.

5. In section 15A of the Representation of the People Act, 1951, for the words and figures “under the Legislative Councils Act, 1957”, the words and figures “under the Andhra Pradesh Legislative Council Act, 2005” shall be substituted.

37 of 1957.

THE CRIMINAL LAW (AMENDMENT) ACT, 2005

No. 2 of 2006

[11th January, 2006.]

An Act further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Criminal Law (Amendment) Act, 2005.

(2) It shall come into force on such date 16-4-2006, vide Notification No. 523(E) dated 12-4-2006 (except S.4) as the Central Government may, by notification in the Official Gazette, appoint; and different dates 5-7-2006, w.r.t. S. 4, vide Notification No. S.O. 990(E) dated 3-7-2006 may be appointed for different provisions of this Act.

**Short title
and com-
mencement.**

CHAPTER II

AMENDMENT TO THE INDIAN PENAL CODE

Insertion of new section 195A.

Threatening any person to give false evidence.

2. After section 195 of the Indian Penal Code, the following section shall be inserted, namely:—

45 of 1860.

“195A. Whoever threatens another with any injury to his person, reputation or property or to the person or reputation of any one in whom that person is interested, with intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both;

and if innocent person is convicted and sentenced in consequence of such false evidence, with death or imprisonment for more than seven years, the person who threatens shall be punished with the same punishment and sentence in the same manner and to the same extent such innocent person is punished and sentenced.”.

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

Amendment of section 195.

3. In section 195 of the Code of Criminal Procedure, 1973 (hereafter in this Chapter referred to as the Code of Criminal Procedure), in sub-section (1), for the words “except on the complaint in writing of that Court, or of some other Court to which that Court is subordinate”, the words “except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate” shall be substituted.

2 of 1974.

Insertion of new Chapter XXIA.

4. After Chapter XXI of the Code of Criminal Procedure, the following Chapter shall be inserted, namely:—

‘CHAPTER XXIA

PLEA BARGAINING

Application of the Chapter.

265A. (1) This Chapter shall apply in respect of an accused against whom—

(a) the report has been forwarded by the officer in charge of the police station under section 173 alleging therein that an offence appears to have been committed by him other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years has been provided under the law for the time being in force; or

(b) a Magistrate has taken cognizance of an offence on complaint, other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years, has been provided under the law for the time being in force, and after examining complainant and witnesses under section 200, issued the process under section 204,

but does not apply where such offence affects the socio-economic condition of the country or has been committed against a woman, or a child below the age of fourteen years.

(2) For the purposes of sub-section (1), the Central Government shall, by notification, determine the offences under the law for the time being in force which shall be the offences affecting the socio-economic condition of the country.

Application for plea bargaining.

265B. (1) A person accused of an offence may file an application for plea bargaining in the Court in which such offence is pending for trial.

(2) The application under sub-section (1) shall contain a brief description of the case relating to which the application is filed including the offence to which the case

relates and shall be accompanied by an affidavit sworn by the accused stating therein that he has voluntarily preferred, after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in his case and that he has not previously been convicted by a Court in a case in which he had been charged with the same offence.

(3) After receiving the application under sub-section (1), the Court shall issue notice to the Public Prosecutor or the complainant of the case, as the case may be, and to the accused to appear on the date fixed for the case.

(4) When the Public Prosecutor or the complainant of the case, as the case may be, and the accused appear on the date fixed under sub-section (3), the Court shall examine the accused *in camera*, where the other party in the case shall not be present, to satisfy itself that the accused has filed the application voluntarily and where—

(a) the Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time to the Public Prosecutor or the complainant of the case, as the case may be, and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;

(b) the Court finds that the application has been filed involuntarily by the accused or he has previously been convicted by a Court in a case in which he had been charged with the same offence, it shall proceed further in accordance with the provisions of this Code from the stage such application has been filed under sub-section (1).

265C. In working out a mutually satisfactory disposition under clause (a) of sub-section (4) of section 265B, the Court shall follow the following procedure, namely:—

Guidelines for mutually satisfactory disposition.

(a) in a case instituted on a police report, the Court shall issue notice to the Public Prosecutor, the police officer who has investigated the case, the accused and the victim of the case to participate in the meeting to work out a satisfactory disposition of the case:

Provided that throughout such process of working out a satisfactory disposition of the case, it shall be the duty of the Court to ensure that the entire process is completed voluntarily by the parties participating in the meeting:

Provided further that the accused may, if he so desires, participate in such meeting with his pleader, if any, engaged in the case;

(b) in a case instituted otherwise than on police report, the Court shall issue notice to the accused and the victim of the case to participate in a meeting to work out a satisfactory disposition of the case:

Provided that it shall be the duty of the Court to ensure, throughout such process of working out a satisfactory disposition of the case, that it is completed voluntarily by the parties participating in the meeting:

Provided further that if the victim of the case or the accused, as the case may be, so desires, he may participate in such meeting with his pleader engaged in the case.

265D. Where in a meeting under section 265C, a satisfactory disposition of the case has been worked out, the Court shall prepare a report of such disposition which shall be signed by the presiding officer of the Court and all other persons who participated in the meeting and if no such disposition has been worked out, the Court shall record such observation and proceed further in accordance with the provisions of this Code from the stage the application under sub-section (1) of section 265B has been filed in such case.

Report of the mutually satisfactory disposition to be submitted before the Court.

Disposal of
the case.

265E. Where a satisfactory disposition of the case has been worked out under section 265D, the Court shall dispose of the case in the following manner, namely:—

(a) the Court shall award the compensation to the victim in accordance with the disposition under section 265D and hear the parties on the quantum of the punishment, releasing of the accused on probation of good conduct or after admonition under section 360 or for dealing with the accused under the provisions of the Probation of Offenders Act, 1958 or any other law for the time being in force and follow the procedure specified in the succeeding clauses for imposing the punishment on the accused;

20 of 1958.

(b) after hearing the parties under clause (a), if the Court is of the view that section 360 or the provisions of the Probation of Offenders Act, 1958 or any other law for the time being in force are attracted in the case of the accused, it may release the accused on probation or provide the benefit of any such law, as the case may be;

20 of 1958.

(c) after hearing the parties under clause (b), if the Court finds that minimum punishment has been provided under the law for the offence committed by the accused, it may sentence the accused to half of such minimum punishment;

(d) in case after hearing the parties under clause (b), the Court finds that the offence committed by the accused is not covered under clause (b) or clause (c), then, it may sentence the accused to one-fourth of the punishment provided or extendable, as the case may be, for such offence.

Judgment of
the Court.

265F. The Court shall deliver its judgment in terms of section 265E in the open Court and the same shall be signed by the presiding officer of the Court.

Finality of
the judgment.

265G. The judgment delivered by the Court under section 265G shall be final and no appeal (except the special leave petition under article 136 and writ petition under articles 226 and 227 of the Constitution) shall lie in any Court against such judgment.

Power of the
Court in plea
bargaining.

265H. A Court shall have, for the purposes of discharging its functions under this Chapter, all the powers vested in respect of bail, trial of offences and other matters relating to the disposal of a case in such Court under this Code.

Period of
detention
undergone by
the accused to
be set off
against the
sentence of
imprison-
ment.

265-I. The provisions of section 428 shall apply, for setting off the period of detention undergone by the accused against the sentence of imprisonment imposed under this Chapter, in the same manner as they apply in respect of the imprisonment under other provisions of this Code.

Savings.

265J. The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other provisions of this Code and nothing in such other provisions shall be construed to constrain the meaning of any provision of this Chapter.

Explanation.—For the purposes of this Chapter, the expression “Public Prosecutor” has the meaning assigned to it under clause (u) of section 2 and includes an Assistant Public Prosecutor appointed under section 25.

Statements of
accused not to
be used.

265K. Notwithstanding anything contained in any law for the time being in force, the statements or facts stated by an accused in an application for plea bargaining filed under section 265B shall not be used for any other purpose except for the purpose of this Chapter.

Non-
application
of the
Chapter.

265L. Nothing in this Chapter shall apply to any juvenile or child as defined in clause (k) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

56 of 2000.

5. In section 292 of the Code of Criminal Procedure,—

Amendment of section 292.

(a) in sub-section (1), for the portion beginning with the words “gazetted officer” and ending with the brackets and words “(including the officer of the Controller of Stamps and Stationery)”, the following shall be substituted, namely:—

“officer of any Mint or of any Note Printing Press or of any Security Printing Press (including the officer of the Controller of Stamps and Stationery) or of any Forensic Department or Division of Forensic Science Laboratory or any Government Examiner of Questioned Documents or any State Examiner of Questioned Documents, as the case may be,”;

(b) in sub-section (3), for the portion beginning with the words “except with” and ending with the words “as the case may be,” the following shall be substituted, namely:—

“except with the permission of the General Manager or any officer in charge of any Mint or of any Note Printing Press or of any Security Printing Press or of any Forensic Department or any officer in charge of the Forensic Science Laboratory or of the Government Examiner of Questioned Documents Organisation or of the State Examiner of Questioned Documents Organisation, as the case may be.”.

6. In section 340 of the Code of Criminal Procedure, in sub-section (3), for clause (b), the following clause shall be substituted, namely:—

Amendment of section 340.

“(b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf.”.

7. In the First Schedule to the Code of Criminal Procedure, under the heading “I.-OFFENCES UNDER THE INDIAN PENAL CODE,”—

Amendment of the First Schedule.

(a) after the entries relating to section 195, the following entries shall be inserted, namely:—

1	2	3	4	5	6
“195A	Threatening any person to give false evidence.	Imprisonment for 7 years, or fine, or both.	Cognizable	Non-bailable	Court by which offence of giving false evidence is triable.
	If innocent person is convicted and sentenced in consequence of false evidence with death, or imprisonment for more than seven years.	The same as for the offence.	Ditto	Ditto	Ditto.”.

(b) in the 4th column, in the entry relating to section 196, for the word “Ditto”, the word “Non-cognizable” shall be substituted.

8. Section 25 of the Code of Criminal Procedure (Amendment) Act, 2005 shall be omitted.

Omission of section 25 of Act 25 of 2005.

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CHAPTER IV

AMENDMENT TO THE INDIAN EVIDENCE ACT, 1872

Amendment
of section
154 of Act 1
of 1872.

9. In the Indian Evidence Act, 1872, section 154 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) Nothing in this section shall disentitle the person so permitted under sub-section (1), to rely on any part of the evidence of such witness.”.

THE CENTRAL SALES TAX (AMENDMENT) ACT, 2005

No. 3 OF 2006

[16th January, 2006.]

An Act further to amend the Central Sales Tax Act, 1956.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Sales Tax (Amendment) Act, 2005.

Short title and
commencement.

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

74 of 1956.

2. In the Central Sales Tax Act, 1956 (hereinafter referred to as the principal Act), in section 19, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of
section 19.

43 of 1961.

“(2A) Notwithstanding anything contained in sub-section (2), the Chairman or a Member holding a post as such in the Authority for Advance Rulings appointed under clause (a) or clause (c), as the case may be, of sub-section (2) of section 245-O of the Income-tax Act, 1961 may, in addition to his being the Chairman or a Member of that Authority, be appointed as the Chairman or a Member, as the case may be, of the Authority under this Act.”.

*1-3-2006, *vide* notification No. S.O-134(E) Dated 3-2-2006.

Insertion of
new section
19A.

Vacancies,
etc., not to
invalidate
proceedings.

Substitution of
new section
for section 20.

Appeals.

3. After section 19 of the principal Act, the following section shall be inserted, namely:—

“19A. No proceeding before the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Authority.”

4. For section 20 of the principal Act, the following section shall be substituted, namely:—

‘20. (1) The provisions of this Chapter shall apply to appeals filed by any aggrieved person against any order of the highest appellate authority of a State, made under section 6A read with section 9.

Explanation.—For the purposes of this section and sections 21, 22 and 25 “highest appellate authority of a State” means any authority or tribunal or court (except the High Court) established or constituted under the general sales tax law of a State, by whatever name called.

(2) Notwithstanding anything contained in the general sales tax law of a State, the Authority shall adjudicate an appeal filed under sub-section (1).

(3) An appeal under sub-section (1) may be filed within ninety days from the date on which the order referred to in that sub-section is served on any aggrieved person:

Provided that the Authority may entertain any appeal after the expiry of the said period of ninety days, but not later than one hundred and fifty days from the date of such service, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

Provided further that the Authority may entertain any appeal from an aggrieved person within sixty days from the commencement of the Central Sales Tax (Amendment) Act, 2005, where such aggrieved person had the right to file an appeal against the order of the highest appellate authority of the State under sub-section (1) as it stood immediately before the commencement of the said Act, but has not availed of the right to file the appeal during the period commencing on and from the 3rd day of December, 2001 and ending with the 16th day of March, 2005.

(4) The application shall be made in quadruplicate and be accompanied by a fee of five thousand rupees.’

Amendment
of section 21.

5. In section 21 of the principal Act,—

(i) in sub-section (2), for the words “assessing authority”, the words “highest appellate authority” shall be substituted;

(ii) in sub-section (5), for the words “appellant and to the assessing authority”, the words “appellant, assessing authority, respondent and highest appellate authority of the State Government concerned” shall be substituted.

Amendment
of section 22.

6. In section 22 of the principal Act, for sub-section (1A), the following sub-section shall be substituted, namely:—

“(1A) The Authority may grant stay of the operation of the order of the highest appellate authority against which the appeal is filed before it or order the pre-deposit of the tax before entertaining the appeal and while granting such stay or making such order for the pre-deposit of the tax, the Authority shall have regard, if the assessee has made pre-deposit of the tax under the general sales tax law of the State concerned, to such pre-deposit or pass such appropriate order as it may deem fit.”

7. For section 25 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 25.

“25. (1) On and from the commencement of the Central Sales Tax (Amendment) Act, 2005, all appeals (except appeals against orders of the highest appellate authority of the State) pending before the Authority notified under sub-section (1) of section 24 shall stand transferred together with the records thereof to the highest appellate authority of the concerned State.

Transfer of pending proceedings.

(2) Such highest appellate authority of the State to which such appeal has been transferred under sub-section (1) on receipt of such records shall proceed to deal with such appeal so far as may be in the same manner as in the case of an appeal filed before such highest appellate authority of the State according to the general sales tax law of the appropriate State, from the stage which was reached before such transfer or from any earlier stage or *de novo* as such highest appellate authority of the State may deem fit:

Provided that where the highest appellate authority finds that the appellant has not availed of the opportunity of filing first appeal before the appellate authority, such case shall be forwarded to such authority.”

8. In section 26 of the principal Act, the words “or Union territory” shall be omitted.

Amendment of section 26.

THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS
ACT, 2005

ARRANGEMENT OF SECTIONS

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PRELIMINARY

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2. Definitions.

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THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

3. Constitution of National Commission for Protection of Child Rights.
4. Appointment of Chairperson and Members.
5. Term of office and conditions of service of Chairperson and Members.
6. Salary and allowances of Chairperson and Members.
7. Removal from office.
8. Vacation of office by Chairperson or Member.
9. Vacancies, etc., not to invalidate proceedings of Commission.
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20. Salary and allowances of Chairperson and Members.
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22. Salaries and allowances to be paid out of grants.
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- 33. Directions by Central Government.
- 34. Returns or information.
- 35. Power of Central Government to make rules.
- 36. Power of State Government to make rules.
- 37. Power to remove difficulties.

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THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS
ACT, 2005

No. 4 OF 2006

[20th January, 2006.]

An Act to provide for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.

WHEREAS India participated in the United Nations (UN) General Assembly Summit in 1990, which adopted a Declaration on Survival, Protection and Development of Children;

AND WHEREAS India has also acceded to the Convention on the Rights of the Child (CRC) on the 11th December, 1992;

AND WHEREAS CRC is an international treaty that makes it incumbent upon the signatory States to take all necessary steps to protect children's rights enumerated in the Convention;

AND WHEREAS in order to ensure protection of rights of children one of the recent initiatives that the Government have taken for Children is the adoption of National Charter for Children, 2003;

AND WHEREAS the UN General Assembly Special Session on Children held in May, 2002 adopted an Outcome Document titled "A World Fit for Children" containing the goals, objectives, strategies and activities to be undertaken by the member countries for the current decade;

AND WHEREAS it is expedient to enact a law relating to children to give effect to the policies adopted by the Government in this regard, standards prescribed in the CRC, and all other relevant international instruments;

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

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Commissions for Protection of Child Rights Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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

Definitions.

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

(a) "Chairperson" means the Chairperson of the Commission or of the State Commission, as the case may be;

(b) "child rights" includes the children's rights adopted in the United Nations convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of India on the 11th December, 1992;

(c) "Commission" means the National Commission for Protection of Child Rights constituted under section 3;

(d) "Member" means a Member of the Commission or of the State Commission, as the case may be, and includes the Chairperson;

*1-3-2006, vide notification No. S.O. 134(E) dated 3-2-2006.

- (e) "notification" means a notification published in the Official Gazette;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "State Commission" means a State Commission for Protection of Child Rights constituted under section 17.

CHAPTER II

THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

3. (1) The Central Government shall, by notification, constitute a body to be known as the National Commission for Protection of Child Rights to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

Constitution of National Commission for Protection of Child Rights.

(2) The Commission shall consist of the following Members, namely:—

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and

(b) six Members, out of which at least two shall be women, from the following fields, to be appointed by the Central Government from amongst persons of eminence, ability, integrity, standing and experience in, —

- (i) education;
- (ii) child health, care, welfare or child development;
- (iii) juvenile justice or care of neglected or marginalized children or children with disabilities;
- (iv) elimination of child labour or children in distress;
- (v) child psychology or sociology; and
- (vi) laws relating to children.

(3) The office of the Commission shall be at Delhi.

4. The Central Government shall, by notification, appoint the Chairperson and other Members:

Appointment of Chairperson and Members.

Provided that the Chairperson shall be appointed on the recommendation of a three member Selection Committee constituted by the Central Government under the Chairmanship of the Minister in-charge of the Ministry of Human Resource Development.

5. (1) The Chairperson and every Member shall hold office as such for a term of three years from the date on which he assumes office:

Term of office and conditions of service of Chairperson and Members.

Provided that no Chairperson or a Member shall hold the office for more than two terms:

Provided further that no Chairperson or any other Member shall hold office as such after he has attained—

- (a) in the case of the Chairperson, the age of sixty-five years; and
- (b) in the case of a Member, the age of sixty years.

(2) The Chairperson or a Member may, by writing under his hand addressed to the Central Government, resign his office at any time.

6. The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and Members, shall be such as may be prescribed by the Central Government:

Salary and allowances 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, as the case may be, shall be varied to his disadvantage after his appointment.

Removal
from office.

7. (1) Subject to the provisions of sub-section (2), the Chairperson may be removed from his office by an order of the Central Government on the ground of proved misbehaviour or incapacity.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may by order remove from office the Chairperson or any other Member, if the Chairperson or, as the case may be, such other Member, —

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) refuses to act or becomes incapable of acting; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) has so abused his office as to render his continuance in office detrimental to the public interest; or

(f) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude; or

(g) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission.

(3) No person shall be removed under this section until that person has been given an opportunity of being heard in the matter.

Vacation of
office by
Chairperson
or Member.

8. (1) If the Chairperson or, as the case may be, a Member, —

(a) becomes subject to any of the disqualifications mentioned in section 7; or

(b) tenders his resignation under sub-section (2) of section 5,

his seat shall thereupon become vacant.

(2) If a casual vacancy occurs in the office of the Chairperson or a Member, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of ninety days by making afresh appointment in accordance with the provisions of section 4 and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson, or a Member, as the case may be, in whose place he is so appointed would have held that office.

Vacancies,
etc., not to
invalidate
proceedings
of
Commission.

9. No act or proceeding of the Commission shall be invalid 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 as the Chairperson or a Member; or

(c) any irregularity in the procedure of the Commission not affecting the merits of the case.

Procedure for
transaction of
business.

10. (1) The Commission shall meet regularly at its office at such time as the Chairperson thinks fit, but three months shall not intervene between its last and the next meeting.

(2) All decisions at a meeting shall be taken by majority:

Provided that in the case of equality of votes, the Chairperson, or in his absence the person presiding, shall have and exercise a second or casting vote.

(3) If for any reason, the Chairperson, is unable to attend the meeting of the Commission, any Member chosen by the Members present from amongst themselves at the meeting, shall preside.

(4) The Commission shall observe such rules of procedure in the transaction of its business at a meeting, including the quorum at such meeting, as may be prescribed by the Central Government.

(5) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by Member-Secretary in this behalf.

11. (1) The Central Government shall, by notification, appoint an officer not below the rank of the Joint Secretary or the Additional Secretary to the Government of India as a Member-Secretary of the Commission and shall make available to the Commission such other officers and employees as may be necessary for the efficient performance of its functions.

Member-Secretary, officers and other employees of Commission.

(2) The Member-Secretary shall be responsible for the proper administration of the affairs of the Commission and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as may be prescribed by the Central Government.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Member-Secretary, other officers and employees, appointed for the purpose of the Commission shall be such as may be prescribed by the Central Government.

12. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Member-Secretary, other officers and employees referred to in section 11, shall be paid out of the grants referred to in sub-section (1) of section 27.

Salaries and allowances to be paid out of grants.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

13. (1) The Commission shall perform all or any of the following functions, namely:—

Functions of Commission.

(a) examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;

(b) present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;

(c) inquire into violation of child rights and recommend initiation of proceedings in such cases;

(d) examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;

(e) look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;

(f) study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;

(g) undertake and promote research in the field of child rights;

(h) spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;

(i) inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;

(j) inquire into complaints and take *suo motu* notice of matters relating to,—

(i) deprivation and violation of child rights;

(ii) non-implementation of laws providing for protection and development of children;

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children,

or take up the issues arising out of such matters with appropriate authorities; and

(k) such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

(2) The Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

Powers relating to inquiries.

14. (1) The Commission shall, while inquiring into any matter referred to in clause (j) of sub-section (1) of section 13 have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office; and

(e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

2 of 1974.

Steps after inquiry.

15. The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely:—

(i) where the inquiry discloses, the Commission of violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;

(ii) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

(iii) recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary.

16. (1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

Annual and special reports of Commission.

(2) The Central Government and the State Government concerned, as the case may be, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any, within a period of one year from the date of receipt of such report.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

CHAPTER IV

STATE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS

17. (1) A State Government may constitute a body to be known as the (name of the State) Commission for Protection of Child Rights to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission under this Chapter.

Constitution of State Commission for Protection of Child Rights.

(2) The State Commission shall consist of the following Members, namely: —

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and

(b) six Members, out of which at least two shall be women, from the following fields, to be appointed by the State Government from amongst persons of eminence, ability, integrity, standing and experience in,—

(i) education;

(ii) child health, care, welfare or child development;

(iii) juvenile justice or care of neglected or marginalized children or children with disabilities;

(iv) elimination of child labour or children in distress;

(v) child psychology or sociology; and

(vi) laws relating to children.

(3) The headquarter of the State Commission shall be at such place as the State Government may, by notification, specify.

18. The State Government shall, by notification, appoint the Chairperson and other Members:

Appointment of Chairperson and other Members.

Provided that the Chairperson shall be appointed on the recommendation of a three Member Selection Committee constituted by the State Government under the Chairmanship of the Minister in-charge of the Department dealing with children.

19. (1) The Chairperson and every Member shall hold office as such for a term of three years from the date on which he assumes office:

Term of office and conditions of service of Chairperson and Members.

Provided that no Chairperson or a Member shall hold the office for more than two terms:

Provided further that no Chairperson or any other Member shall hold office as such after he has attained—

(a) in the case of Chairperson, the age of sixty-five years; and

(b) in the case of a Member, the age of sixty years.

(2) The Chairperson or a Member may, by writing under his hand addressed to the State Government, resign his office at any time.

Salary and allowances of Chairperson and Members.

20. The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

Secretary, officers and other employees of the State Commission.

21. (1) The State Government shall, by notification, appoint an officer not below the rank of the Secretary to the State Government as the Secretary of the State Commission and shall make available to the State Commission such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The Secretary shall be responsible for the proper administration of the affairs of the State Commission and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as may be prescribed by the State Government.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Secretary, other officers and employees, appointed for the purpose of the State Commission shall be such as may be prescribed by the State Government.

Salaries and allowances to be paid out of grants.

22. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary, other officers and employees referred to in section 21, shall be paid out of the grants referred to in sub-section (1) of section 28.

Annual and special reports of State Commission.

23. (1) The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause all the reports referred to in sub-section (1) 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 along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

Application of certain provisions relating to National Commission for Protection of Child Rights to State Commissions.

24. The provisions of sections 7, 8, 9, 10, sub-section (1) of section 13 and sections 14 and 15 shall apply to a State Commission and shall have effect, subject to the following modifications, namely:—

(a) references to "Commission" shall be construed as references to "State Commission";

(b) references to "Central Government" shall be construed as references to "State Government"; and

(c) references to "Member-Secretary" shall be construed as references to "Secretary".

CHAPTER V

CHILDREN'S COURTS

Children's Courts.

25. For the purpose of providing speedy trial of offences against children or of violation of child rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify at least a court in the State or specify, for each district, a Court of Session to be a Children's Court to try the said offences:

Provided that nothing in this section shall apply if —

- (a) a Court of Session is already specified as a special court; or
- (b) a special court is already constituted,

for such offences under any other law for the time being in force.

26. For every Children's Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

Special Public
Prosecutor..

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

27. (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 of money 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).

28. (1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the State Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

Grants by
State
Governments.

(2) The State Commission may spend such sums of money as it thinks fit for performing the functions under Chapter III of this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

29. (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 of
Commission.

(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 Act 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.

30. (1) The State 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 State Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit of State
Commission.

(2) The accounts of the State 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 State 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 State Commission under this Act 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 State Commission.

(4) The accounts of the State 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 State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.

CHAPTER VII

MISCELLANEOUS

Protection of
action taken
in good faith.

31. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, the Commission, the State Commission, or any Member thereof or any person acting under the direction either of the Central Government, State Government, Commission or the State 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 made thereunder or in respect of the publication by or under the authority of the Central Government, State Government, Commission, or the State Commission of any report or paper.

Chairperson,
Members and
other officers
to be public
servant.

32. Every Member of the Commission, State Commission and every officer appointed in the Commission or the State 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

Directions by
Central
Government.

33. (1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy relating to national purposes, as may be given to it by the Central Government.

(2) If any dispute arises between the Central Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Central Government thereon shall be final.

Returns or
information.

34. The Commission shall furnish to the Central Government such returns or other information with respect to its activities as the Central Government may, from time to time, require.

Power of
Central
Government
to make rules.

35. (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) terms and conditions of service of the Chairperson and Members of the Commission and their salaries and allowances under section 6;

(b) the procedure to be followed by the Commission in the transaction of its business at a meeting under sub-section (4) of section 10;

(c) the powers and duties which may be exercised and performed by the Member-Secretary of the Commission under sub-section (2) of section 11;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the Commission under sub-section (3) of section 11; and

(e) form of the statement of accounts and other records to be prepared by the Commission under sub-section (1) of section 29.

(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.

Power of
State
Government
to make rules.

36. (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 generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) terms and conditions of service of the Chairperson and Members of the State Commission and their salaries and allowances under section 20;

(b) the procedure to be followed by the State Commission in the transaction of its business at a meeting under sub-section (4) of section 10 read with section 24;

(c) the powers and duties which may be exercised and performed by the Secretary of the State Commission under sub-section (2) of section 21;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the State Commission under sub-section (3) of section 21; and

(e) form of the statement of accounts and other records to be prepared by the State Commission under sub-section (1) of section 30.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

Power to
remove
difficulties.

37. (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 for removing the difficulty:

Provided that no order shall be made under this section after the expiry of the 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.

THE GOVERNMENT OF UNION TERRITORIES AND THE
GOVERNMENT OF NATIONAL CAPITAL TERRITORY
OF DELHI (AMENDMENT) ACT, 2006

No. 5 OF 2006

[2nd March, 2006.]

An Act further to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991.

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

CHAPTER I

PRELIMINARY

Short title
and
commencement.

1. (1) This Act may be called the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2006.

(2) Section 2 shall be deemed to have come into force on the 31st day of March, 2005.

CHAPTER II

AMENDMENT OF THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

Insertion of
new section
43F.
Special
provision as
to
readjustment
of territorial
constituencies
on the basis
of 2001
census.

2. After section 43E of the Government of Union Territories Act, 1963, the following section shall be inserted, namely:— 20 of 1963.

"43F. Notwithstanding the publication of orders under sub-section (1) of section 10 of the Delimitation Act, 2002 or anything contained in sub-section (2) or sub-section (4) of the said section, any readjustment in the division of Union territory into territorial constituencies by the Delimitation Commission under the said Act, on the basis of 2001 census shall take effect from such date as the Central Government may, by order, published in the Official Gazette, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment." 33 of 2002.

CHAPTER III

AMENDMENT OF THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991

Amendment
of section 3.

3. In section 3 of the Government of National Capital Territory of Delhi Act, 1991, in sub-section (3), after the proviso, the following proviso shall be inserted, namely:— 1 of 1992.

"Provided further that any readjustment in the division of the Capital into territorial constituencies by the Delimitation Commission under the Delimitation Act, 2002 on the basis of 2001 census shall take effect from such date as the Central Government may, by order, published in the Official Gazette, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment." 33 of 2002.

THE CONTEMPT OF COURTS (AMENDMENT) ACT, 2006

No. 6 OF 2006

[17th March, 2006.]

An Act further to amend the Contempt of Courts Act, 1971.

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

1. This Act may be called the Contempt of Courts (Amendment) Act, 2006.

Short title.

70 of 1971.

2. In the Contempt of Courts Act, 1971, for section 13, the following section shall be substituted, namely:—

Substitution of new section for section 13.

“13. Notwithstanding anything contained in any law for the time being in force,—

Contempts not punishable in certain cases.

(a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice;

(b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is *bona fide*.”

THE COST AND WORKS ACCOUNTANTS (AMENDMENT) ACT, 2006

No. 7 OF 2006

[17th March, 2006.]

An Act further to amend the Cost and Works Accountants Act, 1959.

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

1. (1) This Act may be called the Cost and Works Accountants (Amendment) Act, 2006.

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 commencement of that provision.

23 of 1959.

2. In the Cost and Works Accountants Act, 1959 (hereinafter referred to as the principal Act), in sub-section (1) of section 2,—

Amendment of section 2.

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

‘(aa) “Authority” means the Appellate Authority referred to in section 22A;

*22-7-2007 for S.11, vide Notification No. S.O. 1274(E) dated 8-8-2006.

8-8-2006, vide Notification No. S.O. 1278(E), dated 8-8-2006 for Ss. 1, 2, 3, 4, 5, 7, 9, 13 (Except new section 15A, 17 except clause (i), 18, 23, 24, 29, 30 and 31.

17-11-2006, vide Notification No. S.O. 1984 (E) dated 17-11-06 for Ss 6, 8,10, 12, 13 (New Section 15A of Cost and Works Accountants Act, 1959), 14, 15, 16, Cl (i), 17, 19, 20; 21, 22, 25, 26, 27, 28 and 32.

(aaa) "Board" means the Quality Review Board constituted under section 29A;'

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

'(fa) "notification" means a notification published in the Official Gazette;'

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

'(ia) "specified" means specified by rules made by the Central Government under this Act;

(ib) "Tribunal" means a Tribunal established under sub-section (1) of section 10B;'

Amendment of section 4.

3. In section 4 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every person belonging to any of the classes mentioned in clauses (ii), (iii), (iv) and (v) of sub-section (1) shall have his name entered in the Register on an application being made and granted in the prescribed manner and on payment of such fees, as may be determined, by notification, by the Council, which shall not exceed rupees three thousand:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees three thousand, which shall not in any case exceed rupees six thousand."

Amendment of section 5.

4. In section 5 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) A member, being an associate who has been in continuous practice in India for at least five years, whether before or after the commencement of this Act, or whether partly before and partly after the commencement of this Act, and a member who has been an associate for a continuous period of not less than five years and who possesses such qualifications as the Council may prescribe with a view to ensuring that he has experience equivalent to the experience normally acquired as a result of continuous practice for a period of five years as a cost accountant shall, on payment of such fees, as may be determined, by notification, by the Council, which shall not exceed rupees five thousand, and on application made and granted in the prescribed manner, be entered in the Register as a fellow of the Institute:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees five thousand, which shall not in any case exceed rupees ten thousand.

Explanation I— For the purposes of this sub-section, a person shall be deemed to have practiced in India for any period for which he has held a certificate of practice under section 6, notwithstanding that he did not actually practice during that period.

Explanation II.— In computing the continuous period during which a person has been an associate of the Institute, there shall be included any continuous period during which the person has been an associate of the dissolved company immediately before he became an associate of the Institute."

Amendment of section 6.

5. In section 6 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every such member shall make an application in such form, and pay such annual fee, for his certificate as may be determined, by notification, by the Council, which shall not exceed rupees three thousand and such fee shall be payable on or before the 1st day of April in each year:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees three thousand, which shall not in any case exceed rupees six thousand:

Provided further that if a member of the Institute, who was in practice immediately before the commencement of this Act, has made within one month of such commencement an application for the grant of certificate of practice, he shall not be deemed to have contravened the provisions of sub-section (1) by reason of his having practised during the period between such commencement and the disposal of the application.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The certificate of practice obtained under sub-section (1) may be cancelled by the Council under such circumstances as may be prescribed.”.

6. In section 9 of the principal Act,—

Amendment of section 9.

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Council shall be composed of the following persons, namely:—

(a) not more than fifteen persons elected by the members of the Institute, from amongst the fellows of the Institute chosen in such manner and from such regional constituencies as may be specified:

Provided that a fellow of the Institute, who has been found guilty of any professional or other misconduct, and whose name is removed from the Register or has been awarded penalty of fine, shall not be eligible to contest the election,—

(i) in case of misconduct falling under the First Schedule of this Act, for a period of three years;

(ii) in case of misconduct falling under the Second Schedule of this Act, for a period of six years,

from the completion of the period of removal of name from the Register or payment of fine, as the case may be;

(b) not more than five persons nominated in the specified manner by the Central Government.”;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) No person holding a post under the Central Government or a State Government shall be eligible for election to the Council under clause (a) of sub-section (2).

(4) No person who has been auditor of the Institute shall be eligible for election to the Council under clause (a) of sub-section (2) for a period of three years after he ceases to be an auditor.”.

7. For section 10 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 10.

“10. A member of the Council, elected or nominated under sub-section (2) of section 9, shall be eligible for re-election or as the case may be, re-nomination:

Re-election or re-nomination to Council.

Provided that no member shall hold the office for more than two consecutive terms:

Provided further that a member of the Council, who is or has been elected as President under sub-section (1) of section 12, shall not be eligible for election or nomination as a member of the Council.”.

Insertion of new sections 10A and 10B.

Settlement of disputes regarding election.

Establishment of Tribunal.

8. After section 10 of the principal Act, the following sections shall be inserted, namely:—

“10A. In case of any dispute regarding any election under clause (a) of sub-section (2) of section 9, the aggrieved person may make an application within thirty days from the date of declaration of the result of election to the Secretary of the Institute, who shall forward the same to the Central Government.

10B. (1) On receipt of any application under section 10A, the Central Government shall, by notification, establish a Tribunal consisting of a Presiding Officer and two other Members to decide such dispute and the decision of such Tribunal shall be final.

(2) A person shall not be qualified for appointment,—

(a) as a Presiding Officer of the Tribunal unless he has been a member of the Indian Legal Service and has held a post in Grade I of the service for at least three years;

(b) as a Member unless he has been a member of the Council for at least one full term, and who is not a sitting member of the Council or who has not been a candidate in the election under dispute; or

(c) as a Member unless he holds the post of a Joint Secretary to the Government of India or any other post under the Central Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.

(3) The terms and conditions of service of the Presiding Officer and Members of the Tribunal, their place of meetings and allowances shall be such as may be specified.

(4) The expenses of the Tribunal shall be borne by the Council.”

Amendment of section 12.

9. In section 12 of the principal Act, —

(i) in sub-section (2), for the words “Chief Executive Authority”, the word “Head” shall be substituted;

(ii) in sub-section (3),—

(a) after the words “he shall be eligible for re-election”, the words, brackets and figure “under sub-section (1)” shall be inserted;

(b) in the proviso, for the words “the President”, the words “the President and the Vice-President” shall be substituted.

Amendment of section 13.

10. In section 13 of the principal Act,—

(i) in sub-section (2), after the words “meetings of the Council”, the words “or he has been found guilty of any professional or other misconduct and awarded penalty of fine,” shall be inserted;

(ii) in the proviso to sub-section (3), for the words “six months”, the words “one year” shall be substituted.

Amendment of section 14.

11. In section 14 of the principal Act, in sub-section (1), for the words “three years”, the words “four years” shall be substituted.

Substitution of new section for section 15.

12. For section 15 of the principal Act, the following section shall be substituted, namely:—

Functions of Council.

“15. (1) The Institute shall function under the overall control, guidance and supervision of the Council and the duty of carrying out the provisions of this Act shall be vested in the Council.

(2) In particular, and without prejudice to the generality of the foregoing powers, the duties of the Council shall include—

- (a) to approve academic courses and their contents;
- (b) the prescribing of fees for the examination of candidates for enrolment;
- (c) the prescribing of qualifications for entry in the Register;
- (d) the recognition of foreign qualifications and training for the purposes of enrolment;
- (e) the prescribing of guidelines for granting or refusal of certificates of practice under this Act;
- (f) the levy of fees from members, examinees and other persons;
- (g) the regulation and maintenance of the status and standard of professional qualifications of members of the Institute;
- (h) the carrying out, by granting financial assistance to persons other than members of the Council or in any other manner, of research in accountancy;
- (i) to enable functioning of the Director (Discipline), the Board of Discipline, the Disciplinary Committee and the Appellate Authority constituted under the provisions of this Act;
- (j) to enable functioning of the Quality Review Board;
- (k) consideration of the recommendations of the Quality Review Board made under clause (a) of section 29B, action taken thereon with a report to the Central Government within a period of three months, and their inclusion in the annual report; and
- (l) to ensure the functioning of the Institute in accordance with the provisions of this Act and in performance of other statutory duties as may be entrusted to the Institute from time to time."

13. After section 15 of the principal Act, the following sections shall be inserted, namely:—

- "15A. The functions of the Institute shall include—
- (a) the examination of candidates for enrolment;
 - (b) the regulation of training of students;
 - (c) the maintenance and publication of a Register of persons qualified to practice as cost accountants;
 - (d) collection of fees from members, examinees and other persons;
 - (e) subject to the orders of the appropriate authorities under this Act, the removal of names from the Register and the restoration to the Register of names which have been removed;
 - (f) the maintenance of a library and publication of books and periodicals relating to accountancy and allied subjects;
 - (g) the conduct of elections to the Council of the Institute; and
 - (h) the granting or refusal of certificates of practice as per guidelines issued by the Council.

15B. (1) Subject to the provisions of this Act, any University established by law or any body affiliated to the Institute, may impart education on the subjects covered by the academic courses of the Institute.

Insertion of
new sections
15A and 15B.
Functions of
Institute.

Imparting
education by
Universities
and other
bodies.

(2) The Universities or bodies referred to in sub-section (1) shall, while awarding degree, diploma or certificate or bestowing any designation, ensure that the award or designation do not resemble or is not identical to one awarded by the Institute.

(3) Nothing contained in this section shall enable a University or a body to adopt a name or nomenclature which is in any way similar to that of the Institute."

Substitution of new section for section 16.

14. For section 16 of the principal Act, the following section shall be substituted, namely:—

Officers and employees, salary, allowances, etc.

"16. (1) For the efficient performance of its duties, the Council shall —

(a) appoint a Secretary of the Council to perform such duties as may be prescribed;

(b) appoint a Director (Discipline) to perform such functions as assigned to him under this Act and the rules and regulations framed thereunder;

(c) designate an officer of the Council or the Institute to carry out the administrative functions of the Institute as its chief executive.

(2) The Council may also —

(a) appoint such other officers and employees to the Council and the Institute as it considers necessary;

(b) require and take from the Secretary or from any other officer or employee of the Council and the Institute such security for the due performance of his duties, as the Council considers necessary;

(c) prescribe the salaries, fees, allowances of the officers and employees of the Council and the Institute and their terms and conditions of service;

(d) with the previous sanction of the Central Government, fix the allowances of the President, Vice-President and other members of the Council and members of its Committees.

(3) The Secretary of the Council shall be entitled to participate in the meetings of the Council but shall not be entitled to vote thereat."

Amendment of section 17.

15. In section 17 of the principal Act,—

(a) in sub-section (1), for clause (ii), the following clause shall be substituted, namely:—

"(ii) a Finance Committee; and";

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Each of the Standing Committees shall consist of the President and the Vice-President *ex officio*, and minimum of three and maximum of five members to be elected by the Council from amongst its members .";

(c) sub-sections (4) and (5) shall be omitted;

(d) in sub-section (6), for the words "two-thirds of total membership of the Committee", the words "one-third of total membership of the Committee" shall be substituted.

Amendment of section 18.

16. In section 18 of the principal Act, —

(i) for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely: —

"(3) The Council shall keep proper accounts of the fund distinguishing capital from revenue in the manner prescribed.

(4) The Council shall prepare in the manner prescribed and approve, prior to the start of the financial year, an annual financial statement (the budget) indicating all its anticipated revenues as well as all proposed expenditures for the forthcoming year.

(5) The annual accounts of the Council shall be prepared in such manner as may be prescribed and be subject to audit by a chartered accountant in practice to be appointed annually by the Council:

Provided that no member of the Council or a person who has been a member of the Council during the last four years or a person who is in partnership with such member shall be eligible for appointment as an auditor under this sub-section:

Provided further that, in the event it is brought to the notice of the Council that the accounts of the Council do not represent a true and fair view of its finances, then, the Council may itself cause a special audit to be conducted:

Provided also that if such information, that the accounts of the Council do not represent a true and fair view of its finances, is sent to the Council by the Central Government, then, the Council may, wherever appropriate cause a special audit or take such other action as it considers necessary and shall furnish an action taken report on it to the Central Government.":

(ii) after sub-section (5), the following sub-sections shall be inserted, namely:—

“(5A) As soon as may be practicable at the end of each year, the Council shall circulate the audited accounts to its members at least fifteen days in advance and consider and approve these accounts in a special meeting convened for the purpose.

(5B) The Council shall cause to be published in the Gazette of India not later than the 30th day of September of the year next following, a copy of the audited accounts and the Report of the Council for that year duly approved by the Council and copies of the said accounts and Report shall be forwarded to the Central Government and to all the members of the Institute.”

17. In section 19 of the principal Act,—

Amendment
of section 19.

(i) in sub-section (3), the words “on payment of such amount as may be prescribed” shall be inserted at the end;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Every member of the Institute shall, on his name being entered in the Register, pay such annual membership fee as may be determined, by notification, by the Council, which shall not exceed rupees five thousand:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees five thousand which shall not in any case exceed rupees ten thousand.”

18. In section 20 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment
of section 20.

“(3) If the name of any member has been removed from the Register under clause (c) of sub-section (1), on receipt of an application, his name may be entered again in the Register on payment of the arrears of annual fee and entrance fee along with such additional fee, as may be determined, by notification, by the Council which shall not exceed rupees two thousand:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees two thousand which shall not in any case exceed rupees four thousand.”

Substitution of
new section
for section 21.

19. For section 21 of the principal Act, the following section shall be substituted, namely:—

Disciplinary
Directorate.

“21. (1) The Council shall, by notification, establish a Disciplinary Directorate headed by an officer of the Institute designated as Director (Discipline) and such other employees for making investigations in respect of any information or complaint received by it.

(2) On receipt of any information or complaint along with the prescribed fee, the Director (Discipline) shall arrive at a *prima facie* opinion on the occurrence of the alleged misconduct.

(3) Where the Director (Discipline) is of the opinion that a member is guilty of any professional or other misconduct mentioned in the First Schedule, he shall place the matter before the Board of Discipline and where the Director (Discipline) is of the opinion that a member is guilty of any professional or other misconduct mentioned in the Second Schedule or in both the Schedules, he shall place the matter before the Disciplinary Committee.

(4) In order to make investigations under the provisions of this Act, the Disciplinary Directorate shall follow such procedure as may be specified.

(5) Where a complainant withdraws the complaint, the Director (Discipline) shall place such withdrawal before the Board of Discipline or as the case may be, the Disciplinary Committee, and the said Board of Committee may, if it is of the view that the circumstances so warrant, permit the withdrawal at any stage.”

Insertion of
new sections
21A, 21B, 21C
and 21D.

20. After section 21 of the principal Act, the following sections shall be inserted, namely:—

Board of
Discipline.

‘21A. (1) The Council shall constitute a Board of Discipline consisting of—

(a) a person with experience in law and having knowledge of disciplinary matters and the profession, to be its presiding officer;

(b) two members one of whom shall be a member of the Council elected by the Council and the other member shall be the person designated under clause

(c) of sub-section (1) of section 16;

(c) the Director (Discipline) shall function as the Secretary of the Board.

(2) The Board of Discipline shall follow summary disposal procedure in dealing with all the cases before it.

(3) Where the Board of Discipline is of the opinion that a member is guilty of a professional or other misconduct mentioned in the First Schedule, it shall afford to the member an opportunity of being heard before making any order against him and may thereafter take any one or more of the following actions, namely:—

(a) reprimand the member;

(b) remove the name of the member from the Register up to a period of three months;

(c) impose such fine as it may think fit which may extend to rupees one lakh.

(4) The Director (Discipline) shall submit before the Board of Discipline all information and complaints where he is of the opinion that there is no *prima facie* case

and the Board of Discipline may, if it agrees with the opinion of the Director (Discipline), close the matter or in case of disagreement, may advise the Director (Discipline) to further investigate the matter.

21B. (1) The Council shall constitute a Disciplinary Committee consisting of the President or the Vice-President of the Council as the Presiding Officer and two members to be elected from amongst the members of the Council and two members to be nominated by the Central Government from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy:

Disciplinary
Committee.

Provided that the Council may constitute more Disciplinary Committees as and when it considers necessary.

(2) The Disciplinary Committee while considering the cases placed before it, shall follow such procedure as may be specified.

(3) Where the Disciplinary Committee is of the opinion that a member is guilty of a professional or other misconduct mentioned in the Second Schedule or both the First Schedule and the Second Schedule, it shall afford to the member an opportunity of being heard before making any order against him and may thereafter take any one or more of the following actions, namely:—

- (a) reprimand the member;
- (b) remove the name of the member from the Register permanently or for such period, as it thinks fit;
- (c) impose such fine as it may think fit, which may extend to rupees five lakhs.

(4) The allowances payable to the members nominated by the Central Government shall be such as may be specified.

21C. For the purposes of an inquiry under the provisions of this Act, the Authority, the Disciplinary Committee, Board of Discipline and the Director (Discipline) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

Authority,
Disciplinary
Committee,
Board of
Discipline and
Director
(Discipline) to
have powers
of civil court.

5 of 1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) the discovery and production of any document; and
- (c) receiving evidence on affidavit.

Explanation.—For the purposes of sections 21, 21A, 21B, 21C and 22, "member of the Institute" includes a person who was a member of the Institute on the date of the alleged misconduct although he has ceased to be a member of the Institute at the time of the inquiry.

21D. All complaints pending before the Council or any inquiry initiated by the Disciplinary Committee or any reference or appeal made to a High Court prior to the commencement of the Cost and Works Accountants (Amendment) Act, 2006 shall continue to be governed by the provisions of this Act, as if this Act had not been amended by the Cost and Works Accountants (Amendment) Act, 2006.

Transitional
provisions.

21. For section 22 of the principal Act, the following section shall be substituted, namely:—

Substitution of
new section
for section 22.

'22. For the purposes of this Act, the expression "professional or other misconduct" shall be deemed to include any act or omission provided in any of the Schedules but nothing in this section shall be construed to limit or abridge in any way

Professional or
other mis-
conduct
defined.

the power conferred or duty cast on the Director (Discipline) under sub-section (1) of section 21 to inquire into the conduct of any member of the Institute under any other circumstances.'

Insertion of new sections 22A, 22B, 22C, 22D and 22E.

22. After section 22 of the principal Act, the following sections shall be inserted, namely:—

Constitution of Appellate Authority.

22A. The Appellate Authority constituted under sub-section (1) of section 22A of the Chartered Accountants Act, 1949, shall be deemed to be the Appellate Authority for the purposes of this Act subject to the modification that for clause (b) of said sub-section (1), the following clause had been substituted, namely:—

38 of 1949.

"(b) the Central Government shall, by notification appoint two part-time members from amongst the persons who have been members of the Council of the Institute of Cost and Works Accountants of India for at least one full term and who is not a sitting member of the Council;"

Term of office of members of Authority.

22B. A person appointed as a 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 sixty-two years, whichever is earlier.

Procedure, etc., of Authority.

22C. The provisions of section 22C, section 22D and section 22F of the Chartered Accountants Act, 1949 shall apply to the Authority in relation to allowances and terms and conditions of service of its Chairperson and members and in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Chartered Accountants Act, 1949.

38 of 1949.

Officers and other staff of Authority.

22D. (1) The Council shall make available to the Authority such officers and other staff members as may be necessary for the efficient performance of the functions of the Authority.

(2) The salaries and allowances and conditions of service of the officers and other staff members of the Authority shall be such as may be prescribed.

Appeal to Authority.

22E. (1) Any member of the Institute aggrieved by any order of the Board of Discipline or the Disciplinary Committee imposing on him any of the penalties referred to in sub-section (3) of section 21A and sub-section (3) of section 21B, may within ninety days from the date on which the order is communicated to him, prefer an appeal to the Authority:

Provided that the Director (Discipline) may also appeal against the decision of the Board of Discipline or the Disciplinary Committee to the Authority if so authorised by the Council, within ninety days:

Provided further that the Authority may entertain any such appeal after the expiry of the said period of ninety days, if it is satisfied that there was sufficient cause for not filing the appeal in time.

(2) The Authority may, after calling for the records of any case, revise any order made by the Board of Discipline or the Disciplinary Committee under sub-section (3) of section 21A and sub-section (3) of section 21B and may—

(a) confirm, modify or set aside the order;

(b) impose any penalty or set aside, reduce, or enhance the penalty imposed by the order;

(c) remit the case to the Board of Discipline or Disciplinary Committee for such further enquiry as the Authority considers proper in the circumstances of the case; or

(d) pass such other order as the Authority thinks fit:

Provided that the Authority shall give an opportunity of being heard to the parties concerned before passing any order.

23. In section 25 of the principal Act, sub-section (3) shall be omitted.

Amendment
of section 25

24. In section 27 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment
of section 27.

"(2) Any person who contravenes the provisions of sub-section (1) shall, without prejudice to any other proceedings which may be taken against him, be punishable on first conviction with a fine not less than five thousand rupees but which may extend to one lakh rupees, and in the event of a second or subsequent conviction with imprisonment for a term which may extend to one year or with a fine not less than ten thousand rupees but which may extend to two lakh rupees or with both."

25. After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of
new Chapter
VIIA.

“CHAPTER VIIA

QUALITY REVIEW BOARD

29A. (1) The Central Government shall, by notification, constitute a Quality Review Board consisting of a Chairperson and four other members.

Establishment
of Quality
Review Board.

(2) The Chairperson and members of the Board shall be appointed from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy.

(3) Two members of the Board shall be nominated by the Council and other two members shall be nominated by the Central Government.

29B. The Board shall perform the following functions, namely:—

Functions of
Board.

(a) to make recommendations to the Council with regard to the quality of services provided by the members of the Institute;

(b) to review the quality of services provided by the members of the Institute including cost audit services; and

(c) to guide the members of the Institute to improve the quality of services and adherence to the various statutory and other regulatory requirements.

29C. The Board shall meet at such time and place and follow in its meetings such procedure as may be specified.

Procedure of
Board.

29D. (1) The terms and conditions of service of the Chairperson and the members of the Board, and their allowances shall be such as may be specified.

Terms and
conditions of
service of
Chairperson
and members
of Board and its
expenditure.

(2) The expenditure of the Board shall be borne by the Council."

26. Section 33 of the principal Act shall be omitted.

Omission of
section 33.

27. For section 36 of the principal Act, the following section shall be substituted, namely:—

Substitution of
new section
for section 36.

"36. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Council or the Authority or the Disciplinary Committee or the Tribunal or the Board or the Board of Discipline or the Disciplinary Directorate or any officer of that Government, Council, Authority, Disciplinary Committee, Tribunal, Board,

Protection of
action taken
in good faith.

Board of Discipline or the Disciplinary Directorate, for anything which is in good faith done or intended to be done under this Act or any rule, regulation, notification, direction or order made thereunder."

Insertion of new section 36A.

28. After section 36 of the principal Act, the following section shall be inserted, namely:—

Members, etc., to be public servants.

"36A. The Chairperson, Presiding Officer, members and other officers and employees of the Authority, Disciplinary Committee, Tribunal, Board, Board of Discipline or the Disciplinary Directorate shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code."

45 of 1860.

Insertion of new section 38A.

29. After section 38 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to make rules.

"38A. (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 powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of election and nomination in respect of members to the Council under sub-section (2) of section 9;

(b) the terms and conditions of service of the Presiding Officer and Members of the Tribunal, place of meetings and allowances to be paid to them under sub-section (3) of section 10B;

(c) the procedure of investigation under sub-section (4) of section 21;

(d) the procedure while considering the cases by the Disciplinary Committee under sub-section (2) and fixation of allowances of the nominated members under sub-section (4) of section 21B;

(e) the procedure to be followed by the Board in its meetings under section 29C; and

(f) the terms and conditions of service of the Chairperson and members of the Board under sub-section (1) of section 29D."

Amendment of section 39.

30. In section 39 of the principal Act,—

(i) in sub-section (1), the words "and a copy of such regulations shall be sent to each member of the Institute" shall be omitted;

(ii) in sub-section (2),—

(a) in clause (h), the words "the Council and" shall be omitted;

(b) clause (t) shall be omitted;

(iii) sub-section (5) shall be omitted.

Insertion of new section 40.

31. After section 39 of the principal Act, the following section shall be inserted, namely:—

Rules, regulations and notifications to be laid before Parliament.

"40. Every rule and every regulation 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 the rule, regulation or notification, or both Houses agree that the rule, regulation or notification should not be made or issued, 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."

32. For the First Schedule and the Second Schedule to the principal Act, the following Schedules shall be substituted, namely:—

Substitution of
new Schedules
for First
Schedule and
Second
Schedule.

‘THE FIRST SCHEDULE

[See sections 21 (3), 21A(3) and 22]

PART I

Professional misconduct in relation to cost accountants in practice

A cost accountant in practice shall be deemed to be guilty of professional misconduct, if he—

(1) allows any person to practice in his name as a cost accountant unless such person is also a cost accountant in practice and is in partnership with or employed by him;

(2) pays or allows or agrees to pay or allow, directly or indirectly, any share, commission or brokerage in the fees or profits of his professional business, to any person other than a member of the Institute or a partner or a retired partner or the legal representative of a deceased partner, or a member of any other professional body or with such other persons having such qualifications as may be prescribed, for the purpose of rendering such professional services from time to time in or outside India.

Explanation.—In this item, “partner” includes a person residing outside India with whom a cost accountant in practice has entered into partnership which is not in contravention of item (4) of this Part;

(3) accepts or agrees to accept any part of the profits of the professional work of a person who is not a member of the Institute:

Provided that nothing herein contained shall be construed as prohibiting a member from entering into profit sharing or other similar arrangements, including receiving any share, commission or brokerage in the fees, with a member of such professional body or other person having qualifications, as is referred to in item (2) of this Part;

(4) enters into partnership, in or outside India, with any person other than a cost accountant in practice or such other person who is a member of any other professional body having such qualifications as may be prescribed, including a resident who but for his residence abroad would be entitled to be registered as a member under clause (iv) of sub-section (1) of section 4 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnerships;

(5) secures, either through the services of a person who is not an employee of such cost accountant or who is not his partner or by means which are not open to a cost accountant, any professional business:

Provided that nothing herein contained shall be construed as prohibiting any arrangement permitted in terms of items (2), (3) and (4) of this Part;

(6) solicits clients or professional work, either directly or indirectly, by circular, advertisement, personal communication or interview or by any other means:

Provided that nothing herein contained shall be construed as preventing or prohibiting—

(i) any cost accountant from applying or requesting for or inviting or securing professional work from another cost accountant in practice; or

(ii) a member from responding to tenders or enquiries issued by various users of professional services or organisations from time to time and securing professional work as a consequence;

(7) advertises his professional attainments or services, or uses any designation or expressions other than cost accountant on professional documents, visiting cards, letter heads or sign boards, unless it be a degree of a University established by law in India or recognised by the Central Government or a title indicating membership of the Institute of Cost Accountants of India or of any other institution that has been recognised by the Central Government or may be recognised by the Council:

Provided that a member in practice may advertise through a write up, setting out the services provided by him or his firm and particulars of his firm subject to such guidelines as may be issued by the Council;

(8) accepts a position as cost accountant previously held by another cost accountant in practice without first communicating with him in writing;

(9) charges or offers to charge, accepts or offers to accept in respect of any professional employment, fees which are based on a percentage of profits or which are contingent upon the findings or results of such employment, except as permitted under any regulation made under this Act;

(10) engages in any business or occupation other than the profession of cost accountant unless permitted by the Council so to engage:

Provided that nothing contained herein shall disentitle a cost accountant from being a director of a company (not being a managing director or a wholtime director) unless he or any of his partners is interested in such company as accountant;

(11) allows a person not being a member of the Institute in practice, or a member not being his partner to sign on his behalf or on behalf of his firm, any cost or pricing statements or any other statements relating thereto.

PART II

Professional misconduct in relation to members of the Institute in service

A member of the Institute (other than a member in practice) shall be deemed to be guilty of professional misconduct, if he being an employee of any company, firm or person—

(1) pays or allows or agrees to pay, directly or indirectly, to any person any share in the emoluments of the employment undertaken by him;

(2) accepts or agrees to accept any part of fees, profit or gains from a lawyer, a cost accountant or broker engaged by such company, firm or person or agent or customer of such company, firm or person by way of commission or gratification.

PART III

Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he—

(1) not being a fellow of the Institute acts as a fellow of the Institute;

(2) does not supply the information called for, or does not comply with the requirements asked for by the Institute, Council or any of its Committees, Director (Discipline), Board of Discipline, Disciplinary Committee, Quality Review Board or the Appellate Authority;

(3) while inviting professional work from another cost accountant or while responding to tenders or enquiries or while advertising through a write up, or anything as provided for in items (6) and (7) of Part I of this Schedule, gives information knowing it to be false.

PART IV

Other misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if—

(1) he is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term not exceeding six months;

(2) in the opinion of the Council he brings disrepute to the profession or the Institute as a result of his action whether or not related to his professional work.

THE SECOND SCHEDULE

[See sections 21 (3), 21B (3) and 22]

PART I

Professional misconduct in relation to cost accountants in practice

A cost accountant in practice shall be deemed to be guilty of professional misconduct, if he—

(1) discloses information acquired in the course of his professional engagement to any person other than his client so engaging him, without the consent of his client, or otherwise than as required by any law for the time being in force;

(2) certifies or submits in his name, or in the name of his firm, a report of an examination of cost accounting and related statements unless the examination of such statements has been made by him or by a partner or an employee in his firm or by another cost accountant in practice;

(3) permits his name or the name of his firm to be used in connection with an estimate of cost or earnings contingent upon future transactions in a manner which may lead to the belief that he vouches for the accuracy of the forecast;

(4) expresses his opinion on cost or pricing statements of any business or enterprise in which he, his firm or a partner in his firm has a substantial interest;

(5) fails to disclose a material fact known to him in a cost or pricing statement, which is not disclosed in a cost or pricing statement but disclosure of which is necessary in making such statement where he is concerned with such statement in a professional capacity;

(6) fails to report a material mis-statement known to him to appear in a cost or pricing statement with which he is concerned in a professional capacity;

(7) does not exercise due diligence, or is grossly negligent in the conduct of his professional duties;

(8) fails to obtain sufficient information which is necessary for expression of an opinion or its exceptions are sufficiently material to negate the expression of an opinion ;

(9) fails to invite attention to any material departure from the generally accepted procedure of costing and pricing applicable to the circumstances;

(10) fails to keep moneys of his client other than fees or remuneration or money meant to be expended in a separate banking account or to use such moneys for purposes for which they are intended within a reasonable time.

PART II

Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he —

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council;

(2) being an employee of any company, firm or person, discloses confidential information acquired in the course of his employment, except as and when required by any law for the time being in force or except as permitted by the employer;

(3) includes in any information, statement, return or form to be submitted to the Institute, Council or any of its Committees, Director (Discipline), Board of Discipline, Disciplinary Committee, Quality Review Board or the Appellate Authority any particulars knowing them to be false;

(4) defalcates or embezzles moneys received in his professional capacity.

PART III

Other misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if he is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term exceeding six months.

THE COMPANY SECRETARIES (AMENDMENT) ACT, 2006

No. 8 OF 2006

[17th March, 2006.]

An Act further to amend the Company Secretaries Act, 1980.

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

1. (1) This Act may be called the Company Secretaries (Amendment) Act, 2006.

Short title
commence
ment,

(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 commencement of that provision.

*8-8-2006, vide Notification No. S.O. 1277(E), dated 8-8-2006 (For Ss. 1, 2, 3, 4, 5, 7, 9, 13 (Except new section 15A), 17 except clause (i), 18, 23, 24, 29, 30 and 31.

19-1-2007, w.r.t. s. 11, vide Notification No. S.O. 1275 (E) dated 8-8-2006, 5-9-2006, vide Notification No. S.O. 1439 (E) dated 5-9-2006 for S.6. 17-11-2006, vide Notification No. S.O. 1983 (E) dated 17-11-2006 Ss. 8, 10, 12, 13 (New Section 15A of Company Secretaries Act, 1980), for 14, 15, 16, Cl(i) of s. 17, 19, 20, 21, 22, 25, 26, 27, 28 and 32.

Amendment of
section 2.

2. In the Company Secretaries Act, 1980 (hereinafter referred to as the principal Act), in sub-section (1) of section 2,—

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

‘(aa) “Authority” means the Appellate Authority referred to in section 22A;

(aaa) “Board” means the Quality Review Board constituted under section 29A;’;

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

‘(ga) “notification” means a notification published in the Official Gazette;’;

(iii) after clause (j), the following clauses shall be inserted, namely:—

‘(ja) “specified” means specified by rules made by the Central Government under this Act;

(jb) “Tribunal” means a Tribunal established under sub-section (1) of section 10B;’.

Amendment of
section 4.

3. In section 4 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every person belonging to any of the classes mentioned in clauses (c), (d) and (e) of sub-section (1) shall have his name entered in the Register on application being made and granted in the prescribed manner and on payment of such fees, as may be determined, by notification, by the Council, which shall not exceed rupees three thousand:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees three thousand, which shall not in any case exceed rupees six thousand.”.

Amendment of
section 5.

4. In section 5 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) A person, being an Associate who has been in continuous practice in India as a Company Secretary for at least five years and a person who has been an Associate for a continuous period of not less than five years and who possesses such qualifications or practical experience as the Council may prescribe with a view to ensuring that he has experience equivalent to the experience normally acquired as a result of continuous practice for a period of five years as a Company Secretary shall, on payment of such fees, as may be determined, by notification, by the Council, which shall not exceed rupees five thousand, and on application made and granted in the prescribed manner, be entered in the Register as a Fellow:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees five thousand, which shall not in any case exceed rupees ten thousand.

Explanation I.— For the purposes of this sub-section, a person shall be deemed to have practised in India for any period for which he has held a certificate of practice under section 6, notwithstanding that he did not actually practise during that period.

Explanation II.— In computing the continuous period during which a person has been an Associate of the Institute, there shall be included any continuous period during which the person has been an Associate of the dissolved company immediately before he became an Associate of the Institute.”.

5. In section 6 of the principal Act,—

Amendment of
section 6.

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) A member who desires to be entitled to practise shall make an application in such form and pay such annual fee, for his certificate as may be determined, by notification, by the Council, which shall not exceed rupees three thousand, and such fee shall be payable on or before the 1st day of April in each year:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees three thousand, which shall not in any case exceed rupees six thousand.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The certificate of practice obtained under sub-section (1) may be cancelled by the Council under such circumstances as may be prescribed.”.

6. In section 9 of the principal Act,—

Amendment of
section 9.

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Council shall be composed of the following persons, namely:—

(a) not more than fifteen persons elected by the members of the Institute, from amongst the Fellows of the Institute chosen in such manner and from such regional constituencies as may be specified:

Provided that a Fellow of the Institute, who has been found guilty of any professional or other misconduct and whose name is removed from the Register or has been awarded penalty of fine, shall not be eligible to contest the election,—

(i) in case of misconduct falling under the First Schedule of this Act, for a period of three years;

(ii) in case of misconduct falling under the Second Schedule of this Act, for a period of six years,

from the completion of the period of removal of name from the Register or payment of fine, as the case may be;

(b) not more than five persons nominated in the specified manner by the Central Government.”;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) No person holding a post under the Central Government or a State Government shall be eligible for election to the Council under clause (a) of sub-section (2).

“(4) No person who has been auditor of the Institute shall be eligible for election to the Council under clause (a) of sub-section (2) for a period of three years after he ceases to be an auditor.”.

7. For section 10 of the principal Act, the following section shall be substituted, namely:—

Substitution of
new section for
section 10.

“10. A member of the Council, elected or nominated under sub-section (2) of section 9, shall be eligible for re-election or, as the case may be, re-nomination:

Re-election or
re-nomination
to Council.

Provided that no member shall hold the office for more than two consecutive terms:

Provided further that a member of the Council, who is or has been elected as President under sub-section (1) of section 12, shall not be eligible for election or nomination as a member of the Council.”.

Insertion of new sections 10A and 10B.

8. After section 10 of the principal Act, the following sections shall be inserted, namely:—

Settlement of disputes regarding election.

“10A. In case of any dispute regarding any election under clause (a) of sub-section (2) of section 9, the aggrieved person may make an application within thirty days from the date of declaration of the result of election to the Secretary of the Institute, who shall forward the same to the Central Government.

Establishment of Tribunal.

10B. (1) On receipt of any application under section 10A, the Central Government shall, by notification, establish a Tribunal consisting of a Presiding Officer and two other Members to decide such dispute and the decision of such Tribunal shall be final.

(2) A person shall not be qualified for appointment,—

(a) as a Presiding Officer of the Tribunal unless he has been a member of the Indian Legal Service and has held a post in Grade I of the service for at least three years;

(b) as a Member unless he has been a member of the Council for at least one full term and who is not a sitting member of the Council or who has not been a candidate in the election under dispute; or

(c) as a Member unless he holds the post of a Joint Secretary to the Government of India or any other post under the Central Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.

(3) The terms and conditions of service of the Presiding Officer and Members of the Tribunal, their place of meetings and allowances shall be such as may be specified.

(4) The expenses of the Tribunal shall be borne by the Council.”.

Amendment of section 12.

9. In section 12 of the principal Act,—

(i) in sub-section (2), for the words “Chief Executive Authority”, the word “Head” shall be substituted;

(ii) in sub-section (3), after the words “he shall be eligible for re-election”, the words, brackets and figure “under sub-section (1)” shall be inserted;

(iii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) On the expiration of the duration of the Council, or of the term of office of the President and the Vice-President thereof, the President and the Vice-President shall continue to hold office until such time as a new President and the Vice-President is elected and takes over charge of their duties.”.

Amendment of section 13.

10. In section 13 of the principal Act,—

(i) in sub-section (2), after the words “meetings of the Council”, the words “or he has been found guilty of any professional or other misconduct and awarded penalty of fine,” shall be inserted;

(ii) in the proviso to sub-section (3), for the words “six months”, the words “one year” shall be substituted.

Amendment of section 14.

11. In section 14 of the principal Act, in sub-section (1), for the words “three years”, the words “four years” shall be substituted.

12. For section 15 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 15.

“15. (1) The Institute shall function under the overall control, guidance and supervision of the Council and the duty of carrying out the provisions of this Act shall be vested in the Council.

Functions of Council.

(2) In particular, and without prejudice to the generality of the foregoing powers, the duties of the Council shall include—

- (a) to approve academic courses and their contents;
- (b) the prescribing of fees for the examination of candidates for enrolment;
- (c) the prescribing of qualifications for entry in the Register;
- (d) the recognition of foreign qualifications and training for purposes of enrolment;
- (e) the prescribing of guidelines for granting or refusal of certificates of practice under this Act;
- (f) the levy of fees from members, examinees and other persons;
- (g) the regulation and maintenance of the status and standard of professional qualifications of members of the Institute;
- (h) the carrying out, by granting financial assistance to persons other than members of the Council or in any other manner, of research in such matters of interest to Company Secretaries as may be prescribed;
- (i) to enable functioning of the Director (Discipline), the Board of Discipline, the Disciplinary Committee and the Appellate Authority constituted under the provisions of this Act;
- (j) to enable functioning of the Quality Review Board;
- (k) consideration of the recommendations of the Quality Review Board made under clause (a) of section 29B and details of action taken thereon in its annual report; and
- (l) to ensure the functioning of the Institute in accordance with the provisions of this Act and in performance of other statutory duties as may be entrusted to the Institute from time to time.”.

13. After section 15 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 15A and 15B.

“15A. The functions of the Institute shall include—

Functions of Institute.

- (a) the examination of candidates for enrolment;
- (b) the regulation of training of students;
- (c) the maintenance and publication of a Register of persons qualified to practice as Company Secretaries;
- (d) collection of fees from members, examinees and other persons;
- (e) subject to the orders of the appropriate authorities under this Act, the removal of names from the Register and the restoration to the Register of names which have been removed;
- (f) the maintenance of a library and publication of books and periodicals relating to management of companies and allied subjects;

(g) the conduct of elections to the Council of the Institute; and

(h) the granting or refusal of certificates of practice as per guidelines issued by the Council.

Imparting education by Universities and other bodies.

15B. (1) Subject to the provisions of this Act, any University established by law or any body affiliated to the Institute, may impart education on the subjects covered by the academic courses of the Institute.

(2) The Universities or bodies referred to in sub-section (1) shall, while awarding degree, diploma or certificate or bestowing any designation, ensure that the award or designation do not resemble or is not identical to one awarded by the Institute.

(3) Nothing contained in this section shall enable a University or a body to adopt a name or nomenclature which is in any way similar to that of the Institute.”

Substitution of new section for section 16.

14. For section 16 of the principal Act, the following section shall be substituted, namely:—

Officers and employees, salary, allowances, etc.

“16. (1) For the efficient performance of its duties, the Council shall—

(a) appoint a Secretary of the Council to perform such duties as may be prescribed;

(b) appoint a Director (Discipline) to perform such functions as assigned to him under this Act and the rules and regulations framed thereunder;

(c) designate an officer of the Council or the Institute to carry out the administrative functions of the Institute as its chief executive.

(2) The Council may also—

(a) appoint such other officers and employees to the Council and the Institute as it considers necessary;

(b) require and take from the Secretary or from any other officer or employee of the Council and the Institute such security for the due performance of his duties, as the Council considers necessary;

(c) prescribe the salaries, fees, allowances of the officers and employees of the Council and the Institute and their terms and conditions of service;

(d) with the previous sanction of the Central Government, fix the allowances of the President, Vice-President and other members of the Council and members of its Committees;

(3) The Secretary of the Council shall be entitled to participate in the meetings of the Council but shall not be entitled to vote thereat.”

Amendment of section 17.

15. In section 17 of the principal Act,—

(a) in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

“(b) a Finance Committee; and”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Each of the Standing Committees shall consist of the President and the Vice-President *ex officio*, and minimum of three and maximum of five members to be elected by the Council from amongst its members.”;

(c) sub-sections (4) and (5) shall be omitted;

(d) in sub-section (6), for the words "two-thirds of the total membership of the Committee", the words "one-third of the total membership of the Committee" shall be substituted.

16. In section 18 of the principal Act,—

Amendment
of section 18.

(i) for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely:—

"(3) The Council shall keep proper accounts of the fund distinguishing capital from revenue in the manner prescribed.

(4) The Council shall prepare in the manner prescribed and approve, prior to the start of the financial year, an annual financial statement (the budget) indicating all its anticipated revenues as well as all proposed expenditures for the forthcoming year.

(5) The annual accounts of the Council shall be prepared in such manner as may be prescribed and be subject to audit by a Chartered Accountant in practice to be appointed annually by the Council:

Provided that no member of the Council or a person who has been a member of the Council during the last four years or a person who is in partnership with such member shall be eligible for appointment as an auditor under this sub-section:

Provided further that, in the event it is brought to the notice of the Council that the accounts of the Council do not represent a true and fair view of its finances, then, the Council may itself cause a special audit to be conducted:

Provided also that if such information, that the accounts of the Council do not represent a true and fair view of its finances, is sent to the Council by the Central Government, then, the Council may, wherever appropriate cause a special audit or take such other action as it considers necessary and shall furnish an action taken report on it to the Central Government.";

(ii) after sub-section (5), the following sub-sections shall be inserted, namely:—

"(5A) As soon as may be practicable at the end of each year, the Council shall circulate the audited accounts to its members at least fifteen days in advance and consider and approve these accounts in a special meeting convened for the purpose.

(5B) The Council shall cause to be published in the Gazette of India not later than the 30th day of September of the year next following, a copy of the audited accounts and the Report of the Council for that year duly approved by the Council and copies of the said accounts and Report shall be forwarded to the Central Government and to all the members of the Institute."

17. In section 19 of the principal Act,—

Amendment of
section 19.

(i) in sub-section (3), the words "on payment of such amount as may be prescribed" shall be inserted at the end;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Every member of the Institute shall, on his name being entered in the Register, pay such annual membership fee as may be determined, by notification, by the Council, which shall not exceed rupees five thousand:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees five thousand which shall not in any case exceed rupees ten thousand."

Amendment of section 20.

18. In section 20 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) If the name of any member has been removed from the Register under clause (c) of sub-section (1), on receipt of an application, his name may be entered again in the Register on payment of the arrears of annual fee and entrance fee along with such additional fee, as may be determined, by notification, by the Council, which shall not exceed rupees two thousand:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees two thousand, which shall not in any case exceed rupees four thousand.”

Substitution of new section for section 21.

19. For section 21 of the principal Act, the following section shall be substituted, namely:—

Disciplinary Directorate.

“21. (1) The Council shall, by notification, establish a Disciplinary Directorate headed by an officer of the Institute designated as Director (Discipline) and such other employees for making investigations in respect of any information or complaint received by it.

(2) On receipt of any information or complaint along with the prescribed fee, the Director (Discipline) shall arrive at a *prima facie* opinion on the occurrence of the alleged misconduct.

(3) Where the Director (Discipline) is of the opinion that a member is guilty of any professional or other misconduct mentioned in the First Schedule, he shall place the matter before the Board of Discipline and where the Director (Discipline) is of the opinion that a member is guilty of any professional or other misconduct mentioned in the Second Schedule or in both the Schedules, he shall place the matter before the Disciplinary Committee.

(4) In order to make investigations under the provisions of this Act, the Disciplinary Directorate shall follow such procedure as may be specified.

(5) Where a complainant withdraws the complaint, the Director (Discipline) shall place such withdrawal before the Board of Discipline or as the case may be, the Disciplinary Committee, and the said Board or Committee may, if it is of the view that the circumstances so warrant, permit the withdrawal at any stage.”

Insertion of new sections 21A, 21B, 21C and 21D.

20. After section 21 of the principal Act, the following sections shall be inserted, namely:—

Board of Discipline.

“21A. (1) The Council shall constitute a Board of Discipline consisting of—

(a) a person with experience in law and having knowledge of the disciplinary matters and the profession, to be its presiding officer;

(b) two members one of whom shall be a member of the Council elected by the Council and the other member shall be the person designated under clause (c) of sub-section (1) of section 16;

(c) the Director (Discipline) shall function as the Secretary of the Board.

(2) The Board of Discipline shall follow summary disposal procedure in dealing with all the cases before it.

(3) Where the Board of Discipline is of the opinion that a member is guilty of a professional or other misconduct mentioned in the First Schedule, it shall afford to the member an opportunity of being heard before making any order against him and may thereafter take any one or more of the following actions, namely:—

(a) reprimand the member;

(b) remove the name of the member from the Register up to a period of three months;

(c) impose such fine as it may think fit which may extend to rupees one lakh.

(4) The Director (Discipline) shall submit before the Board of Discipline all information and complaints where he is of the opinion that there is no *prima facie* case and the Board of Discipline may, if it agrees with the opinion of the Director (Discipline), close the matter or in case of disagreement, may advise the Director (Discipline) to further investigate the matter.

21B. (1) The Council shall constitute a Disciplinary Committee consisting of the President or the Vice-President of the Council as the Presiding Officer and two members to be elected from amongst the members of the Council and two members to be nominated by the Central Government from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy:

Disciplinary
Committee.

Provided that the Council may constitute more Disciplinary Committees as and when it considers necessary.

(2) The Disciplinary Committee, while considering the cases placed before it, shall follow such procedure as may be specified.

(3) Where the Disciplinary Committee is of the opinion that a member is guilty of a professional or other misconduct mentioned in the Second Schedule or both the First Schedule and the Second Schedule, it shall afford to the member an opportunity of being heard before making any order against him and may thereafter take any one or more of the following actions, namely:—

(a) reprimand the member;

(b) remove the name of the member from the Register permanently or for such period, as it thinks fit;

(c) impose such fine as it may think fit, which may extend to rupees five lakhs.

(4) The allowances payable to the members nominated by the Central Government shall be such as may be specified.

21C. For the purposes of an inquiry under the provisions of this Act, the Authority, the Disciplinary Committee, Board of Discipline and the Director (Discipline) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

Authority,
Disciplinary
Committee,
Board of
Discipline and
Director
(Discipline) to
have powers
of civil court.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) the discovery and production of any document; and

(c) receiving evidence on affidavit.

Explanation.—For the purposes of sections 21, 21A, 21B, 21C and 22, “member of the Institute” includes a person who was a member of the Institute on the date of the alleged misconduct although he has ceased to be a member of the Institute at the time of the inquiry.

21D. All complaints pending before the Council or any inquiry initiated by the Disciplinary Committee or any reference or appeal made to a High Court prior to the commencement of the Company Secretaries (Amendment) Act, 2006 shall continue to be governed by the provisions of this Act, as if this Act had not been amended by the Company Secretaries (Amendment) Act, 2006.

Transitional
provisions.

Substitution of new section for section 22.

21. For section 22 of the principal Act, the following section shall be substituted, namely:—

Professional or other misconduct defined.

'22. For the purposes of this Act, the expression "professional or other misconduct" shall be deemed to include any act or omission provided in any of the Schedules, but nothing in this section shall be construed to limit or abridge in any way the power conferred or duty cast on the Director (Discipline) under sub-section (1) of section 21 to inquire into the conduct of any member of the Institute under any other circumstances.'

Insertion of new sections 22A, 22B, 22C, 22D and 22E.

22. After section 22 of the principal Act, the following sections shall be inserted, namely:—

Constitution of Appellate Authority.

'22A. The Appellate Authority constituted under sub-section (1) of section 22A of the Chartered Accountants Act, 1949, shall be deemed to be the Appellate Authority for the purposes of this Act subject to the modification that for clause (b) of said sub-section (1), the following clause had been substituted, namely:—

38 of 1949

"(b) the Central Government shall, by notification appoint two part-time members from amongst the persons who have been members of the Council of the Institute of Company Secretaries of India for at least one full term and who is not a sitting member of the Council;"

Term of office of members of Authority.

22B. A person appointed as a 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 sixty-two years, whichever is earlier.

Procedure, etc., of Authority.

22C. The provisions of section 22C, section 22D and section 22F of the Chartered Accountants Act, 1949 shall apply to the Authority in relation to allowances and terms and conditions of service of its Chairperson and members, and in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Chartered Accountants Act, 1949.

38 of 1949.

Officers and other staff of Authority.

22D. (1) The Council shall make available to the Authority such officers and other staff members as may be necessary for the efficient performance of the functions of the Authority.

(2) The salaries and allowances and conditions of service of the officers and other staff members of the Authority shall be such as may be prescribed.

Appeal to Authority.

22E. (1) Any member of the Institute aggrieved by any order of the Board of Discipline or the Disciplinary Committee imposing on him any of the penalties referred to in sub-section (3) of section 21A and sub-section (3) of section 21B, may within ninety days from the date on which the order is communicated to him, prefer an appeal to the Authority.

Provided that the Director (Discipline) may also appeal against the decision of the Board of Discipline or the Disciplinary Committee to the Authority if so authorised by the Council, within ninety days:

Provided further that the Authority may entertain any such appeal after the expiry of the said period of ninety days, if it is satisfied that there was sufficient cause for not filing the appeal in time.

(2) The Authority may, after calling for the records of any case, revise any order made by the Board of Discipline or the Disciplinary Committee under sub-section (3) of section 21A and sub-section (3) of section 21B and may—

- (a) confirm, modify or set aside the order;
- (b) impose any penalty or set aside, reduce, or enhance the penalty imposed by the order;
- (c) remit the case to the Board of Discipline or Disciplinary Committee for such further enquiry as the Authority considers proper in the circumstances of the case; or
- (d) pass such other order as the Authority thinks fit:

Provided that the Authority shall give an opportunity of being heard to the parties concerned before passing any order.'

23. In section 25 of the principal Act, sub-section (3) shall be omitted.

Amendment of section 25.

24. In section 27 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of section 27.

“(2) Any person who contravenes the provisions of sub-section (1) shall, without prejudice to any other proceedings which may be taken against him, be punishable on first conviction with a fine not less than five thousand rupees but which may extend to one lakh rupees, and in the event of a second or subsequent conviction with imprisonment for a term which may extend to one year or with a fine not less than ten thousand rupees but which may extend to two lakh rupees or with both.”

25. After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter VIIA.

“CHAPTER VIIA

QUALITY REVIEW BOARD

29A. (1) The Central Government shall, by notification, constitute a Quality Review Board consisting of a Chairperson and four other members.

Establishment of Quality Review Board.

(2) The Chairperson and members of the Board shall be appointed from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy.

(3) Two members of the Board shall be nominated by the Council and other two members shall be nominated by the Central Government.

29B. The Board shall perform the following functions, namely:—

Functions of Board.

(a) to make recommendations to the Council with regard to the quality of services provided by the members of the Institute;

(b) to review the quality of services provided by the members of the Institute including secretarial services; and

(c) to guide the members of the Institute to improve the quality of services and adherence to the various statutory and other regulatory requirements.

29C. The Board shall meet at such time and place and follow in its meetings such procedure as may be specified.

Procedure of Board.

29D. (1) The terms and conditions of service of the Chairperson and the members of the Board, and their allowances shall be such as may be specified.

Terms and conditions of service of Chairperson and members of Board and its expenditure.

(2) The expenditure of the Board shall be borne by the Council.”

Omission of section 30.

26. Section 30 of the principal Act shall be omitted.

Substitution of new section for section 36.

27. For section 36 of the principal Act, the following section shall be substituted, namely:—

Protection of action taken in good faith.

"36. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Council or the Authority or the Disciplinary Committee or the Tribunal or the Board or the Board of Discipline or the Disciplinary Directorate or any officer of that Government, Council, Authority, Disciplinary Committee, Tribunal, Board, Board of Discipline or the Disciplinary Directorate, for anything which is in good faith done or intended to be done under this Act or any rule, regulation, notification, direction or order made thereunder."

Insertion of new section 36A.

28. After section 36 of the principal Act, the following section shall be inserted, namely:—

Members, etc., to be public servants.

"36A. The Chairperson, Presiding Officer, members and other officers and employees of the Authority, Disciplinary Committee, Tribunal, Board, Board of Discipline or the Disciplinary Directorate shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code."

45 of 1860.

Insertion of new section 38A.

29. After section 38 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to make rules.

"38A. (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 powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of election and nomination in respect of members to the Council under sub-section (2) of section 9;

(b) the terms and conditions of service of the Presiding Officer and Members of the Tribunal, place of meetings and allowances to be paid to them under sub-section (3) of section 10B;

(c) the procedure of investigation under sub-section (4) of section 21;

(d) the procedure while considering the cases by the Disciplinary Committee under sub-section (2) and fixation of allowances of the nominated members under sub-section (4) of section 21B;

(e) the procedure to be followed by the Board in its meetings under section 29C; and

(f) the terms and conditions of service of the Chairperson and members of the Board under sub-section (1) of section 29D."

Amendment of section 39.

30. In section 39 of the principal Act,—

(i) in sub-section (2),—

(a) in clause (a), for the word, brackets and figures "items (1), (3)", the word, brackets and figure "item (2)" shall be substituted;

(b) in clause (d), the words, brackets and letter "clause (a) of" shall be omitted;

(c) clause (g), clause (l) and clause (q) shall be omitted;

(d) in clause (i), for the word, brackets and letter "clause (i)", the word, brackets and letter "clause (g)" shall be substituted;

(e) in clause (j), for the word, brackets and letter "clause (j)", the word, brackets and letter "clause (h)" shall be substituted;

(f) in clause (k), for the words, brackets, letter and figures "clause (k) of sub-section (2) of section 15", the words, brackets, letters and figures "clause (f) of section 15A" shall be substituted;

(ii) sub-section (4) shall be omitted.

31. After section 39 of the principal Act, the following section shall be inserted, namely:—

"40. Every rule and every regulation 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 the rule, regulation or notification, or both Houses agree that the rule, regulation or notification should not be made, or issued, 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."

32. For the First Schedule and the Second Schedule to the principal Act, the following Schedules shall be substituted, namely:—

Insertion of new section 40.

Rules, regulations and notifications to be laid before Parliament.

Substitution of new Schedules for First Schedule and Second Schedule.

THE FIRST SCHEDULE

[See sections 21 (3), 21A(3) and 22]

PART I

Professional misconduct in relation to company secretaries in practice

A Company Secretary in practice shall be deemed to be guilty of professional misconduct, if he—

(1) allows any person to practice in his name as a Company Secretary unless such person is also a Company Secretary in practice and is in partnership with or employed by him;

(2) pays or allows or agrees to pay or allow, directly or indirectly, any share, commission or brokerage in the fees or profits of his professional business, to any person other than a member of the Institute or a partner or a retired partner or the legal representative of a deceased partner, or a member of any other professional body or with such other persons having such qualifications as may be prescribed, for the purpose of rendering such professional services from time to time in or outside India.

Explanation.— In this item, "partner" includes a person residing outside India with whom a Company Secretary in practice has entered into partnership which is not in contravention of item (4) of this Part;

(3) accepts or agrees to accept any part of the profits of the professional work of a person who is not a member of the Institute:

Provided that nothing herein contained shall be construed as prohibiting a member from entering into profit sharing or other similar arrangements, including receiving any share commission or brokerage in the fees, with a member of such professional body or other person having qualifications, as is referred to in item (2) of this part;

(4) enters into partnership, in or outside India, with any person other than a Company Secretary in practice or such other person who is a member of any other professional body having such qualifications as may be prescribed, including a resident who but for his residence abroad would be entitled to be registered as a member under

clause (e) of sub-section (1) of section 4 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnerships;

(5) secures, either through the services of a person who is not an employee of such company secretary or who is not his partner or by means which are not open to a Company Secretary, any professional business:

Provided that nothing herein contained shall be construed as prohibiting any arrangement permitted in terms of items (2), (3) and (4) of this Part;

(6) solicits clients or professional work, either directly or indirectly, by circular, advertisement, personal communication or interview or by any other means:

Provided that nothing herein contained shall be construed as preventing or prohibiting—

(i) any company secretary from applying or requesting for or inviting or securing professional work from another company secretary in practice; or

(ii) a member from responding to tenders or enquiries issued by various users of professional services or organisations from time to time and securing professional work as a consequence;

(7) advertises his professional attainments or services, or uses any designation or expressions other than Company Secretary on professional documents, visiting cards, letterheads or sign boards, unless it be a degree of a University established by law in India or recognised by the Central Government or a title indicating membership of the Institute of Company Secretaries of India or of any other institution that has been recognised by the Central Government or may be recognised by the Council:

Provided that a member in practice may advertise through a write up setting out the services provided by him or his firm and particulars of his firm subject to such guidelines as may be issued by the Council;

(8) accepts a position as a Company Secretary in practice previously held by another Company Secretary in practice without first communicating with him in writing;

(9) charges or offers to charge, accepts or offers to accept, in respect of any professional employment, fees which are based on a percentage of profits or which are contingent upon the findings, or results of such employment, except as permitted under any regulation made under this Act;

(10) engages in any business or occupation other than the profession of Company Secretary unless permitted by the Council so to engage:

Provided that nothing contained herein shall disentitle a Company Secretary from being a director of a company except as provided in the Companies Act, 1956;

1 of 1956.

(11) allows a person not being a member of the Institute in practice, or a member not being his partner to sign on his behalf or on behalf of his firm, anything which he is required to certify as a Company Secretary, or any other statements relating thereto.

PART II

Professional misconduct in relation to members of the Institute in service

A member of the Institute (other than a member in practice) shall be deemed to be guilty of professional misconduct, if he, being an employee of any company, firm or person—

(1) pays or allows or agrees to pay, directly or indirectly, to any person any share in the emoluments of the employment undertaken by him;

(2) accepts or agrees to accept any part of fees, profits or gains from a lawyer, a Company Secretary or broker engaged by such company, firm or person or agent or customer of such company, firm or person by way of commission or gratification.

PART III

Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he—

- (1) not being a Fellow of the Institute, acts as a Fellow of the Institute;
- (2) does not supply the information called for, or does not comply with the requirements asked for, by the Institute, Council or any of its Committees, Director (Discipline), Board of Discipline, Disciplinary Committee, Quality Review Board or the Appellate Authority;
- (3) while inviting professional work from another Company Secretary or while responding to tenders or enquiries or while advertising through a write up, or anything as provided for in items (6) and (7) of Part I of this Schedule, gives information knowing it to be false.

PART IV

Other misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if—

- (1) he is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term not exceeding six months;
- (2) in the opinion of the Council, he brings disrepute to the profession or the institute as a result of his action whether or not related to his professional work.

THE SECOND SCHEDULE

[See sections 21 (3), 21B(3) and 22]

PART I

Professional misconduct in relation to company secretaries in practice

A Company Secretary in practice shall be deemed to be guilty of professional misconduct, if he—

- (1) discloses information acquired in the course of his professional engagement to any person other than his client so engaging him, without the consent of his client, or otherwise than as required by any law for the time being in force;
- (2) certifies or submits in his name, or in the name of his firm, a report of an examination of the matters relating to company secretarial practice and related statements unless the examination of such statements has been made by him or by a partner or an employee in his firm or by another Company Secretary in practice;
- (3) permits his name or the name of his firm to be used in connection with any report or statement contingent upon future transactions in a manner which may lead to the belief that he vouches for the accuracy of the forecast;
- (4) expresses his opinion on any report or statement given to any business or enterprise in which he, his firm, or a partner in his firm has a substantial interest;
- (5) fails to disclose a material fact known to him in his report or statement but the disclosure of which is necessary in making such report or statement, where he is concerned with such report or statement in a professional capacity;
- (6) fails to report a material mis-statement known to him and with which he is concerned in a professional capacity;
- (7) does not exercise due diligence, or is grossly negligent in the conduct of his professional duties;

(8) fails to obtain sufficient information which is necessary for expression of an opinion or its exceptions are sufficiently material to negate the expression of an opinion;

(9) fails to invite attention to any material departure from the generally accepted procedure relating to the secretarial practice;

(10) fails to keep moneys of his client other than fees or remuneration or money meant to be expended in a separate banking account or to use such moneys for purposes for which they are intended within a reasonable time.

PART II

Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he—

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council;

(2) being an employee of any company, firm or person, discloses confidential information acquired in the course of his employment, except as and when required by any law for the time being in force or except as permitted by the employer;

(3) includes in any information, statement, return or form to be submitted to the Institute, Council or any of its Committees, Director (Discipline), Board of Discipline, Disciplinary Committee, Quality Review Board or the Appellate Authority any particulars knowing them to be false;

(4) defalcates or embezzles moneys received in his professional capacity.

PART III

Other misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if he is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term exceeding six months.

THE CHARTERED ACCOUNTANTS (AMENDMENT) ACT, 2006

No. 9 OF 2006

[22nd March, 2006.]

An Act further to amend the Chartered Accountants Act, 1949.

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

1. (1) This Act may be called the Chartered Accountants (Amendment) Act, 2006.

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 commencement of that provision.

*8.8.2006, vide Notification No. S.O. 1276(E) for Ss 1, 2, 3, 4, 5, 7, 9, 12, 16 except Cl. (i), 17, 22, 23, 25, 26, 27, 28 except new sections 30 (D) and 30(E) dated 8.8.2006.

5.9.2006, vide Notification No. S.O. 1440(E) dated 5.9.2006 for S, 17.11.2006, vide Notification No. S.O. 1985 (E) dated 17.11.2006 for Ss. 8, 10, 11, 13, 14, 15, Cl. (i) of S. 16, 18, 19, 20, 21, 24, 28, 29 (New Sections 30(D) and 30(E)).

Amendment
of section 2.

2. In the Chartered Accountants Act, 1949 (hereinafter referred to as the principal Act), in section 2,—

(I) in sub-section (1),—

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

'(aa) "Authority" means the Appellate Authority constituted under section 22A;

(aaa) "Board" means the Quality Review Board constituted under section 28A;';

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

'(ea) "notification" means a notification published in the Official Gazette;';

(iii) after clause (h), the following clauses shall be inserted, namely:—

'(ha) "specified" means specified by rules made by the Central Government under this Act;

(hb) "Tribunal" means a Tribunal established under sub-section (1) of section 10B;

(II) in sub-section (2), in the *Explanation*, for the words "training of articled clerks", the words "training of articled assistants" shall be substituted.

Amendment
of section 4.

3. In section 4 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every person belonging to any of the classes mentioned in clauses (ii), (iii), (iv), (v) and (vi) of sub-section (1) shall have his name entered in the Register on application being made and granted in the prescribed manner and on payment of such fees, as may be determined, by notification, by the Council, which shall not exceed rupees three thousand:

Provided that the Council may, with the prior approval of the Central Government, determine the fee exceeding rupees three thousand, which shall not in any case exceed rupees six thousand."

Amendment
of section 5.

4. In section 5 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) A member, being an associate who has been in continuous practice in India for at least five years, whether before or after the commencement of this Act, or whether partly before and partly after the commencement of this Act, and a member who has been an associate for a continuous period of not less than five years and who possesses such qualifications as the Council may prescribe with a view to ensuring that he has experience equivalent to the experience normally acquired as a result of continuous practice for a period of five years as a chartered accountant shall, on payment of such fees, as may be determined, by notification, by the Council, which shall not exceed rupees five thousand and on application made and granted in the prescribed manner, be entered in the Register as a fellow of the Institute and shall be entitled to use the letters F. C. A. after his name to indicate that he is a fellow of the Institute of Chartered Accountants:

Provided that the Council may, with the prior approval of the Central Government, determine the fee exceeding rupees five thousand, which shall not in any case exceed rupees ten thousand."

Amendment
of section 6.

5. In section 6 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every such member shall pay such annual fee for his certificate as may be determined, by notification, by the Council, which shall not exceed rupees three thousand, and such fee shall be payable on or before the 1st day of April in each year:

Provided that the Council may, with the prior approval of the Central Government, determine the fee exceeding rupees three thousand, which shall not in any case exceed rupees six thousand.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The certificate of practice obtained under sub-section (1) may be cancelled by the Council under such circumstances as may be prescribed.”.

6. In section 9 of the principal Act,—

Amendment
of section 9.

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Council shall be composed of the following persons, namely:—

(a) not more than thirty-two persons elected by the members of the Institute from amongst the fellows of the Institute chosen in such manner and from such regional constituencies as may be specified:

Provided that a fellow of the Institute, who has been found guilty of any professional or other misconduct and whose name is removed from the Register or has been awarded penalty of fine, shall not be eligible to contest the election,—

(i) in case of misconduct falling under the First Schedule of this Act, for a period of three years;

(ii) in case of misconduct falling under the Second Schedule of this Act, for a period of six years,

from the completion of the period of removal of name from the Register or payment of fine, as the case may be;

(b) not more than eight persons to be nominated in the specified manner, by the Central Government.”;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) No person holding a post under the Central Government or a State Government shall be eligible for election to the Council under clause (a) of sub-section (2).

(4) No person who has been auditor of the Institute shall be eligible for election to the Council under clause (a) of sub-section (2), for a period of three years after he ceases to be an auditor.”.

7. For section 10 of the principal Act, the following section shall be substituted, namely:—

Substitution of
new section
for section 10.

“10. A member of the Council, elected or nominated under sub-section (2) of section 9, shall be eligible for re-election or, as the case may be, re-nomination:

Re-election or
re-nomination
to Council.

Provided that no member shall hold the office for more than three consecutive terms:

Provided further that a member of the Council, who is or has been elected as President under sub-section (1) of section 12, shall not be eligible for election or nomination as a member of the Council.”.

8. After section 10 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
10A and 10B.

“10A. In case of any dispute regarding any election under clause (a) of sub-section (2) of section 9, the aggrieved person may make an application within thirty days from the date of declaration of the result of election to the Secretary of the Institute, who shall forward the same to the Central Government.

Settlement of
dispute regard-
ing election.

Establishment
of Tribunal.

10B. (1) On receipt of any application under section 10A, the Central Government shall, by notification, establish a Tribunal consisting of a Presiding Officer and two other Members to decide such dispute and the decision of such Tribunal shall be final.

(2) A person shall not be qualified for appointment,—

(a) as a Presiding Officer of the Tribunal unless he has been a member of the Indian Legal Service and has held a post in Grade I of the service for at least three years;

(b) as a Member unless he has been a member of the Council for at least one full term and who is not a sitting member of the Council or who has not been a candidate in the election under dispute; or

(c) as a Member unless he holds the post of a Joint Secretary to the Government of India or any other post under the Central Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.

(3) The terms and conditions of service of the Presiding Officer and Members of the Tribunal, their place of meetings and allowances shall be such as may be specified.

(4) The expenses of the Tribunal shall be borne by the Council.”

Amendment
of section 12.

9. In section 12 of the principal Act,—

(i) in sub-section (3), after the words “he shall be eligible for re-election”, the words, brackets and figure “under sub-section (1)” shall be inserted;

(ii) in sub-section (4),—

(a) for the word “President” occurring at both the places, the words “President and the Vice-President” shall be substituted;

(b) for the words “charge of his duties”, the words “charge of their duties” shall be substituted.

Amendment
of section 13.

10. In section 13 of the principal Act,—

(i) in sub-section (2), after the words “meetings of the Council”, the words “or he has been found guilty of any professional or other misconduct and awarded penalty of fine,” shall be inserted;

(ii) in the proviso to sub-section (3), for the words “six months”, the words “one year” shall be substituted.

Substitution
of new
section for
section 15.

11. For section 15 of the principal Act, the following section shall be substituted, namely:—

Functions of
Council.

“15. (1) The Institute shall function under the overall control, guidance and supervision of the Council and the duty of carrying out the provisions of this Act shall be vested in the Council.

(2) In particular, and without prejudice to the generality of the foregoing powers, the duties of the Council shall include —

(a) to approve academic courses and their contents;

(b) the examination of candidates for enrolment and the prescribing of fees therefor;

(c) the regulation of the engagement and training of articled and audit assistants;

(d) the prescribing of qualifications for entry in the Register;

(e) the recognition of foreign qualifications and training for the purposes of enrolment;

(f) the granting or refusal of certificates of practice under this Act;

(g) the maintenance and publication of a Register of persons qualified to practice as chartered accountants;

(h) the levy and collection of fees from members, examinees and other persons;

(i) subject to the orders of the appropriate authorities under the Act, the removal of names from the Register and the restoration to the Register of names which have been removed;

(j) the regulation and maintenance of the status and standard of professional qualifications of members of the Institute;

(k) the carrying out, by granting financial assistance to persons other than members of the Council or in any other manner, of research in accountancy;

(l) the maintenance of a library and publication of books and periodicals relating to accountancy;

(m) to enable functioning of the Director (Discipline), the Board of Discipline, the Disciplinary Committee and the Appellate Authority constituted under the provisions of this Act;

(n) to enable functioning of the Quality Review Board;

(o) consideration of the recommendations of the Quality Review Board made under clause (a) of section 28B and the details of action taken thereon in its annual report; and

(p) to ensure the functioning of the Institute in accordance with the provisions of this Act and in performance of other statutory duties as may be entrusted to the Institute from time to time.”

12. After section 15 of the principal Act, the following section shall be inserted, namely:—

“15A. (1) Subject to the provisions of this Act, any University established by law or any body affiliated to the Institute, may impart education on the subjects covered by the academic courses of the Institute.

(2) The Universities or bodies referred to in sub-section (1) shall, while awarding degree, diploma or certificate or bestowing any designation, ensure that the award or designation do not resemble or is not identical to one awarded by the Institute.

(3) Nothing contained in this section shall enable a University or a body to adopt a name or nomenclature which is in any way similar to that of the Institute.”

13. For section 16 of the principal Act, the following section shall be substituted, namely:—

“16. (1) For the efficient performance of its duties, the Council shall—

(a) appoint a Secretary to perform such duties as may be prescribed;

(b) appoint a Director (Discipline) to perform such functions as are assigned to him under this Act and the rules and regulations framed thereunder.

Insertion of new section 15A. Imparting education by Universities and other bodies.

Substitution of new section for section 16.

Officers and employees, salary, allowances, etc.

(2) The Council may also—

- (a) appoint such other officers and employees as it considers necessary;
- (b) require and take from the Secretary or from any other officer or employee such security for the due performance of his duties, as the Council considers necessary;
- (c) prescribe the salaries, fees, allowances of the officers and employees and their terms and conditions of service;
- (d) with the previous sanction of the Central Government, fix the allowances of the President, Vice-President and other members of the Council and members of its Committees.

(3) The Secretary of the Council shall be entitled to participate in the meetings of the Council but shall not be entitled to vote thereat.”

Amendment
of section 17.

14. In section 17 of the principal Act,—

(a) in sub-section (1), for clause (iii), the following clause shall be substituted, namely:—

“(iii) a Finance Committee.”;

(b) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

“(2) The Council may also form such other committees from amongst its members as it consider necessary for the purpose of carrying out the provisions of this Act, and any Committee so formed may, with the sanction of the Council, co-opt such other members of the Institute not exceeding one-third of the members of the committee as it thinks fit, and any member so co-opted shall be entitled to exercise all the rights of a member of the committee.

(3) Each of the Standing Committees shall consist of the President and the Vice-President *ex officio*, and minimum of three and maximum of five members to be elected by the Council from amongst its members.”

Amendment
of section 18.

15. In section 18 of the principal Act,—

(i) for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely:—

“(3) The Council shall keep proper accounts of the fund distinguishing capital from revenue in the manner prescribed.

(4) The Council shall prepare in the manner prescribed and approve, prior to the start of the financial year, an annual financial statement (the budget) indicating all its anticipated revenues as well as all proposed expenditures for the forthcoming year.

(5) The annual accounts of the Council shall be prepared in such manner as may be prescribed and be subject to audit by a chartered accountant in practice to be appointed annually by the Council:

Provided that no member of the Council or a person who has been a member of the Council during the last four years or a person who is in partnership with such member shall be eligible for appointment as an auditor under this sub-section:

Provided further that, in the event it is brought to the notice of the Council that the accounts of the Council do not represent a true and fair view of its finances, then, the Council may itself cause a special audit to be conducted:

Provided also that, if such information, that the accounts of the Council do not represent a true and fair view of its finances, is sent to the Council by the Central Government, then, the Council may, wherever appropriate cause a special audit or take such other action as it considers necessary and shall furnish an action taken report on it to the Central Government.”;

(ii) after sub-section (5), the following sub-sections shall be inserted, namely:—

“(5A) As soon as may be practicable at the end of each year, the Council shall circulate the audited accounts to its members at least fifteen days in advance and consider and approve these accounts in a special meeting convened for the purpose.

(5B) The Council shall cause to be published in the Gazette of India not later than the 30th day of September of the year next following, a copy of the audited accounts and the Report of the Council for that year duly approved by the Council and copies of the said accounts and Report shall be forwarded to the Central Government and to all the members of the Institute.”.

16. In section 19 of the principal Act,—

Amendment
of section 19.

(i) in sub-section (3), the words “on payment of such amount as may be prescribed” shall be inserted at the end;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Every member of the Institute shall, on his name being entered in the Register, pay such annual membership fee as may be determined, by notification, by the Council, which shall not exceed rupees five thousand;

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees five thousand, which shall not in any case exceed rupees ten thousand.”.

17. In section 20 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment
of section 20.

“(3) If the name of any member has been removed from the Register under clause (c) of sub-section (1), on receipt of an application, his name may be entered again in the Register on payment of the arrears of annual fee and entrance fee along with such additional fee, as may be determined, by notification, by the Council which shall not exceed rupees two thousand:

Provided that the Council may with the prior approval of the Central Government, determine the fee exceeding rupees two thousand, which shall not in any case exceed rupees four thousand.”.

18. For section 21 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 21.
Disciplinary
Directorate.

“21. (1) The Council shall, by notification, establish a Disciplinary Directorate headed by an officer of the Institute designated as Director (Discipline) and such other employees for making investigations in respect of any information or complaint received by it.

(2) On receipt of any information or complaint along with the prescribed fee, the Director (Discipline) shall arrive at a *prima facie* opinion on the occurrence of the alleged misconduct.

(3) Where the Director (Discipline) is of the opinion that a member is guilty of any professional or other misconduct mentioned in the First Schedule, he shall place the matter before the Board of Discipline and where the Director (Discipline) is of the opinion that a member is guilty of any professional or other misconduct mentioned in the Second Schedule or in both the Schedules, he shall place the matter before the Disciplinary Committee.

(4) In order to make investigations under the provisions of this Act, the Disciplinary Directorate shall follow such procedure as may be specified.

(5) Where a complainant withdraws the complaint, the Director (Discipline) shall place such withdrawal before the Board of Discipline or, as the case may be, the Disciplinary Committee, and the said Board or Committee may, if it is of the view that the circumstances so warrant, permit the withdrawal at any stage."

19. After section 21 of the principal Act, the following sections shall be inserted, namely:—

'21A. (1) The Council shall constitute a Board of Discipline consisting of—

(a) a person with experience in law and having knowledge of disciplinary matters and the profession, to be its presiding officer;

(b) two members one of whom shall be a member of the Council elected by the Council and the other member shall be nominated by the Central Government from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy;

(c) the Director (Discipline) shall function as the Secretary of the Board.

(2) The Board of Discipline shall follow summary disposal procedure in dealing with all cases before it.

(3) Where the Board of Discipline is of the opinion that a member is guilty of a professional or other misconduct mentioned in the First Schedule, it shall afford to the member an opportunity of being heard before making any order against him and may thereafter take any one or more of the following actions, namely:—

(a) reprimand the member;

(b) remove the name of the member from the Register up to a period of three months;

(c) impose such fine as it may think fit, which may extend to rupees one lakh.

(4) The Director (Discipline) shall submit before the Board of Discipline all information and complaints where he is of the opinion that there is no *prima facie* case and the Board of Discipline may, if it agrees with the opinion of the Director (Discipline), close the matter or in case of disagreement, may advise the Director (Discipline) to further investigate the matter.

21B. (1) The Council shall constitute a Disciplinary Committee consisting of the President or the Vice-President of the Council as the Presiding Officer and two members to be elected from amongst the members of the Council and two members to be nominated by the Central Government from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy:

Provided that the Council may constitute more Disciplinary Committees as and when it considers necessary.

Insertion of
new sections
21A, 21B,
21C and 21D.

Board of
Discipline.

Disciplinary
Committee.

(2) The Disciplinary Committee, while considering the cases placed before it shall follow such procedure as may be specified.

(3) Where the Disciplinary Committee is of the opinion that a member is guilty of a professional or other misconduct mentioned in the Second Schedule or both the First Schedule and the Second Schedule, it shall afford to the member an opportunity of being heard before making any order against him and may thereafter take any one or more of the following actions, namely: —

(a) reprimand the member;

(b) remove the name of the member from the Register permanently or for such period, as it thinks fit;

(c) impose such fine as it may think fit, which may extend to rupees five lakhs.

(4) The allowances payable to the members nominated by the Central Government shall be such as may be specified.

21C. For the purposes of an inquiry under the provisions of this Act, the Authority, the Disciplinary Committee, Board of Discipline and the Director (Discipline) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) the discovery and production of any document; and

(c) receiving evidence on affidavit.

Authority, Disciplinary Committee, Board of Discipline and Director (Discipline) to have powers of civil court.

Explanation.—For the purposes of sections 21, 21A, 21B, 21C and 22, “member of the Institute” includes a person who was a member of the Institute on the date of the alleged misconduct although he has ceased to be a member of the Institute at the time of the inquiry.

21D. All complaints pending before the Council or any inquiry initiated by the Disciplinary Committee or any reference or appeal made to a High Court prior to the commencement of the Chartered Accountants (Amendment) Act, 2006, shall continue to be governed by the provisions of this Act, as if this Act had not been amended by the Chartered Accountants (Amendment) Act, 2006.

Transitional provisions.

20. For section 22 of the principal Act, the following section shall be substituted, namely:—

“22. For the purposes of this Act, the expression “professional or other misconduct” shall be deemed to include any act or omission provided in any of the Schedules, but nothing in this section shall be construed to limit or abridge in any way the power conferred or duty cast on the Director (Discipline) under sub-section (1) of section 21 to inquire into the conduct of any member of the Institute under any other circumstances.”

Substitution of new section for section 22. Professional or other misconduct defined.

21. For Section 22A of the principal Act, the following sections shall be substituted, namely:—

“22A. (1) The Central Government shall, by notification, constitute an Appellate Authority consisting of—

Substitution of new sections for section 22A. Constitution of Appellate Authority.

(a) a person who is or has been a judge of a High Court, to be its Chairperson;

(b) two members to be appointed from amongst the persons who have been members of the Council for at least one full term and who is not a sitting member of the Council;

(c) two members to be nominated by the Central Government from amongst persons having knowledge and practical experience in the field of law, economics, business, finance or accountancy.

(2) The Chairperson and other members shall be part-time members.

Term of office of Chairperson and members of Authority.

22B. (1) A person appointed as the Chairperson 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 sixty-five years, whichever is earlier.

(2) A person appointed as a 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 sixty-two years, whichever is earlier.

Allowances and conditions of service of Chairperson and members of Authority.

22C. The allowances payable to, and other terms and conditions of service of, the Chairperson and members and the manner of meeting expenditure of the Authority by the Council and such other authorities shall be such as may be specified.

Procedure to be regulated by Authority.

22D. (1) The office of the Authority shall be at Delhi.

(2) The Authority shall regulate its own procedure.

(3) All orders and decisions of the Authority shall be authenticated by an officer duly authorised by the Chairperson in this behalf.

Officers and other staff of Authority.

22E. (1) The Council shall make available to the Authority such officers and other staff members as may be necessary for the efficient performance of the functions of the Authority.

(2) The salaries and allowances and conditions of service of the officers and other staff members of the Authority shall be such as may be prescribed.

Resignation and removal of Chairperson and members.

22F. (1) The Chairperson or a member may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Chairperson or a member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three 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 term of office, whichever is earlier.

(2) The Chairperson or a member shall not be removed from his office except by an order of the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by such person as the Central Government may appoint for this purpose in which the Chairperson or a member concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of such charges.

Appeal to Authority.

22G. (1) Any member of the Institute aggrieved by any order of the Board of Discipline or the Disciplinary Committee imposing on him any of the penalties referred to in sub-section (3) of section 21A and sub-section (3) of section 21B, may within ninety days from the date on which the order is communicated to him, prefer an appeal to the Authority:

Provided that the Director (Discipline) may also appeal against the decision of the Board of Discipline or the Disciplinary Committee to the Authority, if so authorised by the Council, within ninety days:

Provided further that the Authority may entertain any such appeal after the expiry of the said period of ninety days, if it is satisfied that there was sufficient cause for not filing the appeal in time.

(2) The Authority may, after calling for the records of any case, revise any order made by the Board of Discipline or the Disciplinary Committee under sub-section (3) of section 21A and sub-section (3) of section 21B and may—

- (a) confirm, modify or set aside the order;
- (b) impose any penalty or set aside, reduce, or enhance the penalty imposed by the order;
- (c) remit the case to the Board of Discipline or Disciplinary Committee for such further enquiry as the Authority considers proper in the circumstances of the case; or
- (d) pass such other order as the Authority thinks fit:

Provided that the Authority shall give an opportunity of being heard to the parties concerned before passing any order.”

22. In section 24A of the principal Act, sub-section (3) shall be omitted.

Amendment of section 24A.

23. In section 26 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of section 26.

“(2) Any person who contravenes the provisions of sub-section (1) shall, without prejudice to any other proceedings, which may be taken against him, be punishable on first conviction with a fine not less than five thousand rupees but which may extend to one lakh rupees, and in the event of a second or subsequent conviction with imprisonment for a term which may extend to one year or with fine not less than ten thousand rupees but which may extend to two lakh rupees or with both.”

24. After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter VIIA.

“CHAPTER VIIA QUALITY REVIEW BOARD

28A. (1) The Central Government shall, by notification, constitute a Quality Review Board consisting of a Chairperson and ten other members.

Establishment of Quality Review Board.

(2) The Chairperson and members of the Board shall be appointed from amongst the persons of eminence having experience in the field of law, economics, business, finance or accountancy.

(3) Five members of the Board shall be nominated by the Council and other five members shall be nominated by the Central Government.

28B. The Board shall perform the following functions, namely:—

Functions of Board.

(a) to make recommendations to the Council with regard to the quality of services provided by the members of the Institute;

(b) to review the quality of services provided by the members of the Institute including audit services; and

(c) to guide the members of the Institute to improve the quality of services and adherence to the various statutory and other regulatory requirements.

28C. The Board shall meet at such time and place and follow in its meetings such procedure as may be specified.

Procedure of Board.

28D. (1) The terms and conditions of service of the Chairperson and the members of the Board, and their allowances shall be such as may be specified.

Terms and conditions of service of Chairperson and members of Board and its expenditure.

(2) The expenditure of the Board shall be borne by the Council.”

Insertion of
new section
29A.

Power of
Central
Government
to make rules.

25. After section 29 of the principal Act, the following section shall be inserted, namely:—

“29A. (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 powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of election and nomination in respect of members to the Council under sub-section (2) of section 9;

(b) the terms and conditions of service of the Presiding Officer and Members of the Tribunal, place of meetings and allowances to be paid to them under sub-section (3) of section 10B;

(c) the procedure of investigation under sub-section (4) of section 21;

(d) the procedure while considering the cases by the Disciplinary Committee under sub-section (2), and the fixation of allowances of the nominated members under sub-section (4) of section 21B;

(e) the allowances and terms and conditions of service of the Chairperson and members of the Authority and the manner of meeting expenditure by the Council under section 22C;

(f) the procedure to be followed by the Board in its meetings under section 28C; and

(g) the terms and conditions of service of the Chairperson and members of the Board under sub-section (1) of section 28D.”

Amendment
of section 30.

26. In section 30 of the principal Act,—

(a) in sub-section (1), the words “ and a copy of such regulations shall be sent to each member of the Institute” shall be omitted.

(b) in sub-section (2),—

(i) in clause (g), the words “the Council and” shall be omitted;

(ii) in clause (j), for the words “clerks” occurring at both the places, the word “assistants” shall be substituted;

(iii) in clause (r), the word “ and” shall be inserted at the end;

(iv) clause (s) shall be omitted.

Substitution
of new
section for
section 30B.

Rules,
regulations
and
notifications
to be laid
before
Parliament.

27. For section 30B of the principal Act, the following section shall be substituted, namely:—

“30B. Every rule and every regulation 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 the rule, regulation or notification, or both Houses agree that the rule, regulation or notification should not be made or issued, 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.”

Insertion of
new sections
30C, 30D and
30E.

Power of
Central
Government
to issue
directions.

28. After section 30B of the principal Act, the following sections shall be inserted, namely:—

“30C. (1) In the event of non-compliance by the Council of any provisions of this Act, the Central Government may give to the Council such general or special directions as it considers necessary to ensure compliance and the Council shall, in the discharge of its functions under this Act, comply with such directions.

(2) If, in the opinion of the Central Government, the Council has persistently made default in giving effect to the directions issued under sub-section (1), it may, after giving an opportunity of being heard to the Council, by notification, dissolve the Council, whereafter a new Council shall be constituted in accordance with the provisions of this Act with effect from such date as may be decided by the Central Government:

Provided that the Central Government shall ensure constitution of a new Council in accordance with the provisions of this Act within a period of one year from the date of its dissolution.

(3) Where the Central Government has issued a notification under sub-section (2) dissolving the Council, it shall, pending the constitution of a new Council in accordance with the provisions of this Act, nominate any person or body of persons not exceeding five members to manage the affairs and discharge all or any of the functions of the Council under this Act.

30D. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Council or the Authority or the Disciplinary Committee or the Tribunal or the Board or the Board of Discipline or the Disciplinary Directorate or any officer of that Government, Council, Authority, Disciplinary Committee, Tribunal, Board, Board of Discipline or the Disciplinary Directorate, for any thing which is in good faith done or intended to be done under this Act or any rule, regulation, notification, direction or order made thereunder.

Protection of
action taken
in good faith.

30E. The Chairperson, Presiding Officer, members and other officers and employees of the Authority, Disciplinary Committee, Tribunal, Board, Board of Discipline or the Disciplinary Directorate shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.”

Members, etc.,
to be public
servants.

45 of 1860.

29. For the First Schedule and the Second Schedule to the principal Act, the following Schedules shall be substituted, namely:—

Substitution of
new Schedules
for First
Schedule and
Second
Schedule.

‘THE FIRST SCHEDULE
[See sections 21 (3), 21A(3) and 22]

PART I

Professional misconduct in relation to chartered accountants in practice

A chartered accountant in practice shall be deemed to be guilty of professional misconduct, if he—

(1) allows any person to practice in his name as a chartered accountant unless such person is also a chartered accountant in practice and is in partnership with or employed by him;

(2) pays or allows or agrees to pay or allow, directly or indirectly, any share, commission or brokerage in the fees or profits of his professional business, to any person other than a member of the Institute or a partner or a retired partner or the legal representative of a deceased partner, or a member of any other professional body or with such other persons having such qualifications as may be prescribed, for the purpose of rendering such professional services from time to time in or outside India.

Explanation.—In this item, “partner” includes a person residing outside India with whom a chartered accountant in practice has entered into partnership which is not in contravention of item (4) of this Part;

(3) accepts or agrees to accept any part of the profits of the professional work of a person who is not a member of the Institute:

Provided that nothing herein contained shall be construed as prohibiting a member from entering into profit sharing or other similar arrangements, including receiving any share commission or brokerage in the fees, with a member of such professional body or other person having qualifications, as is referred to in item (2) of this Part;

(4) enters into partnership, in or outside India, with any person other than a chartered accountant in practice or such other person who is a member of any other professional body having such qualifications as may be prescribed, including a resident who but for his residence abroad would be entitled to be registered as a member under clause (v) of sub-section (1) of section 4 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnerships;

(5) secures, either through the services of a person who is not an employee of such chartered accountant or who is not his partner or by means which are not open to a chartered accountant, any professional business:

Provided that nothing herein contained shall be construed as prohibiting any arrangement permitted in terms of items (2), (3) and (4) of this Part;

(6) solicits clients or professional work either directly or indirectly by circular, advertisement, personal communication or interview or by any other means:

Provided that nothing herein contained shall be construed as preventing or prohibiting—

(i) any chartered accountant from applying or requesting for or inviting or securing professional work from another chartered accountant in practice; or

(ii) a member from responding to tenders or enquiries issued by various users of professional services or organisations from time to time and securing professional work as a consequence;

(7) advertises his professional attainments or services, or uses any designation or expressions other than chartered accountant on professional documents, visiting cards, letter heads or sign boards, unless it be a degree of a University established by law in India or recognised by the Central Government or a title indicating membership of the Institute of Chartered Accountants of India or of any other institution that has been recognised by the Central Government or may be recognised by the Council:

Provided that a member in practice may advertise through a write up, setting out the services provided by him or his firm and particulars of his firm subject to such guidelines as may be issued by the Council;

(8) accepts a position as auditor previously held by another chartered accountant or a certified auditor who has been issued certificate under the Restricted Certificate Rules, 1932 without first communicating with him in writing;

(9) accepts an appointment as auditor of a company without first ascertaining from it whether the requirements of section 225 of the Companies Act, 1956 in respect of such appointment have been duly complied with; 1 of 1956.

(10) charges or offers to charge, accepts or offers to accept in respect of any professional employment, fees which are based on a percentage of profits or which are contingent upon the findings, or results of such employment, except as permitted under any regulation made under this Act;

(11) engages in any business or occupation other than the profession of chartered accountant unless permitted by the Council so to engage:

Provided that nothing contained herein shall disentitle a chartered accountant from being a director of a company (not being a managing director or a whole-time director) unless he or any of his partners is interested in such company as an auditor;

(12) allows a person not being a member of the Institute in practice, or a member not being his partner to sign on his behalf or on behalf of his firm, any balance-sheet, profit and loss account, report or financial statements.

PART II

Professional misconduct in relation to members of the Institute in service

A member of the Institute (other than a member in practice) shall be deemed to be guilty of professional misconduct, if he being an employee of any company, firm or person—

(1) pays or allows or agrees to pay directly or indirectly to any person any share in the emoluments of the employment undertaken by him;

(2) accepts or agrees to accept any part of fees, profits or gains from a lawyer, a chartered accountant or broker engaged by such company, firm or person or agent or customer of such company, firm or person by way of commission or gratification.

PART III

Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he—

(1) not being a fellow of the Institute, acts as a fellow of the Institute;

(2) does not supply the information called for, or does not comply with the requirements asked for, by the Institute, Council or any of its Committees, Director (Discipline), Board of Discipline, Disciplinary Committee, Quality Review Board or the Appellate Authority;

(3) while inviting professional work from another chartered accountant or while responding to tenders or enquiries or while advertising through a write up or anything as provided for in items (6) and (7) of Part I of this Schedule, gives information knowing it to be false.

PART IV

Other misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if he—

(1) is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term not exceeding six months;

(2) in the opinion of the Council, brings disrepute to the profession or the Institute as a result of his action whether or not related to his professional work.

THE SECOND SCHEDULE

[See sections 21 (3), 21B(3) and 22]

PART I

Professional misconduct in relation to chartered accountants in practice

A chartered accountant in practice shall be deemed to be guilty of professional misconduct, if he—

(1) discloses information acquired in the course of his professional engagement to any person other than his client so engaging him, without the consent of his client or otherwise than as required by any law for the time being in force;

(2) certifies or submits in his name, or in the name of his firm, a report of an examination of financial statements unless the examination of such statements and the related records has been made by him or by a partner or an employee in his firm or by another chartered accountant in practice;

(3) permits his name or the name of his firm to be used in connection with an estimate of earnings contingent upon future transactions in a manner which may lead to the belief that he vouches for the accuracy of the forecast;

(4) expresses his opinion on financial statements of any business or enterprise in which he, his firm, or a partner in his firm has a substantial interest;

(5) fails to disclose a material fact known to him which is not disclosed in a financial statement, but disclosure of which is necessary in making such financial statement where he is concerned with that financial statement in a professional capacity;

(6) fails to report a material misstatement known to him to appear in a financial statement with which he is concerned in a professional capacity;

(7) does not exercise due diligence, or is grossly negligent in the conduct of his professional duties;

(8) fails to obtain sufficient information which is necessary for expression of an opinion or its exceptions are sufficiently material to negate the expression of an opinion;

(9) fails to invite attention to any material departure from the generally accepted procedure of audit applicable to the circumstances;

(10) fails to keep moneys of his client other than fees or remuneration or money meant to be expended in a separate banking account or to use such moneys for purposes for which they are intended within a reasonable time.

PART II

Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he—

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council;

(2) being an employee of any company, firm or person, discloses confidential information acquired in the course of his employment except as and when required by any law for the time being in force or except as permitted by the employer;

(3) includes in any information, statement, return or form to be submitted to the Institute, Council or any of its Committees, Director (Discipline), Board of Discipline, Disciplinary Committee, Quality Review Board or the Appellate Authority any particulars knowing them to be false;

(4) defalcates or embezzles moneys received in his professional capacity.

PART III

Other misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if he is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term exceeding six months.

THE KHADI AND VILLAGE INDUSTRIES COMMISSION
(AMENDMENT) ACT, 2006

No. 10 OF 2006

[22nd March, 2006.]

An Act further to amend the Khadi and Village Industries Commission Act, 1956.

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

1. (1) This Act may be called the Khadi and Village Industries Commission (Amendment) Act, 2006. Short title and commencement.

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

2. In section 2 of the Khadi and Village Industries Commission Act, 1956 (hereinafter referred to as the principal Act),— Amendment of section 2.

(i) in clause (ff), for the words "ten thousand", the words "twenty thousand" shall be substituted;

(ii) in clause (h), in sub-clause (i),—

(A) for the words "fifteen thousand rupees", the words "one lakh rupees" shall be substituted;

(B) after the proviso, the following proviso shall be inserted, namely:—

'Provided further that in the case of any industry located in a hilly area, the provisions of this sub-clause shall have effect as if for the words "one lakh rupees", the words "one lakh and fifty thousand rupees" had been substituted.'

3. In section 4 of the principal Act,— Amendment of section 4.

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Save as otherwise provided under this Act and the rules made thereunder, the exercise of all powers and discharge of all functions under this Act, including general superintendence, direction and management of day-to-day affairs of the Commission, shall vest in the Commission.";

(b) in sub-section (2),—

(i) in clause (a), for the words "having specialised knowledge and experience of khadi and village industries", the words "having specialised knowledge and not less than ten years of experience of khadi or village industries" shall be substituted;

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

(b) four non-official members of whom each member shall be from the following disciplines, namely:—

(i) one member having expert knowledge and experience in Science and Technology;

(ii) one member having expert knowledge and experience in Marketing;

(iii) one member having expert knowledge and experience in Rural Development; and

(iv) one member having expert knowledge and experience in Technical Education and Training;

*15.5. 2006, vide Notification No. S.O. 689(E), dated 12.5.2006

(iii) after clause (b), the following clause shall be inserted, namely:—

"(ba) the Chairman of the State Bank of India constituted under sub-section (1) of section 3 of the State Bank of India Act, 1955 or an officer not below the rank of the Deputy Managing Director as may be nominated by the Chairman of the State Bank of India—*ex officio*;"

(iv) for clauses (c) and (d), the following clauses shall be substituted, namely:—

"(c) a Chief Executive Officer, *ex officio*; and

(d) a Financial Adviser, who shall also be the Chief Accounts Officer of the Commission, *ex officio*;"

(v) after clause (d), the proviso shall be omitted.

23 of 1955

Amendment
of section 5.

4. In section 5 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) Subject to the provisions contained in sub-section (1A) of section 4, the Chief Executive Officer, appointed under clause (c) of sub-section (2) of section 4, shall exercise such powers and discharge such functions in respect of general superintendence over the affairs of the Commission and its day-to-day management, as may be prescribed.

(1A) Without prejudice to the powers and functions referred to in sub-section (1), the Chief Executive Officer shall exercise such powers and discharge such functions under the general superintendence, direction and management of the Commission."

(b) in sub-section (2), for the words "shall be responsible", the words "shall, in addition to exercise of the powers and discharge of the functions referred to in sub-section (1), be responsible" shall be substituted.

Amendment
of section 5A.

5. In section 5A of the principal Act, for the words, brackets, letter and figures "appointed under clause (c) of sub-section (2) of section 4 shall be in charge of all financial matters of the Commission including its budget, accounts and audit", the words, brackets, letter and figures "appointed under clause (d) of sub-section (2) of section 4 shall be in charge of such financial matters of the Commission including its budget, accounts and audit, as may be prescribed" shall be substituted.

Amendment
of section 10.

6. Section 10 of the principal Act, shall be numbered as sub-section (1) thereof and,—

(a) in sub-section (1) as so numbered, for the words "Khadi and Village Industries Board", the words "National Khadi and Village Industries Board" shall be substituted;

(b) after sub-section (1) as so numbered, the following sub-sections shall be inserted, namely:—

"(2) The Board shall, subject to the provisions of sub-section (3), meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings including the quorum at meetings as may be prescribed.

(3) The Board shall meet at least twice in a year."

Amendment
of section 12.

7. In section 12 of the principal Act, in sub-section (3), for the words "votes of the members present", the words and brackets "votes of the members (including *ex officio* members) present" shall be substituted.

Insertion of new
section 12A.

8. After section 12 of the principal Act, the following section shall be inserted, namely:—

"12A. (1) The Commission shall constitute for each of the six geographical zones, referred to in clause (a) of sub-section (2) of section 4, a Zonal Committee, which shall consist of the following, namely:—

(a) the non-official member representing the zone, referred to in clause (a) of sub-section (2) of section 4, who shall be the Chairman of the Zonal Committee constituted for respective zones;

(b) one representative of each of the State Khadi and Village Industries Boards of the States or, as the case may be, the Government of each State in the zone, to be notified by the Central Government in consultation with the State Government concerned—member;

(c) the Zonal Deputy Chief Executive Officer of the Commission, who shall be the convener of the Zonal Committee—member;

(d) the State Directors in charge of the Commission's Directorates for the States in the zone—member;

(e) a Zonal or Regional manager of one of the lead banks operating in the zone—member; and

(f) one representative of an institution of repute, working for at least ten years in the khadi or village industries sector and having a good record of performance, from each State in the zone, to be notified by the Central Government—member.

(2) The Zonal Committee shall meet at such times and places and shall, subject to the provisions of sub-section (3), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at the meetings) as may be provided by regulations made by the Commission under this Act:

Provided that the Committee shall meet at least once in every three months.

(3) The Chairman of the Zonal Committee or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Committee.

(4) The Zonal Committee shall generally function as a forum for consultation and, accordingly, *inter alia*,—

(a) act as a conduit for the dissemination of information relating to the programmes and schemes of the Commission for the development of khadi and village industries in the zone;

(b) monitor, from time to time, the implementation of the programmes and schemes referred to in clause (a);

(c) provide feedback to the Commission on the problems and difficulties envisaged and suggestions made by banks, voluntary agencies, artisans and others engaged in the operation of programmes and schemes referred to in clause (a)."

9. In section 13 of the principal Act, in sub-section (1), for the words "for a term of five years", the words "at the pleasure of the Central Government which shall not exceed continuous period of five years" shall be substituted;

Amendment
of section 13.

10. In section 15 of the principal Act,—

(a) in sub-section (1), for the words "plan, promote, organise", the words "plan, promote, facilitate, organise" shall be substituted;

Amendment of
section 15.

(b) in sub-section (2),—

(i) in clause (a), for the words "plan and organise", the words "plan and organise, directly or through specified agencies" shall be substituted;

(ii) in clause (b),—

(A) for the words “build up”, the words “build up, directly or through specified agencies,” shall be substituted;

(B) for the words “supply them”, the words “supply them or arrange supply of the raw materials and implements” shall be substituted;

(iii) in clause (g), for the words “provide financial assistance”, the words “provide financial assistance, directly or through specified agencies,” shall be substituted;

(iv) in clause (h), for the words “undertake experiments”, the words “undertake, directly or through specified agencies, experiments,” shall be substituted;

(e) after sub-section (2), the following *Explanation* shall be inserted at the end, namely:—

‘*Explanation.*—For the purposes of clauses (a), (b), (g) and (h) of sub-section (2), the expression “specified agencies” means the agencies which the Central Government may, by notification in the Official Gazette, specify in this behalf.’

Amendment of section 19A.

11. In section 19A of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the Chief Executive Officer and Financial Adviser shall be *ex officio* members of the Standing Finance Committee in respect of each of the three separate funds referred to in sub-section (1) of section 18.”

Amendment of section 25.

12. In section 25 of the principal Act, after sub-section (2), the following sub-section shall be inserted at the end, namely:—

“(3) Any time after the issue of the notification under sub-section (1), the Central Government may re-establish the Commission in accordance with the provisions of section 4 and on and from the date of the re-establishment of the Commission, the properties and funds which had previously vested in the Central Government under clause (a) of sub-section (2) shall stand vested in the Commission so re-established.”

Amendment of section 26.

13. In section 26 of the principal Act, in sub-section (2), after clause (a), the following clauses shall be inserted, namely:—

“(aa) the powers to be exercised and functions to be discharged by the Chief Executive Officer under sub-section (1) of section 5;

(ab) the financial matters in respect of which the Financial Adviser shall be in charge under section 5A;

(ac) the transaction of business at the meetings of the Board under sub-section (2) of section 10:”

Amendment of section 27

14. In section 27 of the principal Act, in sub-section (2),—

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

“(ba) the transaction of business at the meetings of the Zonal Committee under sub-section (2) of section 12A;”;

(ii) in clause (c), the words “the Chief Executive Officer or” shall be omitted.

THE APPROPRIATION (RAILWAYS) VOTE ON ACCOUNT ACT, 2006

No. 11 of 2006

[22nd March, 2006.]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2006-07 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) Vote on Account Act, 2006. Short title.
2. From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eighteen thousand six hundred sixty-two crores, fifty-four lakhs, seventy-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2006-07, in respect of the services relating to Railways specified in column 2 of the Schedule. Withdrawal of Rs. 18662,54,76,000 from and out of the Consolidated Fund of India for the financial year 2006-07.
3. The sums authorised to be withdrawn from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes stated 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 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board	14,16,73,000	..	14,16,73,000
2	Miscellaneous Expenditure (General)	46,59,27,000	..	46,59,27,000
3	General Superintendence and Services on Railways	359,62,02,000	..	359,62,02,000
4	Repairs and Maintenance of Permanent Way and Works	659,72,21,000	23,000	659,72,44,000
5	Repairs and Maintenance of Motive Power	355,94,07,000	8,000	355,94,15,000
6	Repairs and Maintenance of Carriages and Wagons	717,86,62,000	..	717,86,62,000
7	Repairs and Maintenance of Plant and Equipment	386,15,41,000	53,000	386,15,94,000
8	Operating Expenses — Rolling Stock and Equipment	529,09,58,000	..	529,09,58,000
9	Operating Expenses — Traffic	1778,54,77,000	14,000	1778,54,91,000
10	Operating Expenses — Fuel	1812,59,70,000	..	1812,59,70,000
11	Staff Welfare and Amenities	289,92,42,000	8,33,000	290,00,75,000
12	Miscellaneous Working Expenses	309,30,53,000	6,58,91,000	315,89,44,000
13	Provident Fund, Pension and Other Retirement Benefits	1325,96,98,000	11,87,000	1326,08,85,000
14	Appropriation to Funds	3208,32,33,000	..	3208,32,33,000
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortization of Over-Capitalization	4,28,12,000	..	4,28,12,000
16	Assets—Acquisition, Construction and Replacement—			
	Revenue	8,33,33,000	..	8,33,33,000
	<i>Other Expenditure</i>			
	Capital	3926,07,57,000	1,11,67,000	3927,19,24,000
	Railway Funds	2411,44,00,000	53,00,000	2411,97,00,000
	Railway Safety Fund	118,47,00,000	67,000	118,47,67,000
	Special Railway Safety Fund	391,66,17,000	50,000	391,66,67,000
	TOTAL	18654,08,83,000	8,45,93,000	18662,54,76,000

THE APPROPRIATION (RAILWAYS) ACT, 2006

NO. 12 OF 2006

[22nd March, 2006.]

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 2005-06 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) Act, 2006.
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 nine thousand one hundred forty-eight crores, eighty-three lakhs and forty-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2005-06, in respect of the services relating to Railways 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 stated in the Schedule in relation to the said year.

Short title.

Issue of
Rs. 9148,83,42,000
out of the
Consolidated
Fund of India for
the financial
year 2005-06.

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.
3	General Superintendence and services on Railways	62,67,08,000	6,99,000	62,74,07,000
4	Repairs and Maintenance of Permanent Way and Works	35,04,35,000	1,30,57,000	36,34,92,000
5	Repairs and Maintenance of Motive Power		40,000	40,000
6	Repairs and Maintenance of Carriages and Wagons	144,46,78,000	73,000	144,47,51,000
7	Repairs and Maintenance of Plant and Equipment		1,80,000	1,80,000
8	Operating Expenses—Rolling Stock and Equipment		6,00,000	6,00,000
9	Operating Expenses—Traffic		26,08,000	26,08,000
10	Operating Expenses—Fuel	1013,25,87,000	50,00,000	1013,75,87,000
11	Staff Welfare and Amenities	43,72,56,000	22,52,000	43,95,08,000
12	Miscellaneous Working Expenses	18,61,43,000	16,19,30,000	34,80,73,000
13	Provident Fund, Pension and Other Retirement Benefits	77,67,58,000	12,99,000	77,80,57,000
14	Appropriation of Fund	3982,55,00,000		3982,55,00,000
16	Assets-Acquisition, Construction and Replacement—			
	Revenue	4,88,72,000	11,28,000	5,00,00,000
	<i>Other Expenditure</i>			
	Capital	1054,45,07,000	32,28,50,000	1086,73,57,000
	Railway Funds	2659,62,89,000	10,68,000	2659,73,57,000
	Special Railway Safety Fund		58,25,000	58,25,000
	TOTAL	9096,97,33,000	51,86,09,000	9148,83,42,000

THE APPROPRIATION (RAILWAYS) No. 2 ACT, 2006

No. 13 OF 2005

[22nd March, 2006.]

An Act to provide for authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 2004 in excess of the amounts granted for those services and for that year.

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

1. This Act may be called the Appropriation (Railways) No. 2 Act, 2006.

Short title.

Issue of
Rs. 1136,92,35,051
out of the
Consolidated
Fund of India to
meet certain
expenditure for
the year ended
on the 31st day
of March, 2004.

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 one thousand one hundred and thirty-six crores, ninety-two lakhs, thirty-five thousand and fifty-one 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 relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2004 in excess of the amounts granted for those services and for that year.

Appropriation.

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 stated in the Schedule in relation to the financial year ended on the 31st day of March, 2004.

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.
3	General Superintendence and services on Railways .....	..	18,35,750	18,35,750
7	Repairs and Maintenance of Plant and Equipment .....	..	21,996	21,996
8	Operating Expenses – Rolling Stock and Equipment .....	..	1,22,059	1,22,059
9	Operating Expenses – Traffic .....	..	4,85,568	4,85,568
10	Operating Expenses – Fuel .....	..	7,61,37,047	7,61,37,047
11	Staff Welfare and Amenities .....	..	17,74,451	17,74,451
14	Appropriation to Funds	681,61,81,059	..	681,61,81,059
15	Dividend to General Revenues, Repayment of Loans taken from General Revenues and Amortization of Over-Capitalization	71,66,71,479	..	71,66,71,479
16	Assets-Acquisition, Construction and Replacement			
	Revenue .....	..	491	491
	<i>Other Expenditure</i>			
	Capital	239,45,64,676	2,90,42,372	242,36,07,048
	Railway Funds .....	..	70,18,381	70,18,381
	Special Railway Safety Fund	132,53,79,722	..	132,53,79,722
	TOTAL	1125,27,96,936	11,64,38,115	1136,92,35,051

THE APPROPRIATION ACT, 2006

No. 14 OF 2006

[22nd March, 2006.]

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 2005-06.

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

Short title.

1. This Act may be called the Appropriation Act, 2006.

Issue of Rs. 439924,60,00,000 out of the Consolidated Fund of India for the financial year 2005-06.

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 four lakh thirty-nine thousand nine hundred twenty-four crores and sixty lakh rupees towards defraying the several charges which will come in the course of payment during the financial year 2005-06 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 India by this Act shall be appropriated for the services and purposes stated in the Schedule in relation to the said year.

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 and Cooperation Revenue	3,00,000	..	3,00,000
	Capital	22,16,00,000	..	22,16,00,000
2	Department of Agricultural Research and Education Revenue	1,00,000	..	1,00,000
3	Department of Animal Husbandry and Dairying Revenue	1,00,000	8,42,00,000	8,43,00,000
4	Ministry of Agro and Rural Industries Revenue	12,53,00,000	..	12,53,00,000
5	Atomic Energy Revenue	86,35,00,000	..	86,35,00,000
	Capital	2,00,000	..	2,00,000
6	Nuclear Power Schemes Revenue	95,18,00,000	..	95,18,00,000
7	Department of Chemicals and Petrochemicals Capital	10,00,00,000	..	10,00,00,000
8	Department of Fertilisers Revenue	1200,00,00,000	..	1200,00,00,000
	Capital	16,00,00,000	..	16,00,00,000
9	Ministry of Civil Aviation Revenue	56,04,00,000	..	56,04,00,000
10	Ministry of Coal Capital	43,00,00,000	..	43,00,00,000
12	Department of Commerce Revenue	86,26,00,000	..	86,26,00,000
13	Department of Industrial Policy and Promotion Revenue	1,00,000	46,00,000	47,00,000
	Capital	1,65,00,000	..	1,65,00,000
14	Department of Posts Revenue	51,62,00,000	4,00,000	51,66,00,000
	Capital	48,90,00,000	4,00,000	48,94,00,000
15	Department of Telecommunications Revenue	513,20,00,000	..	513,20,00,000
17	Ministry of Company Affairs Capital	3,60,00,000	..	3,60,00,000
18	Department of Consumer Affairs Capital	1,00,000	..	1,00,000
19	Department of Food and Public Distribution Capital	1,00,000	..	1,00,000
20	Ministry of Culture Revenue	2,00,000	..	2,00,000
21	Ministry of Defence Capital	1,00,000	..	1,00,000
22	Defence Pensions Revenue	263,01,00,000	..	263,01,00,000
24	Defence Services — Navy Revenue	316,83,00,000	..	316,83,00,000
25	Defence Services — Air Force Revenue	157,59,00,000	..	157,59,00,000
26	Defence Ordnance Factories Revenue	66,80,00,000	..	66,80,00,000
27	Defence Services — Research and Development Revenue	..	1,25,00,000	1,25,00,000
29	Ministry of Development of North Eastern Region Revenue	89,75,00,000	..	89,75,00,000
30	Ministry of Environment and Forests Revenue	2,00,000	..	2,00,000
31	Ministry of External Affairs Revenue	260,00,00,000	..	260,00,00,000
34	Payments to Financial Institutions Revenue	1759,70,00,000	..	1759,70,00,000
	Capital	1,00,000	..	1,00,000
	CHARGED. — Interest Payments Revenue	..	587,00,00,000	587,00,00,000
36	Transfers to State and Union territory Governments Revenue	437,34,00,000	..	437,34,00,000
	Capital	..	1298,00,00,000	1298,00,00,000
	CHARGED. — Repayment of Debt Capital	..	420203,72,00,000	420203,72,00,000
40	Pensions Revenue	382,31,00,000	4,69,00,000	387,00,00,000
41	Indian Audit and Accounts Department Revenue	4,14,00,000	2,47,00,000	6,61,00,000
	Capital	1,58,00,000	..	1,58,00,000
43	Direct Taxes Revenue	39,54,00,000	..	39,54,00,000
46	Ministry of Food Processing Industries Revenue	1,00,000	..	1,00,000
47	Department of Health 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.
48	Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homocopathy (AYUSH) Revenue	1,00,000	..	1,00,000
49	Department of Family Welfare Revenue	1,00,000	..	1,00,000
50	Department of Heavy Industry Revenue	1499,55,00,000	..	1499,55,00,000
	Capital	20,01,00,000	..	20,01,00,000
51	Department of Public Enterprises Revenue	23,00,000	..	23,00,000
53	Cabinet Revenue	40,48,00,000	17,00,000	40,65,00,000
54	Police Revenue	287,68,00,000	..	287,68,00,000
55	Other Expenditure of the Ministry of Home Affairs Revenue	..	1,00,000	1,00,000
56	Transfers to Union territory Governments Revenue	139,10,00,000	..	139,10,00,000
	Capital	74,99,00,000	..	74,99,00,000
57	Department of Elementary Education and Literacy Revenue	1,00,000	..	1,00,000
58	Department of Secondary Education and Higher Education Revenue	56,05,00,000	..	56,05,00,000
59	Department of Women and Child Development Revenue	23,00,000	..	23,00,000
60	Ministry of Information and Broadcasting Revenue	99,42,00,000	..	99,42,00,000
	Capital	1,00,000	..	1,00,000
61	Ministry of Labour and Employment Revenue	22,90,00,000	..	22,90,00,000
62	Election Commission Revenue	56,00,000	..	56,00,000
	CHARGED. — <i>Supreme Court of India</i> Revenue	..	3,93,00,000	3,93,00,000
65	Ministry of Non-Conventional Energy Sources Revenue	1,00,000	..	1,00,000
68	Department of Ocean Development Capital	..	54,00,000	54,00,000
71	Ministry of Petroleum and Natural Gas Revenue	5750,00,00,000	..	5750,00,00,000
72	Ministry of Planning Revenue	11,25,00,000	..	11,25,00,000
73	Ministry of Power Revenue	10,34,00,000	..	10,34,00,000
	Capital	1,00,000	..	1,00,000
	CHARGED. — <i>Staff, Household and Allowances of the President</i> Revenue	..	51,00,000	51,00,000
76	Rajya Sabha Revenue	2,73,00,000	10,00,000	2,83,00,000
78	Secretariat of the Vice-President Revenue	67,00,000	..	67,00,000
79	Department of Rural Development Revenue	3005,21,00,000	..	3005,21,00,000
81	Department of Drinking Water Supply Revenue	10,11,00,000	..	10,11,00,000
82	Department of Science and Technology Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
83	Department of Scientific and Industrial Research Revenue	1,00,000	..	1,00,000
84	Department of Biotechnology Revenue	1,00,000	..	1,00,000
85	Department of Shipping Revenue	49,32,00,000	..	49,32,00,000
	Capital	2,00,000	..	2,00,000
86	Department of Road Transport and Highways Revenue	132,74,00,000	25,00,000	132,99,00,000
87	Ministry of Small Scale Industries Revenue	85,00,000	..	85,00,000
	Capital	9,47,00,000	..	9,47,00,000
88	Ministry of Social Justice and Empowerment Revenue	100,00,00,000	..	100,00,00,000
90	Ministry of Statistics and Programme Implementation Revenue	1,00,000	..	1,00,000
91	Ministry of Steel Revenue	9,98,00,000	..	9,98,00,000
92	Ministry of Textiles Revenue	3,00,000	..	3,00,000
	Capital	1,00,000	..	1,00,000
93	Ministry of Tourism Capital	12,01,00,000	..	12,01,00,000
94	Ministry of Tribal Affairs Revenue	1,00,000	..	1,00,000

lo. f /ote	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
95	Andaman and Nicobar Islands Revenue	6,00,000		6,00,000
96	Chandigarh Revenue	42,38,00,000		42,38,00,000
	Capital	17,34,00,000		17,34,00,000
97	Dadra and Nagar Haveli Revenue	103,31,00,000		103,31,00,000
98	Daman and Diu Revenue	50,00,000		50,00,000
99	Lakshadweep Revenue	12,22,00,000		12,22,00,000
	Capital	1,00,000		1,00,000
100	Department of Urban Development Revenue	6,51,00,000	2,01,00,000	8,52,00,000
	Capital	250,01,00,000	1,00,00,000	251,01,00,000
101	Public Works Revenue	6,30,00,000		6,30,00,000
103	Ministry of Urban Employment and Poverty Alleviation Revenue	1,00,000		1,00,000
105	Ministry of Youth Affairs and Sports Revenue	1,00,000		1,00,000
	TOTAL:.....	17809,99,00,000	422114,61,00,000	439924,60,00,000

THE APPROPRIATION (No. 2) ACT, 2006

NO. 15 OF 2006

[22nd March, 2006.]

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, 2004, in excess of the amounts granted for those services and for that year.

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

Short title.

1. This Act may be called the Appropriation (No. 2) Act, 2006.

Issue of Rs. 42227,70,03,825 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 2004.

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 forty-two thousand two hundred twenty-seven crores, seventy lakhs, three thousand, eight hundred twenty-five 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, 2004, in excess of the amounts granted for those services and for that year.

Appropriation.

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 stated in the Schedule in relation to the financial year ended on the 31st day of March, 2004.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Excess Services and purposes	3		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
15	Department of Telecommunications Revenue	3,97,85,153	..	3,97,85,153
16	Department of Information Technology Capital	1,28,59,171	..	1,28,59,171
24	Defence Ordnance Factories Revenue	37,50,27,533	..	37,50,27,533
27	Department of Development of North Eastern Region... Capital	11,95,395	..	11,95,395
	CHARGED: — <i>Repayment of Debt</i> Capital	..	42182,73,71,247	42182,73,71,247
39	Pensions Revenue	..	1,99,58,401	1,99,58,401
52	Cabinet Revenue	..	5,58,839	5,58,839
67	Ministry of Personnel, Public Grievances and Pensions... Capital	2,48,086	..	2,48,086
	TOTAL	42,91,15,338	42184,78,88,487	42227,70,03,825

THE APPROPRIATION (RAILWAYS) NO. 3 ACT, 2006
No. 16 OF 2006

[24th March, 2006.]

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 2006-07 for the purposes of Railways.

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

Short title.

1. This Act may be called the Appropriation (Railways) No. 3 Act, 2006.

Issue of Rs. 107980,28,61,000 out of the Consolidated Fund of India for the financial year 2006-07.

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 [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account Act, 2006] to the sum of one lakh seven thousand nine hundred eighty crores, twenty-eight lakhs and sixty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2006-07, in respect of the services relating to Railways 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 India by this Act shall be appropriated for the services and purposes stated in the Schedule in relation to the said year.

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	Railway Board	85,00,40,000	..	85,00,40,000
2	Miscellaneous Expenditure (General)	279,55,60,000	..	279,55,60,000
3	General Superintendence and Services on Railways	2157,72,12,000	..	2157,72,12,000
4	Repairs and Maintenance of Permanent Way and Works	3958,33,26,000	1,39,000	3958,34,65,000
5	Repairs and Maintenance of Motive Power	2135,64,44,000	50,000	2135,64,94,000
6	Repairs and Maintenance of Carriages and Wagons	4307,19,69,000	..	4307,19,69,000
7	Repairs and Maintenance of Plant and Equipment	2316,92,48,000	3,15,000	2316,95,63,000
8	Operating Expenses — Rolling Stock and Equipment	3174,57,45,000	..	3174,57,45,000
9	Operating Expenses — Traffic	6271,48,50,000	85,000	6271,49,35,000
10	Operating Expenses — Fuel	10875,58,21,000	..	10875,58,21,000
11	Staff Welfare and Amenities	1739,54,49,000	50,00,000	1740,04,49,000
12	Miscellaneous Working Expenses	1855,83,17,000	39,53,45,000	1895,36,62,000
13	Provident Fund, Pension and Other Retirement Benefits	7955,81,85,000	71,20,000	7956,53,05,000
14	Appropriation to Funds	19249,94,00,000	..	19249,94,00,000
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortization of Over- Capitalization	3870,73,00,000	..	3870,73,00,000
16	Assets—Acquisition, Construction and Replacement— Revenue	50,00,00,000	..	50,00,00,000
	<i>Other Expenditure</i>			
	Capital	23556,45,41,000	6,70,00,000	23563,15,41,000
	Railways Funds	11028,40,00,000	3,18,00,000	11031,58,00,000
	Railways Safety Fund	710,82,00,000	4,00,000	710,86,00,000
	Special Railway Safety Fund	2349,97,00,000	3,00,000	2350,00,00,000
	TOTAL:	107929,53,07,000	50,75,54,000	107980,28,61,000

THE APPROPRIATION (No. 3) ACT, 2006

No. 17 OF 2006

[28th March, 2006.]

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 2006-07.

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

Short title.

1. This Act may be called the Appropriation (No. 3) Act, 2006.

Issue of Rs.
1728696.55,00,000
out of the Consoli-
dated Fund of India
for the year 2006-07.

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 seventeen lakh twenty-eight thousand six hundred and ninety-six crores and fifty-five lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2006-07 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 India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Construction of ref-
erences to Ministries
and Departments in
the Schedule.

4. References to Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 27th February, 2006 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as reconstituted 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 and Cooperation .. Revenue	4969,43,00,000	..	4969,43,00,000
	Capital	70,85,00,000	178,88,00,000	249,73,00,000
2	Department of Agricultural Research and Education .. Revenue	2160,00,00,000	..	2160,00,00,000
3	Department of Animal Husbandry, Dairying and Fisheries .. Revenue	1030,72,00,000	..	1030,72,00,000
	Capital	15,14,00,000	..	15,14,00,000
4	Ministry of Agro and Rural Industries .. Revenue	1052,82,00,000	..	1052,82,00,000
	Capital	1,81,00,000	..	1,81,00,000
5	Atomic Energy .. Revenue	2080,63,00,000	1,60,00,000	2082,23,00,000
	Capital	1838,48,00,000	6,50,00,000	1844,98,00,000
6	Nuclear Power Schemes .. Revenue	1182,59,00,000	..	1182,59,00,000
	Capital	2503,10,00,000	..	2503,10,00,000
7	Department of Chemicals and Petrochemicals .. Revenue	93,20,00,000	..	93,20,00,000
	Capital	76,20,00,000	..	76,20,00,000
8	Department of Fertilisers .. Revenue	18049,02,00,000	..	18049,02,00,000
	Capital	105,04,00,000	..	105,04,00,000
9	Ministry of Civil Aviation .. Revenue	372,73,00,000	..	372,73,00,000
	Capital	75,91,00,000	..	75,91,00,000
10	Ministry of Coal .. Revenue	205,71,00,000	..	205,71,00,000
	Capital	30,00,00,000	..	30,00,00,000
11	Department of Commerce .. Revenue	1872,74,00,000	10,00,000	1872,84,00,000
	Capital	654,00,00,000	..	654,00,00,000
12	Department of Industrial Policy and Promotion .. Revenue	598,14,00,000	20,00,000	598,34,00,000
	Capital	2,00,00,000	..	2,00,00,000
13	Department of Posts .. Revenue	6533,64,00,000	5,00,000	6533,69,00,000
	Capital	385,97,00,000	..	385,97,00,000
14	Department of Telecommunications .. Revenue	4565,46,00,000	..	4565,46,00,000
	Capital	101,00,00,000	..	101,00,00,000
15	Department of Information Technology .. Revenue	1025,00,00,000	..	1025,00,00,000
	Capital	101,00,00,000	..	101,00,00,000
16	Ministry of Company Affairs .. Revenue	135,00,00,000	..	135,00,00,000
	Capital	10,00,00,000	..	10,00,00,000
17	Department of Consumer Affairs .. Revenue	210,03,00,000	..	210,03,00,000
	Capital	20,97,00,000	..	20,97,00,000
18	Department of Food and Public Distribution .. Revenue	24655,88,00,000	2,00,000	24655,90,00,000
	Capital	339,60,00,000	..	339,60,00,000
19	Ministry of Culture .. Revenue	772,00,00,000	..	772,00,00,000
	Capital	48,00,00,000	..	48,00,00,000
20	Ministry of Defence .. Revenue	6817,41,00,000	26,00,000	6817,67,00,000
	Capital	682,17,00,000	..	682,17,00,000
21	Defence Pensions .. Revenue	13223,75,00,000	25,00,000	13224,00,00,000
22	Defence Services—Army .. Revenue	33191,04,00,000	14,10,00,000	33205,14,00,000
23	Defence Services—Navy .. Revenue	6790,41,00,000	1,37,00,000	6791,78,00,000
24	Defence Services—Air Force .. Revenue	10081,43,00,000	5,93,00,000	10087,36,00,000
25	Defence Ordnance Factories .. Revenue	1499,08,00,000	1,00,00,000	1500,08,00,000
26	Defence Services—Research and Development .. Revenue	3019,84,00,000	24,00,000	3020,08,00,000
27	Capital Outlay on Defence Services .. Capital	37444,25,00,000	13,75,00,000	37458,00,00,000
28	Ministry of Development of North Eastern Region .. Revenue	1253,74,00,000	..	1253,74,00,000
	Capital	109,05,00,000	..	109,05,00,000
29	Ministry of Environment and Forests .. Revenue	1495,63,00,000	..	1495,63,00,000
	Capital	24,51,00,000	..	24,51,00,000
30	Ministry of External Affairs .. Revenue	3464,61,00,000	3,00,000	3464,64,00,000
	Capital	230,41,00,000	..	230,41,00,000
31	Department of Economic Affairs .. Revenue	2887,82,00,000	..	2887,82,00,000
	Capital	658,01,00,000	..	658,01,00,000

1 No. of Vote	2 Services and purposes		3		
			Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.	
32	Currency, Coinage and Stamps	Revenue	92,00,000		92,00,000
		Capital	8,00,000		8,00,000
33	Payments to Financial Institutions	Revenue	4169,43,00,000		4169,43,00,000
		Capital	232,80,00,000		232,80,00,000
	CHARGED.—Interest Payments	Revenue		145822,60,00,000	145822,60,00,000
35	Transfers to State and Union territory Governments	Revenue	28924,79,00,000	29406,50,00,000	58331,29,00,000
		Capital		5000,00,00,000	5000,00,00,000
36	Loans to Government Servants, etc.	Capital	450,00,00,000		450,00,00,000
	CHARGED.—Repayment of Debt	Capital		1098307,66,00,000	1098307,66,00,000
38	Department of Expenditure	Revenue	29,45,00,000		29,45,00,000
39	Pensions	Revenue	6799,66,00,000	23,44,00,000	6823,10,00,000
40	Indian Audit and Accounts Department	Revenue	1202,79,00,000	37,09,00,000	1239,88,00,000
		Capital	7,50,00,000		7,50,00,000
41	Department of Revenue	Revenue	3339,07,00,000	2,00,000	3339,09,00,000
		Capital	2,06,00,000		2,06,00,000
42	Direct Taxes	Revenue	1305,98,00,000	2,00,000	1306,00,00,000
		Capital	28,00,00,000		28,00,00,000
43	Indirect Taxes	Revenue	1614,89,00,000	1,00,00,000	1615,89,00,000
		Capital	98,93,00,000		98,93,00,000
44	Department of Disinvestment	Revenue	10,05,00,000		10,05,00,000
		Capital	7680,00,00,000		7680,00,00,000
45	Ministry of Food Processing Industries	Revenue	173,70,00,000		173,70,00,000
46	Department of Health and Family Welfare	Revenue	13874,55,00,000		13874,55,00,000
		Capital	475,68,00,000		475,68,00,000
47	Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)	Revenue	445,89,00,000		445,89,00,000
		Capital	2,00,00,000		2,00,00,000
48	Department of Heavy Industry	Revenue	332,74,00,000		332,74,00,000
		Capital	580,88,00,000		580,88,00,000
49	Department of Public Enterprises	Revenue	35,32,00,000		35,32,00,000
50	Ministry of Home Affairs	Revenue	759,45,00,000	5,00,000	759,50,00,000
		Capital	41,50,00,000		41,50,00,000
51	Cabinet	Revenue	215,92,00,000	14,00,000	216,06,00,000
		Capital	3,00,00,000		3,00,00,000
52	Police	Revenue	14090,65,00,000	3,44,00,000	14094,09,00,000
		Capital	2039,38,00,000	17,35,00,000	2056,73,00,000
53	Other Expenditure of the Ministry of Home Affairs	Revenue	964,51,00,000	2,00,000	964,53,00,000
54	Transfers to Union territory Governments	Revenue	1123,37,00,000		1123,37,00,000
		Capital	72,00,00,000		72,00,00,000
55	Department of Elementary Education and Literacy	Revenue	25878,71,00,000		25878,71,00,000
56	Department of Secondary Education and Higher Education	Revenue	6982,27,00,000		6982,27,00,000
		Capital	1,00,000		1,00,000
57	Department of Women and Child Development	Revenue	4852,94,00,000		4852,94,00,000
58	Ministry of Information and Broadcasting	Revenue	1558,57,00,000	3,00,000	1558,60,00,000
		Capital	157,47,00,000		157,47,00,000
59	Ministry of Labour and Employment	Revenue	1643,56,00,000	2,00,000	1643,58,00,000
60	Election Commission	Revenue	12,50,00,000		12,50,00,000
61	Law and Justice	Revenue	872,92,00,000		872,92,00,000
		Capital	3,00,000		3,00,000
	CHARGED.—Supreme Court of India	Revenue		43,27,00,000	43,27,00,000
63	Ministry of Mines	Revenue	362,97,00,000	10,00,000	363,07,00,000
		Capital	131,95,00,000		131,95,00,000
64	Ministry of Non-Conventional Energy Sources	Revenue	538,39,00,000		538,39,00,000
		Capital	65,25,00,000		65,25,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
65	Ministry of Overseas Indian Affairs	Revenue	35,50,00,000	..	35,50,00,000
		Capital	2,50,00,000	..	2,50,00,000
66	Department of Ocean Development	Revenue	475,75,00,000	..	475,75,00,000
67	Ministry of Panchayati Raj	Revenue	3825,73,00,000	..	3825,73,00,000
68	Ministry of Parliamentary Affairs	Revenue	6,00,00,000	..	6,00,00,000
69	Ministry of Personnel, Public Grievances and Pensions	Revenue	301,13,00,000	7,14,00,000	308,27,00,000
		Capital	28,03,00,000	9,00,00,000	37,03,00,000
70	Ministry of Petroleum and Natural Gas	Revenue	3106,62,00,000	..	3106,62,00,000
71	Ministry of Planning	Revenue	123,83,00,000	..	123,83,00,000
72	Ministry of Power	Revenue	5188,42,00,000	..	5188,42,00,000
		Capital	1797,74,00,000	..	1797,74,00,000
	CHARGED— <i>Staff, Household and Allowances of the President</i>	Revenue	..	22,85,00,000	22,85,00,000
74	Lok Sabha	Revenue	243,25,00,000	29,00,000	243,54,00,000
75	Rajya Sabha	Revenue	102,00,00,000	34,00,000	102,34,00,000
	CHARGED.— <i>Union Public Service Commission</i>	Revenue	..	59,99,00,000	59,99,00,000
77	Secretariat of the Vice-President	Revenue	1,35,00,000	..	1,35,00,000
78	Department of Rural Development	Revenue	39073,18,00,000	..	39073,18,00,000
79	Department of Land Resources	Revenue	1421,70,00,000	..	1421,70,00,000
80	Department of Drinking Water Supply	Revenue	6001,70,00,000	..	6001,70,00,000
81	Department of Science and Technology	Revenue	1605,59,00,000	7,00,000	1605,66,00,000
		Capital	153,60,00,000	..	153,60,00,000
82	Department of Scientific and Industrial Research	Revenue	1749,90,00,000	..	1749,90,00,000
		Capital	10,00,000	..	10,00,000
83	Department of Biotechnology	Revenue	534,60,00,000	..	534,60,00,000
84	Department of Shipping	Revenue	786,52,00,000	..	786,52,00,000
		Capital	588,65,00,000	..	588,65,00,000
85	Department of Road Transport and Highways	Revenue	11960,30,00,000	80,00,000	11961,10,00,000
		Capital	11644,25,00,000	5,70,00,000	11649,95,00,000
86	Ministry of Small Scale Industries	Revenue	505,24,00,000	..	505,24,00,000
		Capital	19,00,00,000	..	19,00,00,000
87	Ministry of Social Justice and Empowerment	Revenue	1615,31,00,000	..	1615,31,00,000
		Capital	202,29,00,000	..	202,29,00,000
88	Department of Space	Revenue	3091,91,00,000	41,00,000	3092,32,00,000
		Capital	517,75,00,000	35,00,000	518,10,00,000
89	Ministry of Statistics and Programme Implementation	Revenue	1788,65,00,000	..	1788,65,00,000
		Capital	27,92,00,000	..	27,92,00,000
90	Ministry of Steel	Revenue	84,50,00,000	..	84,50,00,000
		Capital	45,00,00,000	..	45,00,00,000
91	Ministry of Textiles	Revenue	2034,58,00,000	..	2034,58,00,000
		Capital	1012,17,00,000	..	1012,17,00,000
92	Ministry of Tourism	Revenue	377,32,00,000	..	377,32,00,000
		Capital	495,50,00,000	..	495,50,00,000
93	Ministry of Tribal Affairs	Revenue	157,65,00,000	1495,80,00,000	1653,45,00,000
		Capital	14,01,00,000	..	14,01,00,000
94	Andaman and Nicobar Islands	Revenue	1301,01,00,000	1,00,000	1301,02,00,000
		Capital	754,84,00,000	..	754,84,00,000
95	Chandigarh	Revenue	1114,07,00,000	33,71,00,000	1147,78,00,000
		Capital	175,48,00,000	55,00,000	176,03,00,000
96	Dadra and Nagar Haveli	Revenue	768,20,00,000	..	768,20,00,000
		Capital	39,30,00,000	..	39,30,00,000
97	Daman and Diu	Revenue	273,46,00,000	..	273,46,00,000
		Capital	40,26,00,000	..	40,26,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
98	Lakshadweep	Revenue	249,47,00,000	..	249,47,00,000
		Capital	169,27,00,000	..	169,27,00,000
99	Department of Urban Development	Revenue	1067,79,00,000	26,08,00,000	1093,87,00,000
		Capital	1120,54,00,000	31,00,00,000	1151,54,00,000
100	Public Works	Revenue	779,77,00,000	1,00,00,000	780,77,00,000
		Capital	267,54,00,000	1,00,00,000	268,54,00,000
101	Stationery and Printing	Revenue	154,06,00,000	..	154,06,00,000
		Capital	20,00,000	..	20,00,000
102	Ministry of Urban Employment and Poverty Alleviation	Revenue	426,06,00,000	..	426,06,00,000
		Capital	5,61,00,000	..	5,61,00,000
103	Ministry of Water Resources	Revenue	925,47,00,000	..	925,47,00,000
		Capital	57,84,00,000	4,00,00,000	61,84,00,000
104	Ministry of Youth Affairs and Sports	Revenue	662,47,00,000	..	662,47,00,000
		Capital	6,53,00,000	..	6,53,00,000
105	Ministry of Minority Affairs	Revenue	2,00,00,000	..	2,00,00,000
	TOTAL:		448109,43,00,000	1280587,12,00,000	1728696,55,00,000

THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL
INSTITUTIONS (AMENDMENT) ACT, 2006

No. 18 OF 2006

[28th March, 2006.]

An Act to amend the National Commission for Minority Educational Institutions
Act, 2004.

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

1. (1) This Act may be called the National Commission for Minority Educational
Institutions (Amendment) Act, 2006.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 23rd day of January, 2006.

2. In section 2 of the National Commission for Minority Educational Institutions Act,
2004 (hereinafter referred to as the principal Act),—

Amendment
of section 2.

(i) in clause (a), the word "Scheduled" shall be omitted;

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

'(aa) "appropriate Government" means,—

(i) in relation to an educational institution recognised for conducting
its programmes of studies under any Act of Parliament, the Central
Government; and

(ii) in relation to any other educational institution recognised for conducting its programmes of studies under any State Act, a State Government in whose jurisdiction such institution is established;';

(iii) after clause (c), the following clause shall be inserted, namely:—

'(ca) "Competent authority" means the authority appointed by the appropriate Government to grant no objection certificate for the establishment of any educational institution of their choice by the minorities;';

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

'(da) "educational rights of minorities" means the rights of minorities to establish and administer educational institutions of their choice;';

(v) clause (f) shall be omitted.

Substitution of
new Chapter
for Chapter
III.

3. For Chapter III of the principal Act, the following Chapter shall be substituted, namely:—

'CHAPTER III

RIGHTS OF A MINORITY EDUCATIONAL INSTITUTION

Right to
establish a
Minority
Educational
Institution.

10. (1) Any person who desires to establish a Minority Educational Institution may apply to the Competent authority for the grant of no objection certificate for the said purpose.

(2) The Competent authority shall,—

- (a) on perusal of documents, affidavits or other evidence, if any; and
- (b) after giving an opportunity of being heard to the applicant,

decide every application filed under sub-section (1) as expeditiously as possible and grant or reject the application, as the case may be:

Provided that where an application is rejected, the Competent authority shall communicate the same to the applicant.

(3) Where within a period of ninety days from the receipt of the application under sub-section (1) for the grant of no objection certificate,—

- (a) the Competent authority does not grant such certificate; or
- (b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate,

it shall be deemed that the Competent authority has granted a no objection certificate to the applicant.

(4) The applicant shall, on the grant of a no objection certificate or where the Competent authority has deemed to have granted the no objection certificate, be entitled to commence and proceed with the establishment of a Minority Educational Institution in accordance with the rules and regulations, as the case may be, laid down by or under any law for the time being in force.

Explanation.—For the purposes of this section,—

(a) "applicant" means any person who makes an application under sub-section (1) for establishment of a Minority Educational Institution;

(b) "no objection certificate" means a certificate stating therein, that the Competent authority has no objection for the establishment of a Minority Educational Institution.

10A. (1) A Minority Educational Institution may seek affiliation to any University of its choice subject to such affiliation being permissible within the Act under which the said University is established.

Right of a
Minority
Educational
Institution to
seek affilia-
tion.

(2) Any person who is authorised in this behalf by the Minority Educational Institution, may file an application for affiliation under sub-section (1) to a University in the manner prescribed by the Statute, Ordinance, rules or regulations, of the University:

Provided that such authorised person shall have right to know the status of such application after the expiry of sixty days from the date of filing of such application.

4. In section 11 of the principal Act, for clauses (b) and (c), the following clauses shall be substituted, namely:—

Amendment
of section 11.

"(b) enquire, *suo motu*, or on a petition presented to it by any Minority Educational Institution, or any person on its behalf into complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice and any dispute relating to affiliation to a University and report its finding to the appropriate Government for its implementation;

(c) intervene in any proceeding involving any deprivation or violation of the educational rights of the minorities before a court with the leave of such court;

(d) review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation;

(e) specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities;

(f) decide all questions relating to the status of any institution as a Minority Educational Institution and declare its status as such;

(g) make recommendations to the appropriate Government for the effective implementation of programmes and schemes relating to the Minority Educational Institutions; and

(h) do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission."

5. In section 12 of the principal Act,—

Amendment
of section 12.

(a) in sub-section (1), the word "Scheduled" shall be omitted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every proceeding before the Commission 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 Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973."

45 of 1860.

2 of 1974.

6. After section 12 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
12A to 12F.
Appeal against
orders of the
Competent
authority.

'12A. (1) Any person aggrieved by the order of refusal to grant no objection certificate under sub-section (2) of section 10 by the Competent authority for establishing a Minority Educational Institution, may prefer an appeal against such order to the Commission.

(2) An appeal under sub-section (1) shall be filed within thirty days from the date of the order referred to in sub-section (1) communicated to the applicant:

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) The Commission, after hearing the parties, shall pass an order as soon as may be practicable, and give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

(5) An order made by the Commission under sub-section (4) shall be executable by the Commission as a decree of a civil court and the provisions of the Code of Civil Procedure, 1908, so far as may be, shall apply as they apply in respect of a decree of a civil court.

5 of 1908.

12B. (1) Without prejudice to the provisions contained in the National Commission for Minorities Commission Act, 1992, where an authority established by the Central Government or any State Government, as the case may be, for grant of minority status to any educational institution rejects the application for the grant of such status, the aggrieved person may appeal against such order of the authority to the Commission.

19 of 1992.

(2) An appeal under sub-section (1) shall be preferred within thirty days from the date of the order communicated to the applicant:

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) On receipt of the appeal under sub-section (3), the Commission may, after giving the parties to the appeal an opportunity of being heard, and in consultation with the State Government, decide on the minority status of the educational institution and shall proceed to give such directions as it may deem fit and, all such directions shall be binding on the parties.

Explanation.—For the purposes of this section and section 12C, "authority" means any authority or officer or commission which is established under any law for the time being in force or under any order of the appropriate Government, for the purpose of granting a certificate of minority status to an educational institution.

12C. The Commission may, after giving a reasonable opportunity of being heard to a Minority Educational Institution to which minority status has been granted by an authority or Commission, as the case may be, cancel such status under the following circumstances, namely:—

(a) if the constitution, aims and objects of the educational institution, which has enabled it to obtain minority status has subsequently been amended in such a way that it no longer reflects the purpose or character of a Minority Educational Institution;

(b) if, on verification of the records during the inspection or investigation, it is found that the Minority Educational Institution has failed to admit students belonging to the minority community in the institution as per rules and prescribed percentage governing admissions during any academic year.

Power of Commission to decide on the minority status of an educational institution.

Power to cancel.

12D. (1) The Commission shall have the power to investigate into the complaints relating to deprivation of the educational rights of minorities.

Power of Commission to investigate matters relating to deprivation of educational rights of minorities.

(2) The Commission may, for the purpose of conducting any investigation pertaining to a complaint under this Act, utilise the services of any officer of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.

(3) For the purpose of investigation under sub-section (1), the officer whose services are utilised may, subject to the direction and control of the Commission,—

- (a) summon and enforce the attendance of any person and examine him;
- (b) require the discovery and production of any document; and
- (c) requisition any public record or copy thereof from any office.

(4) The officer whose services are utilised under sub-section (2) shall investigate into any matter entrusted to it by the Commission and submit a report thereon to it within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such further inquiry as it may think fit.

12E. (1) The Commission, while enquiring into the complaints of violation or deprivation of educational rights of minorities shall call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto, within such time as may be specified by it:

Power of Commission to call for information, etc.

Provided that,—

(a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint;

(b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required, or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

(2) Where the inquiry establishes violation or deprivation of the educational rights of the minorities by a public servant, the Commission may recommend to the concerned Government or authority, the initiation of disciplinary proceedings or such other action against the concerned person or persons as may be deemed fit.

(3) The Commission shall send a copy of the inquiry report, together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken, or proposed to be taken thereon, to the Commission.

(4) The Commission shall publish its inquiry report and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

12F. No court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) shall entertain any suit, application or other proceedings in respect of any order made under this Chapter.

Bar of jurisdiction.

7. Section 18 of the principal Act shall be omitted.

Omission of section 18.

Amendment
of section 24.

8. In section 24 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

"(aa) the forms in which appeal under sub-section (3) of section 12A and sub-section (3) of section 12B shall be made;"

Omission of
Schedule.

9. The Schedule to the principal Act shall be omitted.

Repeal of
Ordinance 1
of 2006 and
saving.

10. (1) The National Commission for Minority Educational Institutions (Amendment) Ordinance, 2006, is hereby repealed.

(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 principal Act, as amended by this Act.

THE PETROLEUM AND NATURAL GAS REGULATORY BOARD
ACT, 2006

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent, commencement and application.
2. Definitions.

CHAPTER II

PETROLEUM AND NATURAL GAS REGULATORY BOARD

3. Establishment and incorporation of the Board.
4. Qualifications for appointment of Chairperson and other members.
5. Term of office, conditions of service, etc., of Chairperson and other members.
6. Powers of Chairperson.
7. Removal of Chairperson or any other member from office.
8. Meetings of the Board.
9. Vacancies, etc., not to invalidate proceedings of the Board.
10. Officers and other employees of the Board.

CHAPTER III

FUNCTIONS AND POWERS OF THE BOARD

11. Functions of the Board.
12. Powers regarding complaints and resolution of disputes by the Board.
13. Procedure of the Board.

CHAPTER IV

REGISTRATION AND AUTHORISATION

14. Register.
15. Registration of entities.
16. Authorisation.
17. Application for authorisation.
18. Publicity of applications.
19. Grant of authorisation.
20. Declaring, laying, building, etc., of common carrier or contract carrier and city or local natural gas distribution network.
21. Right of first use, etc.

SECTIONS

22. Transportation tariff.
23. Suspension or cancellation of authorisation.

CHAPTER V

SETTLEMENT OF DISPUTES

24. Board to settle disputes.
25. Filing of complaints.
26. Power to investigate.
27. Factors to be taken into account by the Board.
28. Civil Penalty for contravention of directions given by the Board.
29. Orders passed by Board deemed to be decrees.

CHAPTER VI

APPEALS TO APPELLATE TRIBUNAL

30. Appellate Tribunal.
31. Technical Member (Petroleum and Natural Gas).
32. Terms and conditions of service of Technical Member (Petroleum and Natural Gas).
33. Appeals to Appellate Tribunal.
34. Procedure and powers of the Appellate Tribunal.
35. Power of Appellate Tribunal to make rules.
36. Orders passed by Appellate Tribunal to be executable as a decree.
37. Appeal to Supreme Court.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT

38. Grants by Central Government.
39. Fund.
40. Accounts and audit.
41. Annual report and its laying before Parliament.

CHAPTER VIII

POWER OF CENTRAL GOVERNMENT

42. Power of Central Government to issue directions.
43. Taking over control and management of facilities and business premises of any entity and retail outlets in public interest.

CHAPTER IX

OFFENCES AND PUNISHMENT

44. Punishment for contravention of directions of the Board.
45. Penalty for wilful failure to comply with orders of Appellate Tribunal.
46. Punishment for unauthorised activities.
47. Punishment for establishing or operating a liquefied natural gas terminal without registration.

SECTIONS

48. Punishment for laying, building, operating or expanding a common carrier or contract carrier without authorisation.
49. Punishment for wilful damages to common carrier or contract carrier.
50. Offences by companies.

CHAPTER X

MISCELLANEOUS

51. Maintenance of data bank and information.
52. Obligations of entities.
53. Furnishing of returns, etc., to Central Government.
54. Chairperson, members, etc., to be public servants.
55. Protection of action taken in good faith.
56. Civil courts not to have jurisdiction.
57. Cognizance of certain offences.
58. Delegation.
59. Power to remove difficulties.
60. Power of Central Government to make rules.
61. Power of Board to make regulations.
62. Rules and regulations to be laid before Parliament.
63. Transitional arrangements.

THE PETROLEUM AND NATURAL GAS REGULATORY BOARD
ACT, 2006

No. 19 OF 2006

[31st March, 2006.]

An Act to provide for the establishment of Petroleum and Natural Gas Regulatory Board to regulate the refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas excluding production of crude oil and natural gas so as to protect the interests of consumers and entities engaged in specified activities relating to petroleum, petroleum products and natural gas and to ensure uninterrupted and adequate supply of petroleum, petroleum products and natural gas in all parts of the country and to promote competitive markets and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

Short title,
extent,
commencement
and application.

1. (1) This Act may be called the Petroleum and Natural Gas Regulatory Board Act, 2006.

(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:

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.

(4) It applies to refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas excluding production of crude oil and natural gas.

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

Definitions.

(a) "affiliate code of conduct" means the code of conduct governing entities engaged in storage, transmission, distribution, marketing and sale of natural gas under sub-section (1) of section 21;

(b) "Appellate Tribunal" means the Appellate Tribunal referred to in section 30;

(c) "appointed day" means the date on which the Board is established under sub-section (1) of section 3;

(d) "authorised entity" means an entity—

(A) registered by the Board under section 15 —

(i) to market any notified petroleum, petroleum products or natural gas, or

(ii) to establish and operate liquefied natural gas terminals, or

(B) authorised by the Board under section 16 —

(i) to lay, build, operate or expand a common carrier or contract carrier, or

(ii) to lay, build, operate or expand a city or local natural gas distribution network;

(e) "auto liquefied petroleum gas" means a mixture of certain light hydrocarbons derived from petroleum, which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed to the liquid state at normal ambient temperature by the application of moderate pressure, and which conform to such specifications for use as fuel in vehicles, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(f) "Board" means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of section 3;

(g) "Bureau of Indian Standards" means the Bureau of Indian Standards established under section 3 of the Bureau of Indian Standards Act, 1986;

(h) "Chairperson" means the Chairperson of the Board appointed under sub-section (1) of section 4;

(i) "city or local natural gas distribution network" means an inter-connected network of gas pipelines and the associated equipment used for transporting natural gas from a bulk supply high pressure transmission main to the medium pressure distribution grid and subsequently to the service pipes supplying natural gas to domestic, industrial or commercial premises and CNG stations situated in a specified geographical area.

Explanation.—For the purposes of this clause, the expressions "high pressure" and "medium pressure" shall mean such pressure as the Central Government may, by notification, specify to be high pressure or, as the case may be, medium pressure;

(j) "common carrier" means such pipelines for transportation of petroleum, petroleum products and natural gas by more than one entity as the Board may declare or authorise from time to time on a non-discriminatory open access basis under sub-section (3) of section 20, but does not include pipelines laid to supply—

- (i) petroleum products or natural gas to a specific consumer; or
- (ii) crude oil;

Explanation.— For the purposes of this clause, a contract carrier shall be treated as a common carrier, if—

- (i) such contract carrier has surplus capacity over and above the firm contracts entered into; or
- (ii) the firm contract period has expired.

(k) "CNG station" means filling station where one or more dispensing units are provided for sale of compressed natural gas;

(l) "compressed natural gas or CNG" means natural gas used as fuel for vehicles, typically compressed to the pressure ranging from 200 to 250 bars in the gaseous state;

(m) "contract carrier" means such pipelines for transportation of petroleum, petroleum products and natural gas by more than one entity pursuant to firm contracts for at least one year as may be declared or authorised by the Board from time to time under sub-section (3) of section 20;

(n) "dealer" means a person, association of persons, firm, company or co-operative society, by whatsoever name called or referred to, and appointed by an oil company to purchase, receive, store and sell motor spirit, high speed diesel, superior kerosene oil, auto liquefied petroleum gas or natural gas;

(o) "distributor" means a person, association of persons, firm, company or co-operative society, by whatsoever name called or referred to, and appointed by an oil company to purchase, receive, store and sell to consumers liquefied petroleum gas in cylinders;

(p) "entity" means a person, association of persons, firm, company or co-operative society, by whatsoever name called or referred to, other than a dealer or distributor, and engaged or intending to be engaged in refining, processing, storage, transportation, distribution, marketing, import and export of petroleum, petroleum products and natural gas including laying of pipelines for transportation of petroleum, petroleum products and natural gas, or laying, building, operating or expanding city or local natural gas distribution network or establishing and operating a liquefied natural gas terminal;

(q) "exchange of products" shall mean giving and receiving of a petroleum product in accordance with an agreement entered into by the concerned entities;

(r) "high speed diesel" means any hydrocarbon oil (excluding mineral colza oil and turpentine substitute), which conforms to such specifications for use as fuel in compression ignition engines, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(s) "kerosene or superior kerosene oil" means a middle distillate mixture of hydrocarbons which conforms to such specifications, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(t) "liquefied natural gas terminal" means the facilities and infrastructure required to—

- (i) receive liquefied natural gas;
- (ii) store liquefied natural gas;

(iii) enable regasification of liquefied natural gas; and

(iv) transport regasified liquefied natural gas till the outside boundaries of the facility;

(u) "liquefied petroleum gas" means a mixture of light hydrocarbons containing propane, isobutane, normal butane, butylenes, or such other substance which is gaseous at normal ambient temperature and atmospheric pressure but may be condensed to liquid state at normal ambient temperature by the application of pressure and conforms to such specifications, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(v) "local distribution entity" means an entity authorised by the Board under section 20 to lay, build, operate or expand a city or local natural gas distribution network;

(w) "marketing service obligations" means obligations—

(i) to set up marketing infrastructure and retail outlets in remote areas in respect of notified petroleum and petroleum products;

(ii) to maintain minimum stock of notified petroleum and petroleum products;

(iii) of a local distribution entity to supply natural gas to consumers; and

(iv) such other obligations as may be specified by regulations;

(x) "maximum retail price" means the maximum price fixed by an entity at which the petroleum, petroleum products and natural gas may be sold to the retail consumers and includes all taxes, cess and levies, local or otherwise and freight or commission payable to the dealers;

(y) "member" means a member of the Board appointed under sub-section (1) of section 4 and includes the Member (Legal) and the Chairperson;

(z) "motor spirit" means any hydrocarbon oil (excluding crude mineral oil) used as fuel in spark ignition engines which conforms to such specifications, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(za) "natural gas" means gas obtained from bore-holes and consisting primarily of hydrocarbons and includes—

(i) gas in liquid state, namely, liquefied natural gas and regasified liquefied natural gas,

(ii) compressed natural gas,

(iii) gas imported through transnational pipe lines, including CNG or liquefied natural gas,

(iv) gas recovered from gas hydrates as natural gas,

(v) methane obtained from coal seams, namely, coal bed methane,

but does not include helium occurring in association with such hydrocarbons;

(zb) "notification" means a notification published in the Official Gazette and the expression "notified" with its cognate meanings and grammatical variations, shall be construed accordingly;

(zc) "notified petroleum, petroleum products and natural gas" means such petroleum, petroleum products and natural gas as the Central Government may notify from time to time, after being satisfied that it is necessary or expedient so to do for maintaining or increasing their supplies or for securing their equitable distribution or ensuring adequate availability;

(zd) "oil company" means a company registered under the Companies Act, 1956 and includes an association of persons, society or firm, by whatsoever name called or referred to, for carrying out an activity relating to petroleum, petroleum products and natural gas;

(ze) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon, including crude oil and liquefied petroleum gas, and the expression 'petroleum product' shall mean any product manufactured from petroleum;

(zf) "pipeline access code" means the code to establish a framework for third party access to pipelines under sub-clause (i) of clause (e) of section 11;

(zg) "prescribed" means prescribed by rules made by the Central Government under this Act;

(zh) "regulations" means regulations made by the Board under this Act;

(zi) "restrictive trade practice" means a trade practice which has, or may have, the effect of preventing, distorting or restricting competition in any manner and in particular,—

(i) which tends to obstruct the flow of capital or resources into the stream of production, or

(ii) which tends to bring about manipulation of prices, or conditions of delivery or to affect the flow of supplies in the market relating to petroleum, petroleum products or natural gas or services in such manner as to impose on the consumers unjustified costs or restrictions;

(zj) "retail outlet" means filling station where one or more dispensing pumps have been provided for sale of motor spirit, high speed diesel, auto-liquefied petroleum gas or natural gas and includes distributorship for liquefied petroleum gas or dealership for superior kerosene oil or CNG stations;

(zk) "retail service obligations" means obligations of dealers and distributors for maintaining supplies to consumers throughout the specified working hours and of specified quality, quantity and display of maximum retail price of notified petroleum, petroleum products and natural gas including CNG and such other obligations, as may be specified by regulations;

(zl) "rules" means rules made by the Central Government under this Act;

(zm) "Secretary" means the Secretary of the Board;

(zn) "transportation rate", in relation to common carrier or contract carrier or a city or local natural gas distribution network, means such rate for moving each unit of petroleum, petroleum products or natural gas as may be fixed by regulations.

CHAPTER II

PETROLEUM AND NATURAL GAS REGULATORY BOARD

Establishment
and incorpora-
tion of the
Board.

3. (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 Board to be called the Petroleum and Natural Gas Regulatory Board.

(2) The Board 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 Board shall consist of a Chairperson, a Member (Legal) and three other members to be appointed by the Central Government.

(4) The head office of the Board shall be at New Delhi and regional offices at such places as the Board may deem necessary having regard to public interest and magnitude of the work.

4. (1) The Central Government shall appoint the Chairperson and other members of the Board from amongst persons of eminence in the fields of petroleum and natural gas industry, management, finance, law, administration or consumer affairs:

Qualifications for appointment of Chairperson and other members.

Provided that no person shall be appointed as Member (Legal) unless he—

(a) is qualified to be a Judge of a High Court; or

(b) has been a member of the Indian Legal Service and has held a post in Grade I of that Service for at least three years.

(2) The Central Government shall, for the purposes of selecting the Chairperson and other members of the Board and for preparing a panel of persons to be considered for appointment as the Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal, constitute a Search Committee consisting of—

(i) Member, Planning Commission in charge of the energy sector – *Chairperson*;

(ii) Secretary to the Government of India, Ministry of Petroleum and Natural Gas – *Member*;

(iii) Secretary to the Government of India, Ministry of Finance, Department of Economic Affairs – *Member*;

(iv) Secretary to the Government of India in charge of Commerce, Ministry of Commerce and Industry – *Member*; and

(v) Secretary to the Government of India, Department of Legal Affairs, Ministry of Law and Justice – *Member*.

5. (1) Before appointing any person as the Chairperson or other member, the Central Government shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as Chairperson or such other member.

Term of office, conditions of service, etc., of Chairperson and other members.

(2) The Chairperson and other members shall hold office for a term of five years from the date on which they enter upon their offices or until they attain the age of sixty-five years, whichever is earlier:

Provided that the Chairperson and other members shall not be eligible for re-appointment.

Explanation.—For the purposes of this section, appointment of a member as Chairperson shall not be deemed to be re-appointment.

(3) A person in the service of the Central Government, a State Government or an undertaking, corporation or company owned or controlled by the Central Government or a State Government or from any other non-Governmental or corporate body shall resign or retire from such service before joining as the Chairperson or other member, as the case may be.

(4) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and the other 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 any other member shall be varied to his disadvantage after appointment.

(5) The Chairperson or other member may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, the Chairperson or such other member shall be deemed to have vacated his office.

(6) The Chairperson or any other member, upon ceasing to hold office as such, shall—

(a) be ineligible for further employment under the Central Government or any State Government; and

(b) not accept any commercial employment for a period of two years from the date he ceases to hold such office.

Explanation.—For the purposes of this section, “commercial employment” means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant.

Powers of
Chairperson.

6. The Chairperson shall have the powers of general superintendence and directions in the conduct of the affairs of the Board and shall, in addition to presiding over the meetings of the Board, exercise and discharge such other powers and functions of the Board, as may be assigned to him by the Board.

Removal of
Chairperson or
any other
member from
office.

7. The Central Government may remove from office the Chairperson or any other member, who—

(a) has been adjudged as 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:

Provided that no Chairperson or other member shall be removed from office under clause (d) or clause (e) unless the Central Government, after holding an inquiry by any person appointed or authority constituted for the purpose and in accordance with such procedure as may be prescribed in this behalf, is satisfied that such person ought on such ground or grounds to be removed.

Meetings of
the Board.

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

(2) The Chairperson or, if he is unable to attend a meeting of the Board, the senior-most member present, reckoned from the date of appointment to the Board, shall preside at the meeting:

Provided that in case of common date of appointment of members, the member senior in age shall be considered as senior to the other members.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of 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.

(4) All orders and decisions of the Board shall be authenticated by the Secretary or any other officer of the Board duly authorised by the Chairperson in this behalf.

9. 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.

Vacancies, etc., not to invalidate proceedings of the Board.

10. (1) The Central Government may, in consultation with the Board, appoint a Secretary to exercise and perform such powers and duties, under the control of the Chairperson as may be specified by regulations:

Officers and other employees of the Board.

Provided that no such consultation shall be necessary for appointment of the first Secretary of the Board.

(2) The Board may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required to assist the Board in the efficient discharge of its functions.

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

(4) The Board may appoint consultants required to assist in the discharge of its functions on such terms and conditions as may be determined by regulations.

CHAPTER III

FUNCTIONS AND POWERS OF THE BOARD

11. The Board shall—

Functions of the Board.

(a) protect the interest of consumers by fostering fair trade and competition amongst the entities;

(b) register entities to —

(i) market notified petroleum and petroleum products and, subject to the contractual obligations of the Central Government, natural gas;

(ii) establish and operate liquefied natural gas terminals;

(iii) establish storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations;

(c) authorise entities to —

(i) lay, build, operate or expand a common carrier or contract carrier;

(ii) lay, build, operate or expand city or local natural gas distribution network;

(d) declare pipelines as common carrier or contract carrier;

(e) regulate, by regulations, —

(i) access to common carrier or contract carrier so as to ensure fair trade and competition amongst entities and for that purpose specify pipeline access code;

(ii) transportation rates for common carrier or contract carrier;

(iii) access to city or local natural gas distribution network so as to ensure fair trade and competition amongst entities as per pipeline access code;

(f) in respect of notified petroleum, petroleum products and natural gas —

(i) ensure adequate availability;

(ii) ensure display of information about the maximum retail prices fixed by the entity for consumers at retail outlets;

(iii) monitor prices and take corrective measures to prevent restrictive trade practice by the entities;

(iv) secure equitable distribution for petroleum and petroleum products;

(v) provide, by regulations, and enforce, retail service obligations for retail outlets and marketing service obligations for entities;

(vi) monitor transportation rates and take corrective action to prevent restrictive trade practice by the entities;

(g) levy fees and other charges as determined by regulations;

(h) maintain a data bank of information on activities relating to petroleum, petroleum products and natural gas;

(i) lay down, by regulations, the technical standards and specifications including safety standards in activities relating to petroleum, petroleum products and natural gas, including the construction and operation of pipeline and infrastructure projects related to downstream petroleum and natural gas sector;

(j) perform such other functions as may be entrusted to it by the Central Government to carry out the provisions of this Act.

12. (1) The Board shall have jurisdiction to —

(a) adjudicate upon and decide any dispute or matter arising amongst entities or between an entity and any other person on issues relating to refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas according to the provisions of Chapter V, unless the parties have agreed for arbitration;

(b) receive any complaint from any person and conduct any inquiry and investigation connected with the activities relating to petroleum, petroleum products and natural gas on contravention of—

(i) retail service obligations;

(ii) marketing service obligations;

(iii) display of retail price at retail outlets;

(iv) terms and conditions subject to which a pipeline has been declared as common carrier or contract carrier or access for other entities was allowed to a city or local natural gas distribution network, or authorisation has been granted to an entity for laying, building, expanding or operating a pipeline as common carrier or contract carrier or authorisation has been granted to an entity for laying, building, expanding or operating a city or local natural gas distribution network;

(v) any other provision of this Act or the rules or the regulations or orders made thereunder.

(2) While deciding a complaint under sub-section (1), the Board may pass such orders and issue such directions as it deems fit or refer the matter for investigation according to the provisions of Chapter V.

Powers
regarding
complaints
and resolution
of disputes by
the Board.

5 of 1908. 13. (1) The Board shall have, for the purposes of discharging its functions under this Act, 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:— Procedure of the Board.

(a) summoning and enforcing the attendance of any person and examining him on oath;

1 of 1872. (b) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or a copy of such record or document, from any office, and production of such documents;

(c) receiving evidence on affidavits;

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

(e) dismissing an application for default or deciding it, *ex parte*;

(f) setting aside any order of dismissal of any application for default or any order passed by it, *ex parte*;

(g) granting interim relief;

(h) reviewing its decision; and

(i) any other matter which may be prescribed.

45 of 1860. 2 of 1974. (2) Every proceeding before the 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 Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(3) The Board shall be guided by the principles of natural justice and subject to other provisions of this Act and of any rules made thereunder, shall have powers to regulate its own procedure including the places at which it shall conduct its business.

CHAPTER IV

REGISTRATION AND AUTHORISATION

14. (1) For the purposes of this Act, a register to be called the Petroleum and Natural Gas Register shall be kept at the head office of the Board containing such details of entities— Register.

(a) registered for—

(i) marketing notified petroleum, petroleum products or natural gas, or

(ii) establishing and operating liquefied natural gas terminals, or

(iii) establishing storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations, or

(b) authorised for —

(i) laying, building, operating or expanding a common carrier, or

(ii) laying, building, operating or expanding a city or local natural gas distribution network, as may be provided by the Board by regulations.

(2) A copy of any entry in the register purporting to be maintained by the Board and certified as such by an officer authorised by the Board, shall be admitted in evidence in all courts and in all proceedings without further proof or production of the original.

(3) The register shall be open to public inspection at the head office of the Board.

(4) Any person may, on application to the Board, and on payment of such fee as may be determined by the Board, by regulations, obtain a certified copy of any entry in the register.

Registration
of entities.

15. (1) Every entity desirous of —

(a) marketing any notified petroleum or petroleum products or natural gas; or

(b) establishing or operating a liquefied natural gas terminal; or

(c) establishing storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations,

and fulfilling the eligibility conditions as may be prescribed shall make an application to the Board for its registration under this Act:

Provided that no registration under this Act shall be required for any entity carrying on any activity referred to in clause (a) or clause (b) or clause (c) immediately before the appointed day but shall inform the Board about such activity within six months from the appointed day.

(2) Every application for registration under sub-section (1) shall be made in such form and in such manner and shall be accompanied by such fee as may be determined by the Board by regulations.

(3) The Board may, after making such enquiry and subject to such terms and conditions as it may specify, grant a certificate of registration to the entity allowing to commence and carry on the activity referred to in clause (a) or clause (b) or clause (c), as the case may be, of sub-section (1).

(4) The Board may, by order, suspend or cancel a certificate of registration granted under sub-section (3) in such manner as may be determined by regulations:

Provided that no order under this sub-section shall be made unless the entity concerned has been given a reasonable opportunity of being heard.

Authorisation.

16. No entity shall —

(a) lay, build, operate or expand any pipeline as a common carrier or contract carrier,

(b) lay, build, operate or expand any city or local natural gas distribution network,

without obtaining authorisation under this Act:

Provided that an entity,—

(i) laying, building, operating or expanding any pipeline as common carrier or contract carrier; or

(ii) laying, building, operating or expanding any city or local natural gas distribution network,

immediately before the appointed day shall be deemed to have such authorisation subject to the provisions of this Chapter, but any change in the purpose or usage shall require separate authorisation granted by the Board.

Application for
authorisation.

17. (1) An entity which is laying, building, operating or expanding, or which proposes to lay, build, operate or expand, a pipeline as a common carrier or contract carrier shall apply in writing to the Board for obtaining an authorisation under this Act:

Provided that an entity laying, building, operating or expanding any pipeline as common carrier or contract carrier authorised by the Central Government at any time before the appointed day shall furnish the particulars of such activities to the Board within six months from the appointed day.

(2) An entity which is laying, building, operating or expanding, or which proposes to lay, build, operate or expand, a city or local natural gas distribution network shall apply in writing for obtaining an authorisation under this Act:

Provided that an entity laying, building, operating or expanding any city or local natural gas distribution network authorised by the Central Government at any time before the appointed day shall furnish the particulars of such activities to the Board within six months from the appointed day.

(3) Every application under sub-section (1) or sub-section (2) shall be made in such form and in such manner and shall be accompanied with such fee as the Board may, by regulations, specify.

(4) Subject to the provisions of this Act and consistent with the norms and policy guidelines laid down by the Central Government, the Board may either reject or accept an application made to it, subject to such amendments or conditions, if any, as it may think fit.

(5) In the case of refusal or conditional acceptance of an application, the Board shall record in writing the grounds for such rejection or conditional acceptance, as the case may be.

18. When an application for registration for marketing notified petroleum, petroleum products and natural gas, or for establishing and operating a liquefied natural gas terminal, or for establishing storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations, is accepted whether absolutely or subject to conditions or limitations, the Board shall, as soon as may be, cause such acceptance to be known to the public in such form and manner as may be provided by regulations.

Publicity of applications.

19. (1) When, either on the basis of an application for authorisation for laying, building, operating or expanding a common carrier or contract carrier or for laying, building, operating or expanding a city or local natural gas distribution network is received or on *suo motu* basis, the Board forms an opinion that it is necessary or expedient to lay, build, operate or expand a common carrier or contract carrier between two specified points, or to lay, build, operate or expand a city or local natural gas distribution network in a specified geographic area, the Board may give wide publicity of its intention to do so and may invite applications from interested parties to lay, build, operate or expand such pipelines or city or local natural gas distribution network.

Grant of authorisation.

(2) The Board may select an entity in an objective and transparent manner as specified by regulations for such activities.

20. (1) If the Board is of the opinion that it is necessary or expedient, to declare an existing pipeline for transportation of petroleum, petroleum products and natural gas or an existing city or local natural gas distribution network, as a common carrier or contract carrier or to regulate or allow access to such pipeline or network, it may give wide publicity of its intention to do so and invite objections and suggestions within a specified time from all persons and entities likely to be affected by such decision.

Declaring, laying, building, etc., of common carrier or contract carrier and city or local natural gas distribution network.

(2) For the purposes of sub-section (1), the Board shall provide the entity owning, the pipeline or network an opportunity of being heard and fix the terms and conditions subject to which the pipeline or network may be declared as a common carrier or contract carrier and pass such orders as it deems fit having regard to the public interest, competitive transportation rates and right of first use.

(3) The Board may, after following the procedure as specified by regulations under section 19 and sub-sections (1) and (2), by notification,—

(a) declare a pipeline or city or local natural gas distribution network as a common carrier or contract carrier; or

(b) authorise an entity to lay, build, operate or expand a pipeline as a common carrier or contract carrier; or

(c) allow access to common carrier or contract carrier or city or local natural gas distribution network; or

(d) authorise an entity to lay, build, operate or expand a city or local natural gas distribution network.

(4) The Board may decide on the period of exclusivity to lay, build, operate or expand a city or local natural gas distribution network for such number of years as it may by order, determine in accordance with the principles laid down by the regulations made by it, in a transparent manner while fully protecting the consumer interests.

(5) For the purposes of this section, the Board shall be guided by the objectives of promoting competition among entities, avoiding infructuous investment, maintaining or increasing supplies or for securing equitable distribution or ensuring adequate availability of petroleum, petroleum products and natural gas throughout the country and follow such principles as the Board may, by regulations, determine in carrying out its functions under this section.

Right of first use, etc.

21. (1) The entity laying, building, operating or expanding a pipeline for transportation of petroleum and petroleum products or laying, building, operating or expanding a city or local natural gas distribution network shall have right of first use for its own requirement and the remaining capacity shall be used amongst entities as the Board may, after issuing a declaration under section 20, determine having regard to the needs of fair competition in marketing and availability of petroleum and petroleum products throughout the country:

Provided that in case of an entity engaged in both marketing of natural gas and laying, building, operating or expanding a pipeline for transportation of natural gas on common carrier or contract carrier basis, the Board shall require such entities to comply with the affiliate code of conduct as may be specified by regulations and may require such entity to separate the activities of marketing of natural gas and the transportation including ownership of the pipeline within such period as may be allowed by the Board and only within the said period, such entity shall have right of first use.

(2) An entity other than an entity authorised to operate shall pay transportation rate for use of common carrier or contract carrier to the entity operating it as an authorised entity.

(3) An entity authorised to lay, build, operate or expand a pipeline as common carrier or contract carrier or to lay, build, operate or expand a city or local natural gas distribution network shall be entitled to institute proceedings before the Board to prevent, or to recover damages for, the infringement of any right relating to authorisation.

Explanation.—For the purposes of this sub-section, “infringement of any right” means doing of any act by any person which interferes with common carrier or contract carrier or causes prejudice to the authorised entity.

Transportation tariff.

22. (1) Subject to the provisions of this Act, the Board shall lay down, by regulations, the transportation tariffs for common carriers or contract carriers or city or local natural gas distribution network and the manner of determining such tariffs.

(2) For the purposes of sub-section (1), the Board shall be guided by the following, namely:—

(a) the factors which may encourage competition, efficiency, economic use of the resources, good performance and optimum investments;

(b) safeguard the consumer interest and at the same time recovery of cost of transportation in a reasonable manner;

(c) the principles rewarding efficiency in performance;

(d) the connected infrastructure such as compressors, pumps, metering units, storage and the like connected to the common carriers or contract carriers;

(e) benchmarking against a reference tariff calculated based on cost of service, internal rate of return, net present value or alternate mode of transport;

(f) policy of the Central Government applicable to common carrier, contract carrier and city or local distribution natural gas network.

23. If the Board, on an application of an affected party or on its own motion, is satisfied that the entity in favour of which authorisation has been granted under section 19 has failed to comply with any conditions of authorisation, it may, after giving an opportunity to such entity of being heard, either suspend the authorisation for such period as the Board may think fit or cancel the authorisation:

Suspension or cancellation of authorisation.

Provided that where the Board is of the opinion that an authorised entity persistently acts in a manner prejudicial to the interests of consumers, it may take action for the suspension of the authorisation immediately subject to the opportunity of hearing being given subsequently, after which action so taken may be confirmed or revoked.

CHAPTER V

SETTLEMENT OF DISPUTES

24. (1) Save as otherwise provided for arbitration in the relevant agreements between entities or between an entity or any other person, as the case may be, if any dispute arises, in respect of matters referred to in sub-section (2) among entities or between an entity and any other person, such dispute shall be decided by a Bench consisting of the Member (Legal) and one or more members nominated by the Chairperson:

Board to settle disputes.

Provided that if the members of the Bench differ on any point or points, they shall state the point or points on which they differ and refer the same to a member other than a member of the Bench for hearing on such point or points and such point or points shall be decided according to the opinion of that member.

(2) The Bench constituted under sub-section (1) shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as were exercisable by a civil court on any matter relating to —

- (a) refining, processing, storage, transportation and distribution of petroleum, petroleum products and natural gas by the entities;
- (b) marketing and sale of petroleum, petroleum products and natural gas including the quality of service and security of supply to the consumers by the entities; and
- (c) registration or authorisation issued by the Board under section 15 or section 19.

5 of 1908.

(3) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Board shall have the power to decide matters referred to in sub-section (2) on or after the appointed day.

25. (1) A complaint may be filed before the Board by any person in respect of matters relating to entities or between entities on any matter arising out of the provisions of this Act:

Filing of complaints.

68 of 1986.

Provided that the complaints of individual consumers maintainable before a consumer disputes redressal forum under the Consumer Protection Act, 1986 shall not be taken up by the Board but shall be heard and disposed of by such forum.

68 of 1986.

Explanation.—For the purposes of this sub-section, the expression “consumer disputes redressal forum” shall mean the district forum, State Commission or, the National Commission, as the case may be, constituted under the provisions of the Consumer Protection Act, 1986.

(2) Every complaint made under sub-section (1) shall be filed within sixty days from the date on which any act or conduct constituting a contravention took place and shall be in such form and shall be accompanied by such fee as may be provided by regulations:

Provided that the Board may entertain a complaint after the expiry of the said period if it is satisfied that there was sufficient cause for not filing the complaint within that period:

(3) On receipt of a complaint under sub-section (1), the Board shall decide within thirty days whether there is a prima facie case against the entity or entities concerned and may either conduct enquiry on its own or refer the matter for investigation under this Chapter, to

an Investigating Officer having jurisdiction; and, where the matter is referred to such Investigating Officer, on receipt of a report from such Investigating Officer, the Board may, hear and dispose of the complaint as a dispute if it falls under sub-section (2) of section 27 and in any other case, it may pass such orders and issue such directions as it deems fit.

(4) Where the Central Government considers that a matter arising out of the provisions of this Act is required to be investigated, it shall make a reference to the Board and the provisions of this Act shall apply as if such reference were a complaint made to the Board.

Power to investigate.

26. (1) For the purposes of provisions of section 25, the Board shall, subject to the provisions of sub-section (3), appoint by general or special order, an officer of the Board as an Investigating Officer for holding an investigation in the manner provided by regulations:

Provided that where the Board considers it necessary that the matter should be investigated by any investigating agency of the State or Central Government including the special police force constituted under section 2 of the Delhi Special Police Establishment Act, 1946, the Board may request the concerned Government for directing or authorising such agency to investigate and the agency so directed or authorised shall, then, be competent to exercise the powers and to discharge the duties of an Investigating Officer under this Act.

25 of 1946.

(2) No person shall be appointed as an Investigating Officer unless he possesses such qualifications and experience as may be determined by the Board by regulations.

(3) Where more than one Investigating Officer is appointed, the Board shall specify, by order, the matters and the local limits of jurisdiction with respect to which each such officer shall exercise his jurisdiction.

Factors to be taken into account by the Board.

27. The Board shall, while deciding a dispute under this Chapter, have due regard to the provisions of this Act and to the following factors, namely: —

- (a) the amount of disproportionate gain made or unfair advantage derived, wherever quantifiable, as a result of the default;
- (b) the amount of loss caused to an entity as a result of the default;
- (c) the repetitive nature of the default.

Civil penalty for contravention of directions given by the Board.

28. In case any complaint is filed before the Board by any person or if the Board is satisfied that any person has contravened a direction issued by the Board under this Act to provide access to, or to adhere to the transportation rate in respect of a common carrier, or to display maximum retail price at retail outlets, or violates the terms and conditions subject to which registration or authorisation has been granted under section 15 or section 19 or the retail service obligations or marketing service obligations, or does not furnish information, document, return of report required by the Board, it may, after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of civil penalty an amount which shall not exceed one crore rupees for each contravention and in case of a continuing failure with additional penalty which may extend to ten lakh rupees for every day during which the failure continues after contravention of the first such direction:

Provided that in the case of a complaint on restrictive trade practice, the amount of civil penalty may extend to five times the unfair gains made by the entity or ten crore rupees, whichever is higher.

Orders passed by Board deemed to be decrees.

29. Every order made by the Board under this Act shall, on a certificate issued by an officer of the Board, shall be executable in the same manner as if it were a decree of a civil court:

Provided that where an appeal lies against an order of the Board and no appeal is preferred then the order of the Board shall be deemed to be a final decree under this section on the expiry of the period allowed for preferring an appeal against such order before the Appellate Tribunal.

CHAPTER VI

APPEALS TO APPELLATE TRIBUNAL

36 of 2003. **30. (1)** Subject to the provisions of this Act, the Appellate Tribunal established under section 110 of the Electricity Act, 2003 shall be the Appellate Tribunal for the purposes of this Act and the said Appellate Tribunal shall exercise the jurisdiction, powers and authority conferred on it by or under this Act:

Appellate
Tribunal.

Provided that the Technical Member of the Appellate Tribunal for the purposes of this Act shall be called the Technical Member (Petroleum and Natural Gas) and shall have the qualifications specified in sub-section (2) of section 31.

36 of 2003. **(2)** Notwithstanding anything contained in the Electricity Act, 2003, the Central Government may, for the purposes of this Act, appoint one or more Technical Members (Petroleum and Natural Gas) on the Appellate Tribunal for Electricity or designate a Technical Member of the said Tribunal having the qualifications specified in sub-section (2) of section 31 and when a Technical Member (Petroleum and Natural Gas) is appointed, he shall be in addition to the three other members appointed under the said Act.

31. (1) The Technical Member (Petroleum and Natural Gas) shall be appointed from the panel prepared by the Search Committee constituted under sub-section (2) of section 4.

Technical
Member
(Petroleum and
Natural Gas).

(2) A person shall not be qualified for appointment as a Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal unless he—

(i) is, or has been, a Secretary for at least one year in the Ministry or Department of the Central Government having adequate experience in energy sector, especially in matters relating to Petroleum and Natural Gas sector; or

(ii) is, or has been, a person of ability and standing, having adequate knowledge or experience in dealing with matters relating to exploration, production, transmission pipelines, marketing or regulation of petroleum, petroleum products or natural gas, economics, commerce, law or management.

32. The term of office, the salaries and allowances payable to and the other terms and conditions of service of the Technical Member (Petroleum and Natural Gas) shall be the same as applicable to the other members of the Appellate Tribunal.

Terms and
conditions of
service of
Technical
Member
(Petroleum and
Natural Gas).

33. (1) Any person aggrieved by an order or decision made by the Board under this Act may prefer an appeal to the Appellate Tribunal:

Appeals to
Appellate
Tribunal.

Provided that any person preferring an appeal against an order or decision of the Board levying any penalty shall, while filing the appeal, deposit the amount of such penalty:

Provided further that where in any particular case, the Appellate Tribunal is of the opinion that deposit of such penalty would cause undue hardship to such person, it may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the realisation of penalty.

(2) Every appeal under sub-section (1) shall be filed within a period of thirty days from the date on which a copy of the direction or order of decision made by the Board is received by the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving the parties an opportunity of being heard, pass such orders thereon as it thinks fit.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the Board.

(5) The appeal filed under sub-section (1) shall be dealt with by the Appellate Tribunal as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within ninety days from the date of receipt of appeal:

Provided that where any such appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within the said period.

(6) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any order or decision of the Board referred to in the appeal filed under sub-section (1), either on its own motion or otherwise, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.

Procedure and powers of the Appellate Tribunal.

34. The provisions of sections 120 to 124 (both inclusive) of the Electricity Act, 2003 shall *mutatis mutandis* apply to the Appellate Tribunal in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Electricity Act, 2003.

36 of 2003.

Power of Appellate Tribunal to make rules.

35. The Appellate Tribunal may, by notification, make rules consistent with the provisions of this Act as to the conduct and procedure in respect of all proceedings before it under this Act.

Orders passed by Appellate Tribunal to be executable as a decree.

36. (1) Every order made by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of a civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

(2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

Appeal to Supreme Court.

37. (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code.

5 of 1908.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.

(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:

Provided that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT

38. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants of such sums of money as are required to pay salaries and allowances payable to the Chairperson and the other members and the administrative expenses including the salaries, allowances and pensions payable to the officers and employees of the Board.

Grants by
Central
Government.

39. (1) There shall be constituted a Fund to be called the Petroleum and Natural Gas Regulatory Board Fund and there shall be credited thereto—

Fund.

(i) all grants, fees, penalties and charges received by the Board under this Act; and

(ii) all sums received by the Board from such other sources as may be approved by the Central Government.

(2) The Fund shall be applied for making payments towards—

(i) the salaries and allowances payable to the Chairperson and other members and the administrative expenses including the salaries, allowances and pensions payable to the officers and employees of the Board;

(ii) the expenses incurred or to be incurred in carrying out the provisions of this Act.

(3) The Central Government shall—

(i) constitute a committee consisting of such persons as it thinks fit to recommend to that Government the budgetary requirements of the Board for salaries, allowances and all other expenses; and

(ii) fix the budgetary ceiling of the Board on the basis of the recommendations of the committee.

40. (1) The Board 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 Board 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 Board to the Comptroller and Auditor-General of India.

Explanation.—For the removal of doubts, it is hereby declared that the decisions of the Board taken in the discharge of its functions under this Act, being matters appealable to the Appellate Tribunal, shall not be subject to audit under this section.

(3) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority 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 inspection of offices of the Board.

(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 and that Government shall cause the same to be laid before each House of Parliament.

Annual report
and its laying
before
Parliament.

41. (1) The Board shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities including information relating to the proceedings and policies during the previous years and such report shall also contain statements of annual accounts of the Board.

(2) A copy of the report shall be forwarded to the Central Government and the Central Government shall cause such report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER VIII

POWER OF CENTRAL GOVERNMENT

Power of
Central
Government
to issue
directions.

42. (1) The Central Government may, from time to time, by writing issue to the Board such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order.

(2) Without prejudice to the foregoing provision, the Central Government may, if it finds necessary or expedient so to do in public interest or for maintaining or increasing supplies of petroleum, petroleum products or natural gas or all or any of them or for securing their equitable distribution and ensuring adequate availability, issue policy directives to the Board in writing and such policy directives shall be binding upon the Board:

Provided that no such directive shall relate to any day-to-day affairs of the Board:

Provided further that the Board shall, as far as practicable, be given an opportunity of expressing its views before any directive is issued under this sub-section.

(3) The decision of the Central Government whether a question is one of policy or not shall be final.

Taking over
control and
management
of facilities
and business
premises of
any entity and
retail outlets
in public
interest.

43. (1) In the event of war or natural calamity or such other similar circumstances leading to disruption of supply of petroleum, petroleum products or natural gas, the Central Government may, for ensuring the continuous supply of petroleum, petroleum products or natural gas, by notification, either take over the control and management of any storage site, facilities and business premises of any entity and retail outlets or suspend its operations or entrust, to any agency of the Central or State Government for such time and manage it in such manner, as may be specified in that notification:

Provided that the affected entities shall be given an opportunity of being heard before issuing orders to take over the control and management of retail outlets and other business premises:

Provided further that in case of any urgency or in cases where the circumstances do not permit serving of notice for want of sufficient time or otherwise upon the entity against whom the order is directed, the opportunity of hearing may be dispensed with in public interest in order to maintain the uninterrupted supply of petroleum, petroleum products or natural gas for a specified period.

(2) The collector of the revenue district in which the property referred to in the notification issued under sub-section (1) is situated shall determine the amount of compensation payable for taking over of the property.

(3) The form and manner in which an application for claiming compensation under this section shall be made, the procedure for determining the compensation and the time within which such compensation shall be payable, shall be such as may be prescribed.

CHAPTER IX

OFFENCES AND PUNISHMENT

44. If a person contravenes the directions of the Board, such person shall be punishable with fine which may extend to twenty-five crore rupees and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues. Punishment for contravention of directions of the Board.
45. If any person wilfully fails to comply with the order of the Appellate Tribunal, he shall be punishable with fine which may extend to one crore rupees and in case of a second or subsequent offence with fine which may extend to two crore rupees and in the case of continuing contravention with additional fine which may extend to twenty lakh rupees for every day during which such default continues. Penalty for wilful failure to comply with orders of Appellate Tribunal.
46. If any person, being an entity, markets any notified petroleum, petroleum products or natural gas without a valid registration, or authorisation such person shall be punishable with imprisonment which may extend to three years or with fine which may extend to twenty-five crore rupees or with both, and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues. Punishment for unauthorised activities.
47. If a person establishes or operates a liquefied natural gas terminal without registration as required under section 15, such person shall be liable for punishment with an imprisonment for a term which may extend to three years or penalty of twenty-five crore rupees or with both, and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues. Punishment for establishing or operating a liquefied natural gas terminal without registration.
48. If a person lays, builds, operates or expands a common carrier or contract carrier or a city or local natural gas distribution network without obtaining authorisation required under section 19, such person shall be liable for punishment with an imprisonment for a term which may extend to three years or penalty of twenty-five crore rupees or with both, and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues. Punishment for laying, building, operating or expanding a common carrier or contract carrier without authorisation.
49. Every person who wilfully removes, destroys or damages any pipeline or city or local natural gas distribution network or other work of the common carrier or contract carrier for supplying petroleum, petroleum products or natural gas shall for each such offence be punishable with imprisonment which may extend to three years or with fine which may extend to twenty-five crore rupees or with both, and, in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which such contravention continues. Punishment for wilful damages to common carrier or contract carrier.
50. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.
- 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 has 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 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 the 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.

CHAPTER X

MISCELLANEOUS

Maintenance of data bank and information.

51. (1) The Board shall maintain a data bank and information system relating to activities of entities dealing with petroleum, petroleum products and natural gas in such form and manner as may be provided by regulations.

(2) The Board shall have power to verify the data supplied by the entities and appoint any person or persons for the purpose and take such measures as it may consider necessary.

Obligations of entities.

52. (1) Every entity shall—

(a) maintain such documentary records as may be specified by the Board by regulations;

(b) allow inspection of such facilities and documentary records, as may be specified by the Board, by any person authorised by the Board;

(c) commence operation of activities for which authorisation has been granted within such period as may be specified by the Board in the document of authorisation;

(d) register—

(i) agreements with the Board relating to use of pipelines for supply of petroleum, petroleum products and natural gas; or

(ii) any other document which the Board may determine by regulations;

(e) comply with marketing service obligations and retail service obligations.

(2) The Board may call for any information from any entity including information which is considered necessary for ensuring transparency or ascertaining true ownership of the entity.

(3) The Board or any officer authorised by the Board shall have the power to inspect and obtain information, wherever necessary, from the entities.

(4) For the effective enforcement of the terms and conditions of authorisation, the Board or any officer authorised by it for that purpose, shall have all the powers of an inspecting officer as provided under section 209A of the Companies Act, 1956.

1 of 1956.

(5) It shall be the duty of every entity to carry out the directions of the Board given under this section.

(6) The Board shall maintain confidentiality in respect of any information and record received by it from the entities and shall not disclose information contained therein to any person or authority except on the grounds of public interest.

Furnishing of returns, etc., to Central Government.

53. The Board shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any matter in connection with proposed or existing activities under this Act, as the Central Government may, from time to time, require.

45 of 1860. 54. The Chairperson, Members, Officers and other employees of the Board and Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson, members, etc., to be public servants.

55. No suit, prosecution or other legal proceeding shall lie against the Central Government, Board, Technical Authority or Appellate Tribunal or any officer of the Central Government or any Chairperson, Member, officer or other employee of the Board or Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of action taken in good faith.

56. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Board or the Appellate Tribunal is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Civil courts not to have jurisdiction.

57. (1) No court shall take cognizance of any offence punishable under Chapter IX save on a complaint made by the Board or by any investigating agency directed by the Central Government.

Cognizance of certain offences.

(2) No court inferior to that of a Chief Metropolitan Magistrate or of a Chief Judicial Magistrate shall try any offence punishable under Chapter IX.

(3) Every offence punishable under sections 44, 45, 46 and 47 shall be cognizable.

58. The Board may, by general or special order in writing, delegate to any member or officer of the Board subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to settle a dispute under Chapter VI and to make regulations under section 61), as it may deem necessary.

Delegation.

59. (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 it may deem necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry 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.

60. (1) The Central Government may, by notification, make rules for carrying 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) the salaries and allowances payable to and the other conditions of service of the Chairperson and the other members under sub-section (4) of section 5;

(b) the procedure for appointment of any person or constitution of any authority and conducting inquiry under section 7;

(c) the salaries and allowances payable to and the other terms and conditions of service of the Secretary, officers and other employees of the Board, under sub-section (3) of section 10;

(d) any other matter in respect of which the Board may exercise the powers of a civil court under clause (i) of sub-section (1) of section 13;

(e) the eligibility conditions which an entity shall fulfil for registration under sub-section (1) of section 15;

(f) the form of appeal and the manner of verifying such form, and the fee which shall accompany such form, under sub-section (2) of section 33;

(g) the manner in which the accounts of the Board shall be maintained under sub-section (1) of section 40;

(h) the time and manner in which the annual report of the Board shall be prepared under sub-section (1) of section 41;

(i) the form and manner in which applications for claiming compensation shall be made, the procedure for determining the compensation and the time within which such compensation shall be payable, under sub-section (3) of section 43;

(j) the time and manner in which returns and statements are to be furnished by the Board to the Central Government under section 53;

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

Power of Board to make regulations.

61. (1) The Board may, by notification, 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 time and places of meetings of the Board and the procedure (including quorum necessary for the transaction of business) to be followed at such meetings under sub-section (1) of section 8;

(b) the powers and duties of the Secretary under sub-section (1) of section 10;

(c) the terms and conditions of the consultants appointed under sub-section (4) of section 10;

(d) the capacity of storage facilities for petroleum, petroleum products or natural gas requiring registration under sub-clause (iii) of clause (b) of section 11;

(e) regulating open access to and transportation rate for the common carrier or contract carrier or city or local natural gas distribution network and other matters referred to in clause (e) of section 11;

(f) marketing service obligations for entities and retail service obligations for retail outlets under sub-clause (v) of clause (f) of section 11;

(g) levy of fees and other charges under clause (g) of section 11;

(h) the technical standards and specifications including safety standards in activities relating to petroleum, petroleum products and natural gas under clause (i) of section 11;

(i) the procedure to be followed by the Board including the places at which it shall conduct its business under sub-section (3) of section 13;

(j) the manner of maintaining the Petroleum and Natural Gas Register under sub-section (1) of section 14;

(k) the form and manner of making application for obtaining certified copy of any entry in the register and the fee which shall accompany such application, under sub-section (4) of section 14;

(l) the form and manner in which an application under sub-section (1) of section 15 shall be made and the fee which shall accompany such application under sub-section (2) of section 15;

(m) the manner by which a certificate of registration granted under sub-section (3) of section 15 may be suspended or cancelled under sub-section (4) of section 15;

(n) the form and manner in which an application under sub-section (1) or sub-section (2) of section 17 shall be made and the fee which shall accompany such application under sub-section (3) of section 17;

(o) the form and manner in which publicity of acceptance of applications for registration shall be made under section 18;

(p) the manner of selection of an entity under sub-section (2) of section 19;

(q) the principles for determining the number of years for which a city or local natural gas distribution network shall be excluded from the purview of a common carrier or contract carrier under sub-section (4) of section 20;

(r) the guiding principles to be followed by the Board and the objectives for declaring, or authorising to lay, build, operate or expand a common carrier or contract carrier for declaring, or authorising to lay, build, operate or expand a city or local natural gas distribution network, under sub-section (5) of section 20;

(s) the affiliate code of conduct under which the entities are required to comply with under the proviso to sub-section (1) of section 21;

(t) the transportation tariffs for common carriers or contract carriers or city or local natural gas distribution network and the manner of determining such tariffs under sub-section (1) of section 22;

(u) the form in which a complaint may be made and the fee which shall accompany such complaint, under sub-section (2) of section 25;

(v) the manner of holding an investigation by an Investigating Officer under sub-section (1) of section 26;

(w) the qualifications and experience which any person for appointment as an Investigating Officer shall possess, under sub-section (2) of section 26;

(x) the form and manner of maintaining data bank and information system by the Board under sub-section (1) of section 51;

(y) maintenance of documentary records by an entity, under clause (a) of sub-section (1) of section 52;

(z) any other type of documents which are to be registered with the Board under sub-clause (ii) of clause (d) of sub-section (1) of section 52;

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

62. 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.

Rules and regulations to be laid before Parliament.

Transitional
arrangements.

63. (1) Where, before the commencement of this Act, an agreement or agreements have been entered into between one oil company and another for the purpose of sharing of petroleum products or sharing of infrastructure facilities among the oil companies and such agreements have been approved by the Central Government, the Board may monitor the implementation of such agreements for the transition period.

(2) The Board shall monitor setting up of dealerships and distributorships of motor spirit, high speed diesel, superior kerosene oil, liquefied petroleum gas and CNG stations for natural gas during transition period by the entities without encroaching on the retail network of the existing entities.

Explanation I.—For the purposes of this section, the expression “transition period” shall mean a period of three years from the date of commencement of this Act.

Explanation II.—For the purposes of this section, “infrastructure facilities” shall mean facilities at ports, refineries, terminals, depots and aviation fuelling stations including hydrant lines and shall include loading and unloading facilities.

Explanation III.—For the purposes of this section “encroaching” includes taking over of retail outlet of one entity by another.

**THE DELHI SPECIAL POLICE ESTABLISHMENT
(AMENDMENT) ACT, 2006**

No. 20 OF 2006

[6th April, 2006.]

An Act further to amend the Delhi Special Police Establishment Act, 1946.

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

1. This Act may be called the Delhi Special Police Establishment (Amendment) Act, 2006. Short title.

2. In section 4A of the Delhi Special Police Establishment Act, 1946, in sub-section (1), for clause (d), the following clause shall be substituted, namely:— Amendment of section 4A.

“(d) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the Delhi Special Police Establishment

— Member.”.

THE FINANCE ACT, 2006

ARRANGEMENT OF SECTIONS

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PRELIMINARY

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1. Short title and commencement.

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RATES OF INCOME-TAX

2. Income-tax.

CHAPTER III

DIRECT TAXES

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4. Amendment of section 10.
5. Amendment of section 10B.
6. Amendment of section 13.
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9. Amendment of section 36.
10. Amendment of section 40.
11. Amendment of section 43.
12. Amendment of section 43B.
13. Amendment of section 54EC.
14. Amendment of section 54ED.
15. Insertion of new section 80AC.
16. Amendment of section 80C.
17. Amendment of section 80CCC.
18. Amendment of section 80-IA.
19. Amendment of section 80P.
20. Insertion of new section 90A.
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22. Insertion of new section 115BBC.
23. Amendment of section 115JAA.
24. Amendment of section 115JB.
25. Amendment of section 115-O.
26. Amendment of section 115R.
27. Amendment of section 115T.
28. Amendment of section 115WB.

SECTIONS

29. Amendment of section 115WC.
30. Amendment of section 120.
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32. Amendment of section 139A.
33. Insertion of new section 139B.
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35. Amendment of section 142.
36. Amendment of section 148.
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38. Amendment of section 153B.
39. Amendment of section 155.
40. Amendment of section 194A.
41. Amendment of section 199.
42. Amendment of section 201.
43. Amendment of section 203.
44. Amendment of section 203A.
45. Amendment of section 203AA.
46. Amendment of section 206.
47. Amendment of section 206C.
48. Amendment of section 234A.
49. Amendment of section 234B.
50. Amendment of section 234C.
51. Amendment of section 246A.
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- 70. Repeal of Act 11 of 1926.
- 71. Amendment of section 14 of Act 74 of 1956.
- 72. Amendment of First Schedule to Act 58 of 1957.
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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

THE FIFTH SCHEDULE.

THE SIXTH SCHEDULE.

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THE NINTH SCHEDULE.

THE TENTH SCHEDULE.

THE FINANCE ACT, 2006

No. 21 OF 2006

[18th April, 2006.]

An Act to give effect to the financial proposals of the Central Government for the financial year 2006-2007.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Finance Act, 2006.

Short title and commencement.

(2) Save as otherwise provided in this Act, sections 2 to 57 shall be deemed to have come into force on the 1st day of April, 2006.

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, 2006, income-tax shall be charged at the rates specified in Part I of the First Schedule and such tax as reduced by the rebate of income-tax calculated under Chapter VIII-A of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) shall be increased by a surcharge for purposes of the Union calculated in each case in the manner provided therein.

Income-tax.

43 of 1961.

(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 one lakh 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 one lakh 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 one lakh 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 woman, resident in India and below the age of sixty-five 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 "one lakh rupees", the words "one lakh thirty-five thousand rupees" had been substituted:

Provided further that in the case of every individual, being a resident in India, who is of the age of sixty-five 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 "one lakh rupees", the words "one lakh eighty-five thousand rupees" had been substituted:

Provided also that the amount of income-tax so arrived at, as reduced by the amount of rebate of income-tax calculated under Chapter VIII-A of the Income-tax Act, shall be increased by a surcharge for purposes of the Union calculated in each case in the manner provided in that Paragraph and the sum so arrived at shall be the income-tax in respect of the total income.

(3) In cases to which the provisions of Chapter XII or Chapter XII-A or Chapter XII-H or section 115JB or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of 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 (1) 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 shall be increased by a surcharge for 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:

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

(a) in the case of every individual, Hindu undivided family, association of persons and body of individuals, whether incorporated or not, at the rate of ten per cent. of such income-tax where the total income or fringe benefits, as the case may be, exceeds ten lakh rupees;

(b) in the case of every firm, artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, and domestic company at the rate of ten per cent. of such income-tax;

(c) in the case of every company, other than a domestic company, at the rate of two and one-half per cent. of such income-tax.

(4) In cases in which tax has to be charged and paid under section 115-O or sub-section (2) of section 115R of the Income-tax Act, the tax shall be charged and paid at the rate as specified in those sections and shall be increased by a surcharge for purposes of the Union, calculated at the rate of ten per cent. of such tax.

(5) In cases in which tax has to be deducted under sections 193, 194, 194A, 194B, 194BB, 194D 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 purposes of the Union, calculated in each case, in the manner provided therein.

(6) In cases in which tax has to be deducted under sections 194C, 194E, 194EE, 194F, 194G, 194H, 194-I, 194J, 194LA, 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 purposes of the Union, calculated,—

(a) in the case of every individual, Hindu undivided family, association of persons and body of individuals, whether incorporated or not, 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 ten lakh rupees;

(b) in the case of every firm, artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, and domestic company, at the rate of ten per cent. of such tax;

(c) in the case of every company, other than a domestic company, at the rate of two and one-half per cent. of such tax.

(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 purposes of the Union, calculated 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 purposes of the Union, calculated,—

(a) in the case of every individual, Hindu undivided family, association of persons and body of individuals, whether incorporated or not, at the rate of ten per cent. of such tax where the amount or the aggregate of such amounts collected, and subject to the collection, exceeds ten lakh rupees;

(b) in the case of every firm, artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, and domestic company, at the rate of ten per cent. of such tax;

(c) in the case of every company, other than a domestic company, at the rate of two and one-half per cent. of such tax.

(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 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 so charged, deducted or computed at the rate or rates specified in Part III of the First Schedule and such tax as reduced by the rebate of income-tax calculated under Chapter VIII-A of the said Act shall be increased by a surcharge for purposes of the Union, calculated in each case in the manner provided therein:

Provided that in cases to which the provisions of Chapter XII or Chapter XII-A or Chapter XII-H or section 115JB 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 of the Income-tax Act shall be increased by a surcharge for 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:

Provided also that in respect of any income chargeable to tax under sections 115A, 115AB, 115AC, 115ACA, 115AD, 115B, 115BB, 115BBA, 115BBC, 115E and 115JB or fringe benefits chargeable to tax under section 115WA of the Income-tax Act, "advance tax" computed under the first proviso shall be increased by a surcharge for purposes of the Union, calculated,—

(a) in the case of every individual, Hindu undivided family, association of persons and body of individuals, whether incorporated or not, at the rate of ten per cent. of "advance tax" where the total income or fringe benefits, as the case may be, exceeds ten lakh rupees;

(b) in the case of every firm, artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, and domestic company, at the rate of ten per cent. of such "advance tax";

(c) in the case of every company, other than a domestic company, at the rate of two and one-half 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 one lakh 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 one lakh 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 one lakh 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 woman, resident in India and below the age of sixty-five 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 "one lakh rupees", the words "one lakh thirty-five thousand rupees" had been substituted:

Provided further that in the case of every individual, being a resident in India, who is of the age of sixty-five 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 "one lakh rupees", the words "one lakh eighty-five thousand rupees" had been substituted:

Provided also that the amount of income-tax or "advance tax" so arrived at, as reduced by the rebate of income-tax calculated under Chapter VIII-A of the said Act, shall be increased by a surcharge for 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 (10) and as increased by a surcharge for purposes of the Union calculated in the manner provided therein, shall be further increased by an additional surcharge for purposes of the Union, to be called the "Education Cess on income-tax", so as to fulfil the commitment of the Government to provide and finance universalised quality basic education, calculated at the rate of two per cent. of such income-tax and surcharge.

(12) 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, 2006, 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 (24),—

(A) in sub-clause (ia),—

(a) after the words, brackets and figures "sub-clause (iv) or sub-clause (v)", the words, brackets, figures and letter "or by any university or other educational institution referred to in sub-clause (vi) or by any hospital or other institution referred to in sub-clause (via)" shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1999;

(b) for the words, brackets, figures and letter "or by any university or other educational institution referred to in sub-clause (vi) or by any hospital or other institution referred to in sub-clause (via)", as so inserted by sub-item (a), the words, brackets, figures and letters "or by any university or other educational institution referred to in sub-clause (iiid) or sub-clause (vi) or by any hospital or other institution referred to in sub-clause (iiiae) or sub-clause (via)" shall be substituted with effect from the 1st day of April, 2007;

(B) after sub-clause (vii), the following sub-clause shall be inserted with effect from the 1st day of April, 2007, namely:—

"(viiia) the profits and gains of any business of banking (including providing credit facilities) carried on by a co-operative society with its members;"

(ii) after clause (26), the following clauses shall be inserted, namely:—

(26A) "infrastructure capital company" means such company which makes investments by way of acquiring shares or providing long-term finance to any enterprise or undertaking wholly engaged in the business referred to in sub-section (4) of section 80-IA or sub-section (1) of section 80-IAB or an undertaking developing and building a housing project referred to in sub-section (10) of

section 80-IB or a project for constructing a hotel of not less than three-star category as classified by the Central Government or a project for constructing a hospital with at least one hundred beds for patients;

(26B) "infrastructure capital fund" means such fund operating under a trust deed registered under the provisions of the Registration Act, 1908 established to raise monies by the trustees for investment by way of acquiring shares or providing long-term finance to any enterprise or undertaking wholly engaged in the business referred to in sub-section (4) of section 80-IA or sub-section (1) of section 80-IAB or an undertaking developing and building a housing project referred to in sub-section (10) of section 80-IB or a project for constructing a hotel of not less than three-star category as classified by the Central Government or a project for constructing a hospital with at least one-hundred beds for patients;";

16 of 1908.

(iii) in clause (37A), in sub-clause (iii), for the words and figures "an agreement entered into by the Central Government under section 90, whichever is applicable by virtue of the provisions of section 90;"; the words, figures and letters "an agreement entered into by the Central Government under section 90, or an agreement notified by the Central Government under section 90A, whichever is applicable by virtue of the provisions of section 90, or section 90A, as the case may be;" shall be substituted with effect from the 1st day of June, 2006; ✓

(iv) in clause (48), the *Explanation* shall be omitted.

Amendment of
section 10.

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

(a) in clause (6BB), for the words, figures and letters "or entered into after the 31st day of March, 2006 and approved by the Central Government in this behalf"; the words, figures and letters "or entered into after the 31st day of March, 2007 and approved by the Central Government in this behalf" shall be substituted with effect from the 1st day of April, 2007;

(b) in clause (15A), in the proviso, for the words, figures and letters "the 1st day of April, 2006", the words, figures and letters "the 1st day of April, 2007" shall be substituted with effect from the 1st day of April, 2007;

(c) in clause (17), for sub-clause (iii), the following sub-clause shall be substituted with effect from the 1st day of April, 2007, namely:—

"(iii) any constituency allowance received by any person by reason of his membership of any State Legislature under any Act or rules made by that State Legislature;";

(d) in clause (23C),—

(i) after the eleventh proviso, the following proviso shall be inserted with effect from the 1st day of June, 2006, namely:—

"Provided also that in case the fund or trust or institution or any university or other educational institution or any hospital or other medical institution referred to in the first proviso makes an application on or after the 1st day of June, 2006 for the purposes of grant of exemption or continuance thereof, such application shall be made at any time during the financial year immediately preceding the assessment year from which the exemption is sought;";

(ii) after the twelfth proviso as so inserted, the following proviso shall be inserted with effect from the 1st day of April, 2007, namely:—

"Provided also that any anonymous donation referred to in section 115BBC on which tax is payable in accordance with the provisions of the said section shall be included in the total income;";

(e) in clause (23EA), for the words "any income", the words "any income, by way of contributions received from recognised stock exchanges and the members thereof," shall be substituted with effect from the 1st day of April, 2007;

(f) clause (23G) shall be omitted with effect from the 1st day of April, 2007;

(g) in clause (38),—

(i) before the *Explanation*, the following proviso shall be inserted with effect from the 1st day of April, 2007, namely:—

"Provided that the income by way of long-term capital gain of a company shall be taken into account in computing the book profit and income-tax payable under section 115JB.";

(ii) in the *Explanation*, in clause (i), for the words "fifty per cent.", the words "sixty-five per cent." shall be substituted with effect from the 1st day of June, 2006;

(h) after clause (41), the following shall be inserted, namely:—

(42) any specified income arising to a body or authority which—

(a) has been established or constituted or appointed under a treaty or an agreement entered into by the Central Government with two or more countries or a convention signed by the Central Government;

(b) is established or constituted or appointed not for the purposes of profit;

(c) is notified by the Central Government in the Official Gazette for the purposes of this clause.

Explanation.—For the purposes of this clause, "specified income" means the income, of the nature and to the extent, arising to the body or authority referred to in this clause, which the Central Government may notify in this behalf.

5. In section 10B of the Income-tax Act, in sub-section (1),—

Amendment of
section 10B.

(a) in the second proviso, for the word "also", the word "further" shall be substituted;

(b) after the third proviso, the following proviso shall be inserted, namely:—

"Provided also that no deduction under this section shall be allowed to an assessee who does not furnish a return of his income on or before the due date specified under sub-section (1) of section 139."

6. In section 13 of the Income-tax Act, after sub-section (6) and before *Explanation 1*, the following sub-section shall be inserted with effect from the 1st day of April, 2007, namely:—

Amendment
of section 13.

"(7) Nothing contained in section 11 or section 12 shall operate so as to exclude from the total income of the previous year of the person in receipt thereof, any anonymous donation referred to in section 115BBC on which tax is payable in accordance with the provisions of that section."

7. Section 14A of the Income-tax Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-sections shall be inserted with effect from the 1st day of April, 2007, namely:—

Amendment
of section
14A.

"(2) The Assessing Officer shall determine the amount of expenditure incurred in relation to such income which does not form part of the total income under this Act in accordance with such method as may be prescribed, if the Assessing Officer, having regard to the accounts of the assessee, is not satisfied with the correctness of the claim

of the assessee in respect of such expenditure in relation to income which does not form part of the total income under this Act.

(3) The provisions of sub-section (2) shall also apply in relation to a case where an assessee claims that no expenditure has been incurred by him in relation to income which does not form part of the total income under this Act."

Amendment
of section 17.

8. In section 17 of the Income-tax Act, in clause (2), after sub-clause (vi), in the proviso, with effect from the 1st day of April, 2007,—

(i) in clause (iii), after the words "Central Government", the words, brackets and figures "or the Insurance Regulatory and Development Authority established under sub-section (1) of section 3 of the Insurance Regulatory and Development Authority Act, 1999," shall be inserted;

(ii) in clause (iv), after the words "Central Government", the words, brackets and figures "or the Insurance Regulatory and Development Authority established under sub-section (1) of section 3 of the Insurance Regulatory and Development Authority Act, 1999," shall be inserted.

41 of 1999.

Amendment
of section 36.

9. In section 36 of the Income-tax Act, in sub-section (1),—

(a) for clause (ib), the following clause shall be substituted with effect from the 1st day of April, 2007, namely:—

"(ib) the amount of any premium paid by cheque by the assessee as an employer to effect or to keep in force an insurance on the health of his employees under a scheme framed in this behalf by—

(A) the General Insurance Corporation of India formed under section 9 of the General Insurance Business (Nationalisation) Act, 1972 and approved by the Central Government; or 57 of 1972.

(B) any other insurer and approved by the Insurance Regulatory and Development Authority established under sub-section (1) of section 3 of the Insurance Regulatory and Development Authority Act, 1999;"; 41 of 1999.

(b) in clause (iia), in the *Explanation*, clause (iii) shall be omitted;

(c) in clause (viii), in the *Explanation*, for clause (d), the following clause shall be substituted with effect from the 1st day of April, 2007, namely:—

'(d) "infrastructure facility" means—

(i) an infrastructure facility as defined in the *Explanation* to clause (1) of sub-section (4) of section 80-IA, or any other public facility of a similar nature as may be notified by the Board in this behalf in the Official Gazette and which fulfils the conditions as may be prescribed;

(ii) an undertaking referred to in clause (ii) or clause (iii) or clause (iv) of sub-section (4) of section 80-IA; and

(iii) an undertaking referred to in sub-section (10) of section 80-IB;'

Amendment of
section 40.

10. In section 40 of the Income-tax Act, in clause (a), after sub-clause (ii),—

(a) the following *Explanation* shall be inserted, namely:—

"*Explanation 1.*—For the removal of doubts, it is hereby declared that for the purposes of this sub-clause, any sum paid on account of any rate or tax levied includes and shall be deemed always to have included any sum eligible for relief of tax under section 90 or, as the case may be, deduction from the Indian income-tax payable under section 91.";

(b) after *Explanation 1* as so inserted, the following *Explanation* shall be inserted with effect from the 1st day of June, 2006, namely:—

"*Explanation 2*.—For the removal of doubts, it is hereby declared that for the purposes of this sub-clause, any sum paid on account of any rate or tax levied includes any sum eligible for relief of tax under section 90A."

11. In section 43 of the Income-tax Act, in clause (5), in the proviso, in clause (d), for the brackets and letters "(aa)", the brackets and letters "(ac)" shall be substituted. Amendment of section 43.

12. In section 43B of the Income-tax Act,—

(a) after *Explanation 3B*, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1989, namely:—

"*Explanation 3C*.—For the removal of doubts, it is hereby declared that a deduction of any sum, being interest payable under clause (d) of this section, shall be allowed if such interest has been actually paid and any interest referred to in that clause which has been converted into a loan or borrowing shall not be deemed to have been actually paid."

(b) after *Explanation 3C* as so inserted, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1997, namely:—

"*Explanation 3D*.—For the removal of doubts, it is hereby declared that a deduction of any sum, being interest payable under clause (e) of this section, shall be allowed if such interest has been actually paid and any interest referred to in that clause which has been converted into a loan or advance shall not be deemed to have been actually paid."

13. In section 54EC of the Income-tax Act, after sub-section (3), in the *Explanation*, for clause (b), the following clause shall be substituted, namely:— Amendment of section 54EC.

(b) "long-term specified asset" means any bond, redeemable after three years and issued on or after the 1st day of April, 2006,—

(i) by the National Highways Authority of India constituted under section 3 of the National Highways Authority of India Act, 1988, and notified by the Central Government in the Official Gazette for the purposes of this section; or

(ii) by the Rural Electrification Corporation Limited, a company formed and registered under the Companies Act, 1956, and notified by the Central Government in the Official Gazette for the purposes of this section."

14. In section 54ED of the Income-tax Act, in sub-section (1), for the words "from the transfer of a long-term capital asset", the words, figures and letters "from the transfer before the 1st day of April, 2006, of a long-term capital asset," shall be substituted with effect from the 1st day of April, 2007. Amendment of section 54ED.

15. After section 80AB of the Income-tax Act, the following section shall be inserted, namely:— Insertion of new section 80AC.

"80AC. Where in computing the total income of an assessee of the previous year relevant to the assessment year commencing on the 1st day of April, 2006 or any subsequent assessment year, any deduction is admissible under section 80-IA or section 80-IAB or section 80-IB or section 80-IC, no such deduction shall be allowed to him unless he furnishes a return of his income for such assessment year on or before the due date specified under sub-section (1) of section 139." Deduction not to be allowed unless return furnished.

16. In section 80C of the Income-tax Act, in sub-section (2), with effect from the 1st day of April, 2007,— Amendment of section 80C

(a) in clause (xi), for the words, brackets, figures and letter "notified under clause (23D)", the words, brackets, figures and letter "referred to in clause (23D)" shall be substituted;

(b) in clause (xiii), for the words, brackets, figures and letter "notified under clause (23D)", the words, brackets, figures and letter "referred to in clause (23D)" shall be substituted;

(c) in clause (xiv), for the words, brackets, figures and letter "notified under clause (23D)", the words, brackets, figures and letter "referred to in clause (23D)" shall be substituted;

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

'(xxi) as term deposit—

(a) for a fixed period of not less than five years with a scheduled bank;
and

(b) which is in accordance with a scheme framed and notified, by the Central Government, in the Official Gazette for the purposes of this clause.

Explanation.—For the purposes of this clause, "scheduled bank" means the State Bank of India constituted under the State Bank of India Act, 1955, or a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or any other bank, being a bank included in the Second Schedule to the Reserve Bank of India Act, 1934. 23 of 1955.
38 of 1959.
5 of 1970.
40 of 1980.
2 of 1934.

17. In section 80CCC of the Income-tax Act, in sub-section (1), for the words "ten thousand rupees", the words "one lakh rupees" shall be substituted with effect from the 1st day of April, 2007. Amendment of section 80CCC.

18. In section 80-IA of the Income-tax Act, in sub-section (4), with effect from the 1st day of April, 2007,— Amendment of section 80-IA.

(a) in clause (iii), after the proviso, the following proviso shall be inserted, namely:—

'Provided further that in the case of any undertaking which develops, develops and operates or maintains and operates an industrial park, the provisions of this clause shall have effect as if for the figures, letters and words "31st day of March, 2006", the figures, letters and words "31st day of March, 2009" had been substituted;'

(b) in clause (iv),—

(i) in sub-clause (a), for the words, figures and letters "the 31st day of March, 2006", the words, figures and letters "the 31st day of March, 2010" shall be substituted;

(ii) in sub-clause (b), for the words, figures and letters "the 31st day of March, 2006", the words, figures and letters "the 31st day of March, 2010" shall be substituted;

(iii) in sub-clause (c), for the words, figures and letters "the 31st day of March, 2006", the words, figures and letters "the 31st day of March, 2010" shall be substituted.

19. In section 80P of the Income-tax Act, after sub-section (3), the following shall be inserted with effect from the 1st day of April, 2007, namely:—

'(4) The provisions of this section shall not apply in relation to any co-operative bank other than a primary agricultural credit society or a primary co-operative agricultural and rural development bank.

Amendment
of section
80P.

Explanation.—For the purposes of this sub-section,—

(a) "co-operative bank" and "primary agricultural credit society" shall have the meanings respectively assigned to them in Part V of the Banking Regulation Act, 1949;

(b) "primary co-operative agricultural and rural development bank" means a society having its area of operation confined to a taluk and the principal object of which is to provide for long-term credit for agricultural and rural development activities.¹

20. In Chapter IX of the Income-tax Act, after section 90, the following section shall be inserted with effect from the 1st day of June, 2006, namely:—

'90A. (1) Any specified association in India may enter into an agreement with any specified association in the specified territory outside India and the Central Government may, by notification in the Official Gazette, make such provisions as may be necessary for adopting and implementing such agreement—

(a) for the granting of relief in respect of—

(i) income on which have been paid both income-tax under this Act and income-tax in any specified territory outside India; or

(ii) income-tax chargeable under this Act and under the corresponding law in force in that specified territory outside India to promote mutual economic relations, trade and investment, or

(b) for the avoidance of double taxation of income under this Act and under the corresponding law in force in that specified territory outside India, or

(c) for exchange of information for the prevention of evasion or avoidance of income-tax chargeable under this Act or under the corresponding law in force in that specified territory outside India, or investigation of cases of such evasion or avoidance, or

(d) for recovery of income-tax under this Act and under the corresponding law in force in that specified territory outside India.

(2) Where a specified association in India has entered into an agreement with a specified association of any specified territory outside India under sub-section (1) and such agreement has been notified under that sub-section, for granting relief of tax, or as the case may be, avoidance of double taxation, then, in relation to the assessee to whom such agreement applies, the provisions of this Act shall apply to the extent they are more beneficial to that assessee.

(3) Any term used but not defined in this Act or in the agreement referred to in sub-section (1) shall, unless the context otherwise requires, and is not inconsistent with the provisions of this Act or the agreement, have the same meaning as assigned to it in the notification issued by the Central Government in the Official Gazette in this behalf.

Explanation 1.—For the removal of doubts, it is hereby declared that the charge of tax in respect of a company incorporated in the specified territory outside India at a rate higher than the rate at which a domestic company is chargeable, shall not be regarded as less favourable charge or levy of tax in respect of such company.

Explanation 2.—For the purposes of this section, the expressions—

(a) "specified association" means any institution, association or body, whether incorporated or not, functioning under any law for the time being in

Insertion of new section 90A.

Adoption by Central Government of agreement between specified associations for double taxation relief.

force in India or the laws of the specified territory outside India and which may be notified as such by the Central Government for the purposes of this section;

(b) "specified territory" means any area outside India which may be notified as such by the Central Government for the purposes of this section.'

Amendment of section 92C.

21. In section 92C of the Income-tax Act, in sub-section (4), in the first proviso, for the words, figures and letters "section 10A or section 10B", the words, figures and letters "section 10A or section 10AA or section 10B" shall be substituted with effect from the 1st day of April, 2007.

Insertion of new section 115BBC.

22. In Chapter XII of the Income-tax Act, after section 115BBB, the following section shall be inserted with effect from the 1st day of April, 2007, namely:—

Anonymous donations to be taxed in certain cases.

'115BBC. (1) Where the total income of an assessee, being a person in receipt of income on behalf of any university or other educational institution referred to in sub-clause (iiiad) or sub-clause (vi) or any hospital or other institution referred to in sub-clause (iii ae) or sub-clause (via) or any fund or institution referred to in sub-clause (iv) or any trust or institution referred to in sub-clause (v) of clause (23C) of section 10 or any trust or institution referred to in section 11, includes any income by way of any anonymous donation, the income-tax payable shall be the aggregate of—

(i) the amount of income-tax calculated on the income by way of any anonymous donation, at the rate of thirty per cent.; and

(ii) the amount of income-tax with which the assessee would have been chargeable had his total income been reduced by the amount of income referred to in clause (i).

(2) The provisions of sub-section (1) shall not apply to any anonymous donation received by—

(a) any trust or institution created or established wholly for religious purposes;

(b) any trust or institution created or established wholly for religious and charitable purposes other than any anonymous donation made with a specific direction that such donation is for any university or other educational institution or any hospital or other medical institution run by such trust or institution.

(3) For the purposes of this section, "anonymous donation" means any voluntary contribution referred to in sub-clause (iia) of clause (24) of section 2, where a person receiving such contribution does not maintain a record of the identity indicating the name and address of the person making such contribution and such other particulars as may be prescribed.'

Amendment of section 115JAA.

23. In section 115JAA of the Income-tax Act, for sub-sections (2) and (3), the following sub-sections shall be substituted with effect from the 1st day of April, 2007, namely:—

"(2) The tax credit to be allowed under sub-section (1) shall be the difference of the tax paid for any assessment year under sub-section (1) of section 115JA and the amount of tax payable by the assessee on his total income computed in accordance with the other provisions of this Act:

Provided that no interest shall be payable on the tax credit allowed under sub-section (1).

(2A) The tax credit to be allowed under sub-section (1A) shall be the difference of the tax paid for any assessment year under sub-section (1) of section 115JB and the amount of tax payable by the assessee on his total income computed in accordance with the other provisions of this Act:

Provided that no interest shall be payable on the tax credit allowed under sub-section (1A).

(3) The amount of tax credit determined under sub-section (2) shall be carried forward and set off in accordance with the provisions of sub-sections (4) and (5) but such carry forward shall not be allowed beyond the fifth assessment year immediately succeeding the assessment year in which tax credit becomes allowable under sub-section (1).

(3A) The amount of tax credit determined under sub-section (2A) shall be carried forward and set off in accordance with the provisions of sub-sections (4) and (5) but such carry forward shall not be allowed beyond the seventh assessment year immediately succeeding the assessment year in which tax credit becomes allowable under sub-section (1A)."

24. In section 115JB of the Income-tax Act, with effect from the 1st day of April, 2007,—

Amendment
of section
115JB.

(i) in sub-section (1),—

(a) for the words, figures and letters "the 1st day of April, 2001", the words, figures and letters "the 1st day of April, 2007" shall be substituted;

(b) for the words "seven and one-half per cent.", at both the places where they occur, the words "ten per cent." shall be substituted;

(ii) in the *Explanation* occurring after sub-section (2),—

(a) in clause (f), for the words, figures, brackets and letters "section 10 (other than the provisions contained in clause (23G) thereof) or section 10A or section 10B or section 11 or section 12 apply," the words, figures, brackets and letters "section 10 [other than the provisions contained in clause (38) thereof] or section 10A or section 10B or section 11 or section 12 apply; or" shall be substituted;

(b) after clause (f),—

(A) the following clause shall be inserted, namely:—

"(g) the amount of depreciation,";

(B) for the portion beginning with the words "if any amount", and ending with the words "as reduced by—", the following shall be substituted, namely:—

"if any amount referred to in clauses (a) to (g) is debited to the profit and loss account, and as reduced by—";

(c) in clause (ii), for the words, figures, brackets and letter "section 10 (other than the provisions contained in clause (23G) thereof)", the words, figures and brackets "section 10 [other than the provisions contained in clause (38) thereof]" shall be substituted;

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

"(iia) the amount of depreciation debited to the profit and loss account (excluding the depreciation on account of revaluation of assets);
or

"(iib) the amount withdrawn from revaluation reserve and credited to the profit and loss account, to the extent it does not exceed the amount of depreciation on account of revaluation of assets referred to in clause (iia);
or".

Amendment
of section
115-O.

25. In section 115-O of the Income-tax Act, in sub-section (6), the words, brackets, figures and letter "not falling under clause (23G) of section 10" shall be omitted with effect from the 1st day of April, 2007.

Amendment
of section
115R.

26. In section 115R of the Income-tax Act, in sub-section (2), in the proviso, in clause (b), the word "open-ended" shall be omitted with effect from the 1st day of June, 2006.

Amendment
of section
115T.

27. In section 115T of the Income-tax Act, in the *Explanation*, in clause (b), with effect from the 1st day of June, 2006,—

(i) the word "open-ended" shall be omitted;

(ii) in sub-clause (ii), for the words "fifty per cent.", the words "sixty-five per cent." shall be substituted.

Amendment
of section
115WB.

28. In section 115WB of the Income-tax Act, with effect from the 1st day of April, 2007,—

(a) in sub-section (2),—

(i) in clause (D), in the proviso,—

(A) in clause (v), the word "and" occurring at the end shall be omitted;

(B) after clause (vi), the following clauses shall be inserted, namely:—

"(vii) being the expenditure on distribution of free samples of medicines or of medical equipment, to doctors; and

(viii) being the expenditure by way of payment to any person of repute for promoting the sale of goods or services of the business of the employer,";

(ii) in clause (F), the words and brackets "tour and travel (including foreign travel)" shall be omitted;

(iii) after clause (P), the following clause shall be inserted, namely:—

"(Q) tour and travel (including foreign travel).";

(b) in sub-section (3), after the words "payable by the employee", the words "or any benefit or amenity in the nature of free or subsidised transport or any such allowance provided by the employer to his employees for journeys by the employees from their residence to the place of work or such place of work to the place of residence" shall be inserted at the end.

Amendment
of section
115WC.

29. In section 115WC of the Income-tax Act, with effect from the 1st day of April, 2007,—

(a) in sub-section (1),—

(i) for clause (b), the following clause shall be substituted, namely:—

"(b) the amount of contribution, referred to in clause (c) of sub-section (1) of section 115WB, which exceeds one lakh rupees in respect of each employee;"

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

"(e) five per cent. of the expenses referred to in clause (Q) of sub-section (2) of section 115WB.";

(b) in sub-section (2),—

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

(aa) in the case of an employer engaged in the business of carriage of passengers or goods by aircraft, the value of fringe benefits for the

purposes referred to in clause (B) of sub-section (2) of section 115WB shall be "five per cent." instead of "twenty per cent." referred to in clause (c) of sub-section (1);

(ab) in the case of an employer engaged in the business of carriage of passengers or goods by ship, the value of fringe benefits for the purposes referred to in clause (B) of sub-section (2) of section 115WB shall be "five per cent." instead of "twenty per cent." referred to in clause (c) of sub-section (1);;

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

(da) in the case of an employer engaged in the business of carriage of passengers or goods by aircraft, the value of fringe benefits for the purposes referred to in clause (G) of sub-section (2) of section 115WB shall be "five per cent." instead of "twenty per cent." referred to in clause (c) of sub-section (1);

(db) in the case of an employer engaged in the business of carriage of passengers or goods by ship, the value of fringe benefits for the purposes referred to in clause (G) of sub-section (2) of section 115WB shall be "five per cent." instead of "twenty per cent." referred to in clause (c) of sub-section (1);

30. In section 120 of the Income-tax Act, in sub-section (1), the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1988, namely:—

Amendment
of section
120.

"Explanation.—For the removal of doubts, it is hereby declared that any income-tax authority, being an authority higher in rank, may, if so directed by the Board, exercise the powers and perform the functions of the income-tax authority lower in rank and any such direction issued by the Board shall be deemed to be a direction issued under sub-section (1)."

31. In section 139 of the Income-tax Act,—

Amendment
of section
139.

(1) in sub-section (1), in the first proviso, after clause (vi), for the words "during the previous year", the words, figures and letters "during any previous year ending before the 1st day of April, 2005" shall be substituted;

(II) in sub-section (9), in the *Explanation*,—

(A) in clause (c), in sub-clause (i),—

(a) for the words "deducted at source", the words "deducted or collected at source" shall be substituted with effect from the 1st day of April, 2007;

(b) for the words, figures and letters "before the 1st day of April, 2006", the words, figures and letters "before the 1st day of April, 2008" shall be substituted;

(c) in the proviso, with effect from the 1st day of April, 2007,—

(i) for the words "claimed to have been deducted at source", the words "claimed to have been deducted or collected at source" shall be substituted;

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

"(a) a certificate for tax deducted or collected was not furnished under section 203 or section 206C to the person furnishing his return of income;"

(B) after clause (f), the following proviso shall be inserted with effect from the 1st day of June, 2006, namely:—

"Provided that the Board may, by rules made by it,—

(a) dispense, for a class or classes of persons, with any of the conditions specified in clauses (a) to (f); or

(b) include any of the conditions specified in clauses (a) to (f) of this *Explanation* in the form of return prescribed under sub-section (1) or sub-section (6) of this section."

Amendment
of section
139A.

32. In section 139A of the Income-tax Act,—

(a) after sub-section (1A), the following sub-section shall be inserted with effect from the 1st day of June, 2006, namely:—

"(1B) Notwithstanding anything contained in sub-section (1), the Central Government may, for the purpose of collecting any information which may be useful for or relevant to the purposes of this Act, by notification in the Official Gazette, specify, any class or classes of persons who shall apply to the Assessing Officer for the allotment of the permanent account number and such persons shall, within such time as mentioned in that notification, apply to the Assessing Officer for the allotment of a permanent account number.";

(b) for sub-section (2), the following sub-section shall be substituted with effect from the 1st day of June, 2006, namely:—

"(2) The Assessing Officer, having regard to the nature of the transactions as may be prescribed, may also allot a permanent account number, to any other person (whether any tax is payable by him or not), in the manner and in accordance with the procedure as may be prescribed.";

(c) in sub-section (5B), after clause (iii), the following clause shall be inserted with effect from the 1st day of June, 2006, namely:—

"(iv) in all quarterly statements prepared and delivered or caused to be delivered in accordance with the provisions of sub-section (3) of section 200:";

(d) in sub-section (5C), for the word "seller", the words "person responsible for collecting tax" shall be substituted with effect from the 1st day of April, 2007;

(e) in sub-section (5D),—

(A) in the opening portion, for the word "seller", the word "person" shall be substituted with effect from the 1st day of April, 2007;

(B) after clause (ii), the following clause shall be inserted with effect from the 1st day of June, 2006, namely:—

"(iii) in all quarterly statements prepared and delivered or caused to be delivered in accordance with the provisions of sub-section (3) of section 206C."

Insertion of
new section
139B.
Scheme for
submission of
returns
through Tax
Return
Preparers:

33. After section 139A of the Income-tax Act, the following section shall be inserted with effect from the 1st day of June, 2006, namely:—

139B. (1) For the purpose of enabling any specified class or classes of persons in preparing and furnishing returns of income, the Board may, without prejudice to the provisions of section 139, frame a Scheme, by notification in the Official Gazette, providing that such persons may furnish their returns of income through a Tax Return Preparer authorised to act as such under the Scheme.

(2) Every Tax Return Preparer shall assist the persons furnishing the return of income in such manner as may be specified in the Scheme framed under this section and affix his signature on such return.

(3) For the purposes of this section,—

(a) "Tax Return Preparer" means any individual, [not being a person referred to in clause (ii) or clause (iii) or clause (iv) of sub-section (2) of section 288 or an employee of the "specified class or classes of persons"], who has been authorised to act as a Tax Return Preparer under the Scheme framed under this section;

(b) "specified class or classes of persons" means any person, other than a company or a person, whose accounts are required to be audited under section 44AB or under any other law for the time being in force, who is required to furnish a return of income under this Act.

(4) The Scheme framed by the Board under this section may provide for the following, namely:—

(a) the manner in which and the period for which the Tax Return Preparers shall be authorised under sub-section (3);

(b) the educational and other qualifications to be possessed, and the training and other conditions required to be fulfilled, by a person to act as a Tax Return Preparer;

(c) the code of conduct for the Tax Return Preparers;

(d) the duties and obligations of the Tax Return Preparers;

(e) the circumstances under which the authorisation given to a Tax Return Preparer may be withdrawn;

(f) any other matter which is required to be, or may be, specified by the Scheme for the purposes of this section.

(5) The Scheme framed by the Board under this section shall be laid, as soon as may be after it is framed, 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 Scheme or both Houses agree that the Scheme should not be framed, the Scheme 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 Scheme.'

34. In section 140A of the Income-tax Act, with effect from the 1st day of April, 2007,—

(a) in sub-section (1), for the words "after taking into account the amount of tax, if any, already paid under any provision of this Act", the following shall be substituted, namely:—

"after taking into account,—

(i) the amount of tax, if any, already paid under any provision of this Act;

(ii) any tax deducted or collected at source;

(iii) any relief of tax or deduction of tax claimed under section 90 or section 91 on account of tax paid in a country outside India;

(iv) any relief of tax claimed under section 90A on account of tax paid in any specified territory outside India referred to in that section; and

(v) any tax credit claimed to be set off in accordance with the provisions of section 115JAA,";

Amendment of section 140A.

(b) in sub-section (1A), for clause (i), the following clause shall be substituted, namely:—

"(i) under section 234A shall be computed on the amount of the tax on the total income as declared in the return as reduced by the amount of,—

- (a) advance tax, if any, paid;
- (b) any tax deducted or collected at source;
- (c) any relief of tax or deduction of tax claimed under section 90 or section 91 on account of tax paid in a country outside India;
- (d) any relief of tax claimed under section 90A on account of tax paid in any specified territory outside India referred to in that section; and
- (e) any tax credit claimed to be set off in accordance with the provisions of section 115JAA;"

(c) in sub-section (1B), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Explanation.—For the purposes of this sub-section, "assessed tax" means the tax on the total income as declared in the return as reduced by the amount of,—

- (i) tax deducted or collected at source, in accordance with the provisions of Chapter XVII, on any income which is subject to such deduction or collection and which is taken into account in computing such total income;
- (ii) any relief of tax or deduction of tax claimed under section 90 or section 91 on account of tax paid in a country outside India;
- (iii) any relief of tax claimed under section 90A on account of tax paid in any specified territory outside India referred to in that section; and
- (iv) any tax credit claimed to be set off in accordance with the provisions of section 115JAA.'

Amendment of section 140A.

35. In section 142 of the Income-tax Act, in sub-section (1), in clause (i),—

(a) for the words, brackets and figures "within the time allowed under sub-section (1) of section 139", the words, brackets and figures "within the time allowed under sub-section (1) of section 139 or before the end of the relevant assessment year" shall be substituted;

(b) the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1990, namely:—

"Provided that where any notice has been served under this sub-section for the purposes of this clause after the end of the relevant assessment year commencing on or after the 1st day of April, 1990 to a person who has not made a return within the time allowed under sub-section (1) of section 139 or before the end of the relevant assessment year, any such notice issued to him shall be deemed to have been served in accordance with the provisions of this sub-section."

Amendment of section 148.

36. In section 148 of the Income-tax Act, in sub-section (1),—

(i) the following provisos shall be inserted and shall be deemed to have been inserted with effect from the 1st day of October, 1991, namely:—

"Provided that in a case—

- (a) where a return has been furnished during the period commencing on the 1st day of October, 1991 and ending on the 30th day of September, 2005 in response to a notice served under this section, and

(b) subsequently a notice has been served under sub-section (2) of section 143 after the expiry of twelve months specified in the proviso to sub-section (2) of section 143, as it stood immediately before the amendment of said sub-section by the Finance Act, 2002 but before the expiry of the time limit for making the assessment, reassessment or recomputation as specified in sub-section (2) of section 153, every such notice referred to in this clause shall be deemed to be a valid notice:

Provided further that in a case—

(a) where a return has been furnished during the period commencing on the 1st day of October, 1991 and ending on the 30th day of September, 2005, in response to a notice served under this section, and

(b) subsequently a notice has been served under clause (ii) of sub-section (2) of section 143 after the expiry of twelve months specified in the proviso to clause (ii) of sub-section (2) of section 143, but before the expiry of the time limit for making the assessment, reassessment or recomputation as specified in sub-section (2) of section 153, every such notice referred to in this clause shall be deemed to be a valid notice.":

(ii) after the second proviso as so inserted by clause (i), the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of October, 2005, namely:—

"Explanation.—For the removal of doubts, it is hereby declared that nothing contained in the first proviso or the second proviso shall apply to any return which has been furnished on or after the 1st day of October, 2005 in response to a notice served under this section."

37. In section 153 of the Income-tax Act, with effect from the 1st day of June, 2006,—

Amendment
of section
153

(a) in sub-section (1), the following proviso shall be inserted, namely:—

'Provided that in case the assessment year in which the income was first assessable is the assessment year commencing on the 1st day of April, 2004 or any subsequent assessment year, the provisions of clause (a) shall have effect as if for the words "two years", the words "twenty-one months" had been substituted.':

(b) in sub-section (1A), for the words "two years", the words "twenty-one months" shall be substituted;

(c) in sub-section (1B), for the words "one year", the words "nine months" shall be substituted;

(d) in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

'Provided further that where the notice under section 148 was served on or after the 1st day of April, 2005, the provisions of this sub-section shall have effect as if for the words "one year", the words "nine months" had been substituted.':

(e) in sub-section (2A), after the proviso, the following proviso shall be inserted, namely:—

'Provided further that where the order under section 254 is received by the Chief Commissioner or Commissioner or, as the case may be, the order under section 263 or section 264 is passed by the Commissioner on or after the 1st day of April, 2005, the provisions of this sub-section shall have effect as if for the words "one year", the words "nine months" had been substituted.':

Amendment
of section
153B.

38. In section 153B 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 June, 2006, namely:—

'Provided further that in the case where the last of the authorisations for search under section 132 or for requisition under section 132A was executed during the financial year commencing on the 1st day of April, 2004 or any subsequent financial year,—

(i) the provisions of clause (a) or clause (b) of this sub-section shall have effect as if for the words "two years" the words "twenty-one months" had been substituted;

(ii) the period of limitation for making the assessment or reassessment in case of other person referred to in section 153C, shall be the period of twenty-one months from the end of the financial year in which the last of the authorisations for search under section 132 or for requisition under section 132A was executed or nine months from the end of the financial year in which books of account or documents or assets seized or requisitioned are handed over under section 153C to the Assessing Officer having jurisdiction over such other person, whichever is later.'

Amendment
of section
155.

39. In section 155 of the Income-tax Act, in sub-section (14), with effect from the 1st day of April, 2007,—

(a) for the words and figures "credit for tax deducted in accordance with the provisions of section 199", the words, figures and letter "credit for tax deducted or collected in accordance with the provisions of section 199 or, as the case may be, section 206C" shall be substituted;

(b) for the word and figures "section 203", the words, figures and letter "section 203 or section 206C" shall be substituted;

(c) in the proviso, for the words "income from which the tax has been deducted", the words "income from which the tax has been deducted or income on which the tax has been collected" shall be substituted.

Amendment
of section
194A.

40. In section 194A of the Income-tax Act, in sub-section (3), *Explanation 2* shall be omitted.

Amendment
of section
199.

41. In section 199 of the Income-tax Act, in sub-section (3), for the figures, letters and words "1st day of April, 2006", the figures, letters and words "1st day of April, 2008" shall be substituted.

Amendment
of section
201.

42. In section 201 of the Income-tax Act, in sub-section (1A), after the words "such tax is actually paid", occurring at the end, the words, brackets and figures "and such interest shall be paid before furnishing the quarterly statement for each quarter in accordance with the provisions of sub-section (3) of section 200" shall be inserted with effect from the 1st day of June, 2006.

Amendment
of section
203.

43. In section 203 of the Income-tax Act, in sub-section (3), for the figures, letters and words "1st day of April, 2006", the figures, letters and words "1st day of April, 2008" shall be substituted.

Amendment
of section
203A.

44. In section 203A of the Income-tax Act, in sub-section (2), after clause (b), the following clause shall be inserted with effect from the 1st day of June, 2006, namely:—

"(ba) in all the quarterly statements prepared and delivered or caused to be delivered in accordance with the provisions of sub-section (3) of section 200 or sub-section (3) of section 206C;".

Amendment
of section
203AA.

45. In section 203AA of the Income-tax Act, for the figures, letters and words "1st day of April, 2005", the figures, letters and words "1st day of April, 2008" shall be substituted.

46. In section 206 of the Income-tax Act, in sub-section (1), for the words "responsible for deducting tax", the words, figures and letters "responsible for deducting tax before the 1st day of April, 2005" shall be substituted.

Amendment
of section
206.

47. In section 206C of the Income-tax Act,—

Amendment
of section
206C.

(a) in sub-section (4), in the proviso, for the figures, letters and words "1st day of April, 2006", the figures, letters and words "1st day of April, 2008" shall be substituted;

(b) in sub-section (5),—

(i) in the first proviso, for the figures, letters and words "1st day of April, 2006", the figures, letters and words "1st day of April, 2008" shall be substituted;

(ii) in the second proviso, for the words "after the end of each financial year", the words, figures and letters "after the end of each financial year beginning on or after the 1st day of April, 2008" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 2005;

(c) in sub-section (5A), for the words "collecting tax", the words, figures and letters "collecting tax before the 1st day of April, 2005" shall be substituted;

(d) after sub-section (6), the following sub-section shall be inserted with effect from the 1st day of April, 2007, namely:—

"(6A) If any person responsible for collecting tax in accordance with the provisions of this section does not collect the whole or any part of the tax or after collecting, fails to pay the tax as required by or under this Act, he shall, without prejudice to any other consequences which he may incur, be deemed to be an assessee in default in respect of the tax:

Provided that no penalty shall be charged under section 221 from such person unless the Assessing Officer is satisfied that the person has without good and sufficient reasons failed to collect and pay the tax.";

(e) in sub-section (7),—

(i) for the word "seller", the words "person responsible for collecting tax" shall be substituted with effect from the 1st day of April, 2007;

(ii) after the words "tax was actually paid", occurring at the end, the words, brackets and figure "and such interest shall be paid before furnishing the quarterly statement for each quarter in accordance with the provisions of sub-section (3)" shall be inserted with effect from the 1st day of June, 2006;

(f) in sub-section (8), for the word "seller", the words "person responsible for collecting tax" shall be substituted with effect from the 1st day of April, 2007.

48. In section 234A of the Income-tax Act, in sub-section (1), after clause (b), for the words, brackets and figures "on the amount of the tax on the total income as determined under sub-section (1) of section 143 or on regular assessment as reduced by the advance tax, if any, paid and any tax deducted or collected at source", the following shall be substituted with effect from the 1st day of April, 2007, namely:—

Amendment
of section
234A.

"on the amount of the tax on the total income as determined under sub-section (1) of section 143, and where a regular assessment is made, on the amount of the tax on the total income determined under regular assessment, as reduced by the amount of,—

(i) advance tax, if any, paid;

(ii) any tax deducted or collected at source;

(iii) any relief of tax allowed under section 90 on account of tax paid in a country outside India;

(iv) any relief of tax allowed under section 90A on account of tax paid in a specified territory outside India referred to in that section;

(v) any deduction, from the Indian income-tax payable, allowed under section 91, on account of tax paid in a country outside India; and

(vi) any tax credit allowed to be set off in accordance with the provisions of section 115JAA."

Amendment
of section
234B.

49. In section 234B of the Income-tax Act, in sub-section (1), for *Explanation 1*, the following *Explanation* shall be substituted with effect from the 1st day of April, 2007, namely:—

'Explanation 1.—In this section, "assessed tax" means the tax on the total income determined under sub-section (1) of section 143 and where a regular assessment is made, the tax on the total income determined under such regular assessment as reduced by the amount of,—

(i) any tax deducted or collected at source in accordance with the provisions of Chapter XVII on any income which is subject to such deduction or collection and which is taken into account in computing such total income;

(ii) any relief of tax allowed under section 90 on account of tax paid in a country outside India;

(iii) any relief of tax allowed under section 90A on account of tax paid in a specified territory outside India referred to in that section;

(iv) any deduction, from the Indian income-tax payable, allowed under section 91, on account of tax paid in a country outside India; and

(v) any tax credit allowed to be set off in accordance with the provisions of section 115JAA.'

Amendment
of section
234C.

50. In section 234C of the Income-tax Act, in sub-section (1), for the *Explanation*, the following *Explanation* shall be substituted with effect from the 1st day of April, 2007, namely:—

'Explanation.—In this section, "tax due on the returned income" means the tax chargeable on the total income declared in the return of income furnished by the assessee for the assessment year commencing on the 1st day of April immediately following the financial year in which the advance tax is paid or payable, as reduced by the amount of,—

(i) any tax deductible or collectible at source in accordance with the provisions of Chapter XVII on any income which is subject to such deduction or collection and which is taken into account in computing such total income;

(ii) any relief of tax allowed under section 90 on account of tax paid in a country outside India;

(iii) any relief of tax allowed under section 90A on account of tax paid in a specified territory outside India referred to in that section;

(iv) any deduction, from the Indian income-tax payable, allowed under section 91, on account of tax paid in a country outside India; and

(v) any tax credit allowed to be set off in accordance with the provisions of section 115JAA.'

Amendment
of section
246A.

51. In section 246A of the Income-tax Act, in sub-section (1), in clause (n), for the word, figures and letter "section 271C", the words, figures and letters "section 271C, section 271CA" shall be substituted with effect from the 1st day of April, 2007.

Insertion of
new section
271CA.

52. After section 271C of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 2007, namely:—

"271CA. (1) If any person fails to collect the whole or any part of the tax as required by or under the provisions of Chapter XVII-BB, then, such person shall be liable to pay, by way of penalty, a sum equal to the amount of tax which such person failed to collect as aforesaid.

Penalty for failure to collect tax at source.

(2) Any penalty imposable under sub-section (1) shall be imposed by the Joint Commissioner."

53. In section 272A of the Income-tax Act, in sub-section (2), in the proviso, after the words, figures and letter "returns under sections 206 and 206C", the words, brackets, figures and letter "and statements under sub-section (3) of section 200 or the proviso to sub-section (3) of section 206C" shall be inserted with effect from the 1st day of June, 2006.

Amendment of section 272A.

54. In section 272BB of the Income-tax Act, with effect from the 1st day of June, 2006,—

Amendment of section 272BB.

(i) after sub-section (1), the following sub-section shall be inserted, namely:—

(1A) If a person who is required to quote his "tax deduction account number" or, as the case may be, "tax collection account number" or "tax deduction and collection account number" in the challans or certificates or statements or other documents referred to in sub-section (2) of section 203A, quotes a number which is false, and which he either knows or believes to be false or does not believe to be true, the Assessing Officer may direct that such person shall pay, by way of penalty, a sum of ten thousand rupees.;

(ii) in sub-section (2), after the word, brackets and figure "sub-section (1)", the words, brackets, figure and letter "or sub-section (1A)" shall be inserted.

55. In section 273B of the Income-tax Act,—

Amendment of section 273B.

(a) for the word, figures and letter "section 271C", the words, figures and letters "section 271C, section 271CA" shall be substituted with effect from the 1st day of April, 2007;

(b) for the words, brackets, figures and letters "sub-section (1) of section 272BB", the words, brackets, figures and letters "sub-section (1) or sub-section (1A) of section 272BB" shall be substituted with effect from the 1st day of June, 2006.

56. In the Fourth Schedule to the Income-tax Act, in Part A, with effect from the 1st day of April, 2007,—

Amendment of Fourth Schedule.

(a) in rule 3, after sub-rule (1), the following proviso shall be inserted, namely:—

"Provided that in a case where recognition has been accorded to any provident fund on or before the 31st day of March, 2006 and such provident fund does not satisfy the conditions set out in clause (ea) of rule 4, the recognition to such fund shall be withdrawn, if such fund does not satisfy, on or before the 31st day of March, 2007, the conditions set out in the said clause and any other condition which the Board may, by rules specify, in this behalf.;"

(b) in rule 4, after clause (e), the following clause shall be inserted, namely:—

"(ea) the fund of an establishment to which the provisions of sub-section (3) or sub-section (4) of section 1 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 apply, and such establishment has been exempted under section 17 of the said Act from the operation of all or any of the provisions of any Scheme referred to in that section.;"

Wealth-tax

Amendment of
Act 27 of
1957.

57. In section 17A of the Wealth-tax Act, with effect from the 1st day of June, 2006,—

(a) in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

'Provided further that in case the assessment year in which the net wealth was first assessable is the assessment year commencing on the 1st day of April, 2004 or any subsequent year, the provisions of this sub-section shall have effect as if for the words "two years", the words "twenty-one months" had been substituted.';

(b) in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

'Provided further that where the notice under sub-section (1) of section 17 was served on or after the 1st day of April, 2005, the provisions of this sub-section shall have effect as if for the words "one year", the words "nine months" had been substituted.';

(c) in sub-section (3), after the proviso, the following proviso shall be inserted, namely:—

'Provided further that where the order under section 23A or section 24 is received by the Chief Commissioner or Commissioner or, as the case may be, the order under section 25 is passed by the Commissioner, on or after the 1st day of April, 2005, the provisions of this sub-section shall have effect as if for the words "one year", the words "nine months" had been substituted.'

CHAPTER IV

INDIRECT TAXES

Customs

Amendment
of section 23.

58. In section 23 of the Customs Act, 1962 (hereinafter referred to as the Customs Act), in sub-section (2), the following proviso shall be inserted, namely:—

52 of 1962.

"Provided that the owner of any such imported goods shall not be allowed to relinquish his title to such goods regarding which an offence appears to have been committed under this Act or any other law for the time being in force."

Amendment
of section 68.

59. In section 68 of the Customs Act, after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the owner of any such warehoused goods shall not be allowed to relinquish his title to such goods regarding which an offence appears to have been committed under this Act or any other law for the time being in force."

Amendment
of
notifications
issued under
section 25 of
Customs Act.

60. (1) The notifications of the Government of India in the Ministry of Finance (Department of Revenue) numbers G.S.R. 423(E), dated the 20th April, 1992 and G.S.R. 619(E), dated the 17th September, 2004, issued under sub-section (1) of section 25 of the Customs Act, shall stand amended and shall be deemed to have been amended in the manner as specified against each of them in column (3) of the Second Schedule, on and from the corresponding date mentioned in column (4) of that Schedule, retrospectively, and accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, any action taken or anything done or purported to have been taken or done under the said notifications, shall be deemed to be, and always to have been, for all purposes, as validly and effectively taken or done as if the notifications as amended by this sub-section had been in force at all material times.

(2) Notwithstanding the expiration of the notifications referred to in sub-section (1), the Central Government shall have and shall be deemed to have the power to amend the notifications referred to in the said sub-section with retrospective effect as if the Central Government had the power to amend the said notifications under sub-section (1) of section 25 of the Customs Act, retrospectively, at all material times.

Explanation.—For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this section had not come into force.

Customs tariff

51 of 1975. **61.** In section 9 of the Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act).— Amendment of section 9.

(a) in sub-section (1), in the *Explanation*, in clause (a), for the words “within the territory of the exporting or producing country”, the words “in the exporting or producing country or territory” shall be substituted;

(b) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7A) Unless otherwise provided, the provisions of the Customs Act, 1962 and the rules and regulations made thereunder, relating to the date for determination of rate of duty, non-levy, short-levy, refunds, interest, appeals, offences and penalties shall, as far as may be, apply to the duty chargeable under this section as they apply in relation to duties leviable under that Act.”

52 of 1962.

62. In section 9A of the Customs Tariff Act, in sub-section (1), in the *Explanation*, in clause (c), in sub-clause (i), for the words “meant for consumption”, the words “destined for consumption” shall be substituted. Amendment of section 9A

63. In the Customs Tariff Act, the First Schedule shall,—

(a) be amended in the manner specified in the Third Schedule; and

(b) with effect from the 1st day of January, 2007, be also amended in the manner specified in the Fourth Schedule. Amendment of First Schedule.

Excise

1 of 1944. **64.** In section 12C of the Central Excise Act, 1944 (hereinafter referred to as the Central Excise Act), in sub-section (2), after clause (c), the following clause shall be inserted, namely:— Amendment of section 12C.

“(d) the surplus amount referred to in sub-section (6) of section 73A of the Finance Act, 1994.”

32 of 1994.

65. In section 23C of the Central Excise Act, in sub-section (2), after clause (e), the following clause shall be inserted, namely:— Amendment of section 23C.

“(f) determination of the liability to pay duties of excise on any goods under this Act.”

66. In the Central Excise Act, the Third Schedule shall,—

(a) with effect from the 1st day of January, 2007, be amended in the manner specified in Part I of the Fifth Schedule; and Amendment of Third Schedule

(b) with effect from such date as the Central Government may, by notification in the Official Gazette, appoint, be also amended in the manner specified in Part II of the said Fifth Schedule.

Excise tariff

Amendment
of First
Schedule to
Act 5 of
1986.

67. In the Central Excise Tariff Act, 1985, the First Schedule shall,—

(a) be amended in the manner specified in the Sixth Schedule; and

(b) with effect from the 1st day of January, 2007, be also amended in the manner specified in the Seventh Schedule.

Service tax

Amendment
of Act
32 of 1994.

68. In the Finance Act, 1994,—

(A) in section 65, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint,—

(1) in clause (3), for the words “commercial concern”, the word “person” shall be substituted;

(2) for clause (3b), the following clause shall be substituted, namely:—

‘(3b) “aircraft operator” means any person who provides the service of transport of goods or passengers by aircraft;’;

(3) after clause (7), the following clause shall be inserted, namely:—

‘(7a) “auction of property” includes calling the auction or providing a facility, advertising or illustrating services, pre-auction price estimates, short-term storage services, repair or restoration services in relation to auction of property;’;

(4) after clause (9), the following clauses shall be inserted, namely:—

‘(9a) “automated teller machine” means an interactive automatic machine designed to dispense cash, accept deposit of cash, transfer money between bank accounts and facilitate other financial transactions;

‘(9b) “automated teller machine operations, maintenance or management service” means any service provided in relation to automated teller machines and includes site selection, contracting of location, acquisition, financing, installation, certification, connection, maintenance, transaction processing, cash forecasting, replenishment, reconciliation and value-added services;

‘(9c) “banker to an issue” means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934, carrying on the activities relating to an issue including acceptance of application, application money, allotment money and call money, refund of application money, payment of dividend and interest warrants;’;

(5) in clause (12), in sub-clause (a),—

(a) for the words “commercial concern”, the words “any other person” shall be substituted;

(b) item (ii) shall be omitted;

(c) for item (viii), the following items shall be substituted, namely:—

“(viii) banker to an issue services; and

(ix) other financial services, namely, lending; issue of pay order, demand draft, cheque, letter of credit and bill of exchange; transfer of money including telegraphic transfer, mail transfer and

electronic transfer; providing bank guarantee, overdraft facility, bill discounting facility, safe deposit locker, safe vaults; operation of bank accounts;”;

(6) in clause (19), in the *Explanation*, in clause (b), for the words “developing or maintaining of computer software, or computerised data processing”, the words “or developing of computer software” shall be substituted;

(7) in clause (31), for the words “an engineering firm”, the words “any body corporate or any other firm” shall be substituted;

(8) in clause (33), for the words “a commercial concern”, the words “any person” shall be substituted;

(9) after clause (33), the following clause shall be inserted, namely:—

(33a) “credit card, debit card, charge card or other payment card service” includes any service provided,—

(i) by a banking company, financial institution including non-banking financial company or any other person (hereinafter referred to as the issuing bank), issuing such card to a card holder;

(ii) by any person to an issuing bank in relation to such card business, including receipt and processing of application, transfer of embossing data to issuing bank’s personalisation agency, automated teller machine personal identification number generation, renewal or replacement of card, change of address, enhancement of credit limit, payment updation and statement generation;

(iii) by any person, including an issuing bank and an acquiring bank, to any other person in relation to settlement of any amount transacted through such card.

Explanation.—For the purposes of this sub-clause, “acquiring bank” means any banking company, financial institution including non-banking financial company or any other person, who makes the payment to any person who accepts such card;

(iv) in relation to joint promotional cards or affinity cards or co-branded cards;

(v) in relation to promotion and marketing of goods and services through such card;

(vi) by a person, to an issuing bank or the holder of such card, for making use of automated teller machines of such person; and

(vii) by the owner of trade marks or brand name to the issuing bank under an agreement, for use of the trade mark or brand name and other services in relation to such card, whether or not such owner is a club or association and the issuing bank is a member of such club or association.

Explanation.—For the purposes of this sub-clause, an issuing bank and the owner of trade marks or brand name shall be treated as separate persons;”;

(10) in clause (34), for the words “commercial concern”, the word “person” shall be substituted;

(11) after clause (35), the following clause shall be inserted, namely:—

'(35a) "customs airport" means an airport appointed as such under clause (a) of sub-section (1) of section 7 of the Customs Act, 1962;'; 52 of 1962.

(12) in clause (38), for the words "commercial concern", the word "person" shall be substituted;

(13) in clause (39a), in sub-clause (i), for the words "machinery or equipment", the words "machinery, equipment or structures, whether pre-fabricated or otherwise" shall be substituted;

(14) in clause (50b), for the words "commercial concern which", the words "person who" shall be substituted;

(15) after clause (56), the following clauses shall be inserted, namely:—

'(56a) "international journey", in relation to a passenger, means his journey from any customs airport on board any aircraft to a place outside India;

(56b) "internet" means a global information system which is logically linked together by a globally unique address, based on Internet Protocol or its subsequent enhancements or upgradations and is able to support communications using the Transmission Control Protocol or Internet Protocol suite or its subsequent enhancements or upgradations and all other Internet Protocol compatible protocols;';

(16) after clause (57), the following clause shall be inserted, namely:—

'(57a) "internet telephony" means telecommunication service through internet and includes fax, audio conferencing and video conferencing;';

(17) in clause (58), for the words "in India", the words "and includes a re-insurer" shall be substituted;

(18) after clause (59), the following clause shall be inserted, namely:—

'(59a) "issue" means an offer of sale or purchase of securities to, or from, the public or the holder of securities;';

(19) for clause (64), the following clause shall be substituted, namely:—

'(64) "management, maintenance or repair" means any service provided by—

(i) any person under a contract or an agreement; or

(ii) a manufacturer or any person authorised by him, in relation to,—

(a) management of properties, whether immovable or not;

(b) maintenance or repair of properties, whether immovable or not; or

(c) maintenance or repair including reconditioning or restoration, or servicing of any goods, excluding a motor vehicle;';

(20) in clause (65), for the words "relating to conceptualising, devising, development, modification, rectification or upgradation of any working system of

any organisation”, the words “in relation to financial management, human resources management, marketing management, production management, logistics management, procurement and management of information technology resources or other similar areas of management” shall be substituted;

(21) in clauses (68) and (69), for the words “commercial concern” wherever they occur, the word “person” shall be substituted;

(22) after clause (77b), the following clause shall be inserted, namely:—

‘(77c) “passenger” means any person boarding, at any customs airport, an aircraft for performing an international journey, but does not include—

(i) a person who has arrived at such customs airport from a place outside India and is in transit through India, provided that he does not pass through immigration and does not leave customs area and continues his journey to a place outside India; and

(ii) a person employed or engaged by the aircraft operator in any capacity on board the aircraft;’;

(23) in clause (79), for the words “a commercial concern”, the words “any person” shall be substituted;

(24) in clause (86b), for the words “a commercial concern which”, the words “any person who” shall be substituted;

(25) after clause (86b), the following clause shall be inserted, namely:—

‘(86c) “public relations” includes strategic counselling based on industry, media and perception research, corporate image management, media relations, media training, press release, press conference, financial public relations, brand support, brand launch, retail support and promotions, events and communications and crisis communications;’;

(26) after clause (89b), the following clause shall be inserted, namely:—

‘(89c) “registrar to an issue” means any person carrying on the activities in relation to an issue including collecting application forms from investors, keeping a record of applications and money received from investors or paid to the seller of securities, assisting in determining the basis of allotment of securities, finalising the list of persons entitled to allotment of securities and processing and despatching allotment letters, refund orders or certificates and other related documents;’;

(27) in clause (94), for the words “commercial concern”, the word “person” shall be substituted;

(28) after clause (95), the following clause shall be inserted, namely:—

‘(95a) “share transfer agent” means any person who maintains the record of holders of securities and deals with all matters connected with the transfer or redemption of securities or activities incidental thereto;’;

(29) after clause (96), the following clause shall be inserted, namely:—

‘(96a) “ship management service” includes,—

(i) the supervision of the maintenance, survey and repair of ship;

(ii) engagement or providing of crews;

(iii) receiving the hire or freight charges on behalf of the owner;

(iv) arrangements for loading and unloading;

(v) providing for victualling or storing of ship;

(vi) negotiating contracts for bunker fuel and lubricating oil;

(vii) payment, on behalf of the owner, of expenses incurred in providing services or in relation to the management of ship;

(viii) the entry of ship in a protection or indemnity association;

(ix) dealing with insurance, salvage and other claims; and

(x) arranging of insurance in relation to ship;';

(30) in clause (99), for the words "commercial concern", the word "person" shall be substituted;

(31) after clause (99), the following clause shall be inserted, namely:—

'(99a) "sponsorship" includes naming an event after the sponsor, displaying the sponsor's company logo or trading name, giving the sponsor exclusive or priority booking rights, sponsoring prizes or trophies for competition; but does not include any financial or other support in the form of donations or gifts, given by the donors subject to the condition that the service provider is under no obligation to provide anything in return to such donors;';

(32) after clause (104b), the following shall be inserted, namely:—

'(104c) "support services of business or commerce" means services provided in relation to business or commerce and includes evaluation of prospective customers, telemarketing, processing of purchase orders and fulfilment services, information and tracking of delivery schedules, managing distribution and logistics, customer relationship management services, accounting and processing of transactions, operational assistance for marketing, formulation of customer service and pricing policies, infrastructural support services and other transaction processing.

Explanation.—For the purposes of this clause, the expression "infrastructural support services" includes providing office along with office utilities, lounge, reception with competent personnel to handle messages, secretarial services, internet and telecom facilities, pantry and security;';

(33) in clause (105),—

(a) for the words "policy holder" wherever they occur, the words "policy holder or any person" shall be substituted;

(b) for the word "insurer" wherever it occurs, the words "insurer, including re-insurer" shall be substituted;

(c) in sub-clause (zc), for the words "commercial concern", the word "person" shall be substituted;

(d) in sub-clause (zh), for the words "a commercial concern", the words "any person" shall be substituted;

(e) in sub-clause (zm), for the words "commercial concern", the words "any other person" shall be substituted;

(f) in sub-clause (zzb), for the words "a commercial concern", the words "any person" shall be substituted;

(g) in sub-clause (zzg), for the words "maintenance or repair", the words "management, maintenance or repair" shall be substituted;

(h) in sub-clause (zzq), for the words "a commercial concern", the words "any other person" shall be substituted;

(i) after sub-clause (zzzh), the following shall be inserted, namely:—

(zzzi) to any person, by a registrar to an issue, in relation to sale or purchase of securities;

(zzzj) to any person, by a share transfer agent, in relation to securities;

(zzzk) to any person, by any other person, in relation to automated teller machine operations, maintenance or management service, in any manner;

(zzzl) to a banking company or a financial institution including a non-banking financial company or any other body corporate or a firm, by any person, in relation to recovery of any sums due to such banking company or financial institution, including a non-banking financial company, or any other body corporate or a firm, in any manner;

(zzzm) to any person, by any other person, in relation to sale of space or time for advertisement, in any manner; but does not include sale of space for advertisement in print media and sale of time slots by a broadcasting agency or organisation.

Explanation 1.—For the purposes of this sub-clause, "sale of space or time for advertisement" includes,—

(i) providing space or time, as the case may be, for display, advertising, showcasing of any product or service in video programmes, television programmes or motion pictures or music albums, or on billboards, public places, buildings, conveyances, cell phones, automated teller machines, internet;

(ii) selling of time slots on radio or television by a person, other than a broadcasting agency or organisation; and

(iii) aerial advertising.

Explanation 2.—For the purposes of this sub-clause, "print media" means "book" and "newspaper" as defined in sub-section (1) of section 1 of the Press and Registration of Books Act, 1867;

(zzzn) to any body corporate or firm, by any person receiving sponsorship, in relation to such sponsorship, in any manner, but does not include services in relation to sponsorship of sports events;

(zzzo) to any passenger, by an aircraft operator, in relation to scheduled or non-scheduled air transport of such passenger embarking in India for international journey, in any class other than economy class.

Explanation 1.—For the purposes of this sub-clause, economy class in an aircraft meant for scheduled air transport of passengers means,—

(i) where there is more than one class of travel, the class attracting the lowest standard fare; or

(ii) where there is only one class of travel, that class.

Explanation 2.—For the purposes of this sub-clause, in an aircraft meant for non-scheduled air transport of passengers, no class of travel shall be treated as economy class;

(zzzp) to any person, by any other person other than Government railway as defined in clause (20) of section 2 of the Railways Act, 1989, in relation to transport of goods in containers by rail, in any manner; 24 of 1989.

(zzzq) to any person, by any other person, in relation to support services of business or commerce, in any manner;

(zzzr) to any person, by any other person, in relation to auction of property, movable or immovable, tangible or intangible, in any manner, but does not include auction of property under the directions or orders of a court of law or auction by the Government;

(zzzs) to any person, by any other person, in relation to managing the public relations of such person, in any manner;

(zzzt) to any person, under a contract or an agreement, by any other person, in relation to ship management service;

(zzzu) to any person, by any other person, in relation to internet telephony;

(zzzv) to any person, by any other person, in relation to transport of such person embarking from any port or other port in India, by a cruise ship.

Explanation.—For the purposes of this sub-clause, “cruise ship” means a ship or vessel used for providing recreational or pleasure trips, but does not include a ship or vessel used for private purposes or a ship or vessel of, or less than, fifteen net tonnage;

(zzzw) to any person, by any other person, in relation to credit card, debit card, charge card or other payment card service, in any manner;’;

(j) the *Explanation* occurring at the end shall be omitted;

(34) in clause (106), the following *Explanation* shall be inserted, namely:—

Explanation.—For the removal of doubts, it is hereby declared that for the purposes of this clause, “technical testing and analysis” includes testing and analysis undertaken for the purpose of clinical testing of drugs and formulations; but does not include testing or analysis for the purpose of determination of the nature of diseased condition, identification of a disease, prevention of any disease or disorder in human beings or animals;’;

(35) after clause (121), the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this section, taxable service includes any taxable service provided or to be provided by any unincorporated association or body of persons to a member thereof, for cash, deferred payment or any other valuable consideration.”;

(B) in section 66,—

(1) for the words “ten per cent.”, the words “twelve per cent.” shall be substituted;

(2) with effect from such date as the Central Government may, by notification in the Official Gazette, appoint, for the word, brackets and letters “and (zzzh)”, the brackets, letters and word “, (zzzh), (zzzi), (zzzj), (zzzk), (zzzl), (zzzm), (zzzn), (zzzo), (zzzp), (zzzq), (zzzr), (zzzs), (zzzt), (zzzu), (zzzv) and (zzzw)” shall be substituted;

(C) after section 66, the following section shall be inserted, namely:—

‘66A. (1) Where any service specified in clause (105) of section 65 is,—

(a) provided or to be provided by a person who has established a business or has a fixed establishment from which the service is provided or to be provided or has his permanent address or usual place of residence, in a country other than India, and

(b) received by a person (hereinafter referred to as the recipient) who has his place of business, fixed establishment, permanent address or usual place of residence, in India,

Charge of service tax on services received from outside India.

such service shall, for the purposes of this section, be the taxable service, and such taxable service shall be treated as if the recipient had himself provided the service in India, and accordingly all the provisions of this Chapter shall apply:

Provided that where the recipient of the service is an individual and such service received by him is otherwise than for the purpose of use in any business or commerce, the provisions of this sub-section shall not apply:

Provided further that where the provider of the service has his business establishment both in that country and elsewhere, the country, where the establishment of the provider of service directly concerned with the provision of service is located, shall be treated as the country from which the service is provided or to be provided.

(2) Where a person is carrying on a business through a permanent establishment in India and through another permanent establishment in a country other than India, such permanent establishments shall be treated as separate persons for the purposes of this section.

Explanation 1.—A person carrying on a business through a branch or agency in any country shall be treated as having a business establishment in that country.

Explanation 2.—Usual place of residence, in relation to a body corporate, means the place where it is incorporated or otherwise legally constituted.’;

(D) for section 67, the following section shall be substituted, namely:—

‘67. (1) Subject to the provisions of this Chapter, where service tax is chargeable on any taxable service with reference to its value, then such value shall,—

Valuation of taxable services for charging service tax.

(i) in a case where the provision of service is for a consideration in money, be the gross amount charged by the service provider for such service provided or to be provided by him;

(ii) in a case where the provision of service is for a consideration not wholly or partly consisting of money, be such amount in money as, with the addition of service tax charged, is equivalent to the consideration;

(iii) in a case where the provision of service is for a consideration which is not ascertainable, be the amount as may be determined in the prescribed manner.

(2) Where the gross amount charged by a service provider, for the service provided or to be provided is inclusive of service tax payable, the value of such taxable service shall be such amount as, with the addition of tax payable, is equal to the gross amount charged.

(3) The gross amount charged for the taxable service shall include any amount received towards the taxable service before, during or after provision of such service.

(4) Subject to the provisions of sub-sections (1), (2) and (3), the value shall be determined in such manner as may be prescribed.

Explanation.—For the purposes of this section,—

(a) “consideration” includes any amount that is payable for the taxable services provided or to be provided;

(b) “money” includes any currency, cheque, promissory note, letter of credit, draft, pay order, travellers cheque, money order, postal remittance and other similar instruments but does not include currency that is held for its numismatic value;

(c) “gross amount charged” includes payment by cheque, credit card, deduction from account and any form of payment by issue of credit notes or debit notes and book adjustment.”;

(E) in section 73,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where any service tax has not been levied or paid or has been short-levied or short-paid or erroneously refunded, by reason of fraud, collusion or any wilful misstatement or suppression of facts, or contravention of any of the provisions of this Chapter or the rules made thereunder, with intent to evade payment of service tax, by such person or his agent, to whom a notice is served under the proviso to sub-section (1) by the Central Excise Officer, such person or agent may pay service tax in full or in part as may be accepted by him, and the interest payable thereon under section 75 and penalty equal to twenty-five per cent. of the service tax specified in the notice or the service tax so accepted by such person within thirty days of the receipt of the notice.”;

(b) in sub-section (2), the following provisos shall be inserted, namely:—

“Provided that where such person has paid the service tax in full together with interest and penalty under sub-section (1A), the proceedings in respect of such person and other persons to whom notices are served under sub-section (1) shall be deemed to be concluded:

Provided further that where such person has paid service tax in part along with interest and penalty under sub-section (1A), the Central Excise Officer shall determine the amount of service tax or interest not being in excess of the amount partly due from such person.”;

(F) after section 73, the following sections shall be inserted, namely:—

“73A. (1) Any person who is liable to pay service tax under the provisions of this Chapter or the rules made thereunder, and has collected any amount in excess of the service tax assessed or determined and paid on any taxable service under the provisions of this Chapter or the rules made thereunder from the recipient of taxable service in any manner as representing service tax, shall forthwith pay the amount so collected to the credit of the Central Government.

Service tax collected from any person to be deposited with Central Government.

(2) Where any person who has collected any amount, which is not required to be collected, from any other person, in any manner as representing service tax, such person shall forthwith pay the amount so collected to the credit of the Central Government.

(3) Where any amount is required to be paid to the credit of the Central Government under sub-section (1) or sub-section (2) and the same has not been so paid, the Central Excise Officer shall serve, on the person liable to pay such amount, a notice requiring him to show cause why the said amount, as specified in the notice, should not be paid by him to the credit of the Central Government.

(4) The Central Excise Officer shall, after considering the representation, if any, made by the person on whom the notice is served under sub-section (3), determine the amount due from such person, not being in excess of the amount specified in the notice, and thereupon such person shall pay the amount so determined.

(5) The amount paid to the credit of the Central Government under sub-section (1) or sub-section (2) or sub-section (4), shall be adjusted against the service tax payable by the person on finalisation of assessment or any other proceeding for determination of service tax relating to the taxable service referred to in sub-section (1).

(6) Where any surplus amount is left after the adjustment under sub-section (5), such amount shall either be credited to the Consumer Welfare Fund referred to in section 12C of the Central Excise Act, 1944 or, as the case may be, refunded to the person who has borne the incidence of such amount, in accordance with the provisions of section 11B of the said Act and such person may make an application under that section in such cases within six months from the date of the public notice to be issued by the Central Excise Officer for the refund of such surplus amount.

73B. Where an amount has been collected in excess of the tax assessed or determined and paid for any taxable service under this Chapter or the rules made thereunder from the recipient of such service, the person who is liable to pay such amount as determined under sub-section (4) of section 73A, shall, in addition to the amount, be liable to pay interest at such rate not below ten per cent. and not exceeding twenty-four per cent. per annum, as is for the time being fixed by the Central Government, by notification in the Official Gazette, from the first day of the month succeeding the month in which the amount ought to have been paid under this Chapter, but for the provisions contained in sub-section (4) of section 73A, till the date of payment of such amount:

Interest on amount collected in excess.

Provided that in such cases where the amount becomes payable consequent to issue of an order, instruction or direction by the Board under section 37B of the Central Excise Act, 1944, and such amount payable is voluntarily paid in full, without reserving any right to appeal against such payment at any subsequent stage, within forty-five days from the date of issue of such order, instruction or direction, as the case may be, no interest shall be payable and in

other cases, the interest shall be payable on the whole amount, including the amount already paid.

Explanation 1.—Where the amount determined under sub-section (4) of section 73A is reduced by the Commissioner (Appeals), the Appellate Tribunal or, as the case may be, the court, the interest payable thereon under this section shall be on such reduced amount.

Explanation 2.—Where the amount determined under sub-section (4) of section 73A is increased by the Commissioner (Appeals), the Appellate Tribunal or, as the case may be, the court, the interest payable thereon under this section shall be on such increased amount.

73C. (1) Where, during the pendency of any proceeding under section 73 or section 73A, the Central Excise Officer is of the opinion that for the purpose of protecting the interests of revenue, it is necessary so to do, he may, with the previous approval of the Commissioner of Central Excise, by order in writing, attach provisionally any property belonging to the person on whom notice is served under sub-section (1) of section 73 or sub-section (3) of section 73A, as the case may be, in such manner as may be prescribed.

(2) Every such provisional attachment shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1):

Provided that the Chief Commissioner of Central Excise may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as he thinks fit, so, however, that the total period of extension shall not in any case exceed two years.

73D. (1) If the Central Government is of the opinion that it is necessary or expedient in the public interest to publish the name of any person and any other particulars relating to any proceedings under this Chapter in respect of such person, it may cause to be published such names and particulars in such manner as may be prescribed.

(2) No publication under this section shall be made in relation to any penalty imposed under this Chapter until the time for presenting an appeal to the Commissioner (Appeals) under section 85 or the Appellate Tribunal under section 86, as the case may be, has expired without an appeal having been presented or the appeal, if presented, has been disposed of.

Explanation.—In the case of a firm, company or other association of persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers or managers of the company, or the members of the association, as the case may be, shall also be published if, in the opinion of the Central Government, circumstances of the case justify it.”;

(G) for section 76, the following section shall be substituted, namely:—

“76. Any person, liable to pay service tax in accordance with the provisions of section 68 or the rules made under this Chapter, who fails to pay such tax, shall pay, in addition to such tax and the interest on that tax in accordance with the provisions of section 75, a penalty which shall not be less than two hundred rupees for every day during which such failure continues or at the rate of two per cent. of such tax, per month, whichever is higher, starting with the first day after the due date till the date of actual payment of the outstanding amount of service tax:

Provisional attachment to protect revenue in certain cases.

Publication of information in respect of persons in certain cases.

Penalty for failure to pay service tax.

Provided that the total amount of the penalty payable in terms of this section shall not exceed the service tax payable.

Illustration

X, an assessee, fails to pay service tax of Rs. 10 lakhs payable by 5th March. X pays the amount on 15th March. The default has continued for 10 days. The penalty payable by X is computed as follows:—

2% of the amount of default for 10 days = $2 \times 10,00,000 \times 10/31 =$
Rs. 6,451.61

Penalty calculated @ Rs. 200 per day for 10 days = Rs. 2,000

Penalty liable to be paid is Rs. 6,452.00.”;

(H) in section 83, the figures and letter “11” and “11D” shall be omitted;

(I) after section 86, the following section shall be inserted, namely:—

“87. Where any amount payable by a person to the credit of the Central Government under any of the provisions of this Chapter or of the rules made thereunder is not paid, the Central Excise Officer shall proceed to recover the amount by one or more of the modes mentioned below:—

Recovery of
any amount
due to Central
Government.

(a) the Central Excise Officer may deduct or may require any other Central Excise Officer or any officer of customs to deduct the amount so payable from any money owing to such person which may be under the control of the said Central Excise Officer or any officer of customs;

(b) (i) the Central Excise Officer may, by notice in writing, require any other person from whom money is due or may become due to such person, or who holds or may subsequently hold money for or on account of such person, to pay to the credit of the Central Government either forthwith upon the money becoming due or being held or at or within the time specified in the notice, not being before the money becomes due or is held, so much of the money as is sufficient to pay the amount due from such person or the whole of the money when it is equal to or less than that amount;

(ii) every person to whom a notice is issued under this section shall be bound to comply with such notice, and in particular, where any such notice is issued to a post office, banking company or an insurer, it shall not be necessary to produce any pass book, deposit receipt, policy or any other document for the purpose of any entry, endorsement or the like being made before payment is made, notwithstanding any rule, practice or requirement to the contrary;

(iii) in a case where the person to whom a notice under this section is sent, fails to make the payment in pursuance thereof to the Central Government, he shall be deemed to be an assessee in default in respect of the amount specified in the notice and all the consequences of this Chapter shall follow;

(c) the Central Excise Officer may, on an authorisation by the Commissioner of Central Excise, in accordance with the rules made in this behalf, distrain any movable or immovable property belonging to or under the control of such person, and detain the same until the amount payable is paid; and in case, any part of the said amount payable or of the cost of the distress or keeping of the property, remains unpaid for a period of thirty days next after any such distress, may cause the said property to be sold and with the proceeds of such sale, may satisfy the amount payable and the costs including cost of sale remaining unpaid and shall render the surplus amount, if any, to such person;

(d) the Central Excise Officer may prepare a certificate signed by him specifying the amount due from such person and send it to the Collector of the district in which such person owns any property or resides or carries on his business and the said Collector, on receipt of such certificate, shall proceed to recover from such person the amount specified thereunder as if it were an arrear of land revenue.”;

(J) after section 93, the following section shall be inserted, namely:—

“93A. Where any goods or services are exported, the Central Government may grant rebate of service tax paid on taxable services which are used as input services for the manufacturing or processing of such goods or for providing any taxable services and such rebate shall be subject to such extent and manner as may be prescribed:

Provided that where any rebate has been allowed on any goods or services under this section and the sale proceeds in respect of such goods or consideration in respect of such services are not received by or on behalf of the exporter in India within the time allowed by the Reserve Bank of India under section 8 of the Foreign Exchange Management Act, 1999, such rebate shall be deemed never to have been allowed and the Central Government may recover or adjust the amount of such rebate in such manner as may be prescribed.”;

42 of 1999.

(K) in section 94, in sub-section (2),—

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

“(aa) the determination of amount and value of taxable service under section 67;”;

(2) after clause (c), the following clauses shall be inserted, namely:—

“(cc) the manner of provisional attachment of property under sub-section (1) of section 73C;

(ccc) publication of name of any person and particulars relating to any proceeding under sub-section (1) of section 73D;”;

(3) after clause (eee), the following clause shall be inserted, namely:—

“(eee) the manner of recovery of any amount due to the Central Government under section 87;”;

(4) after clause (h), the following clause shall be inserted, namely:—

“(hh) rebate of service tax paid or payable on the taxable services used as input services in the manufacturing or processing of goods exported out of India under section 93A;”;

(L) in section 95, after sub-section (1B), the following sub-section shall be inserted, namely:—

“(1C) If any difficulty arises in respect of implementing, classifying or assessing the value of any taxable service incorporated in this Chapter by the Finance Act, 2006, the Central Government may, by order published in the Official Gazette, not inconsistent with the provisions of this Chapter, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of one year from the date on which the Finance Bill, 2006 receives the assent of the President.”;

(M) in section 96C, in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

“(f) determination of the liability to pay service tax on a taxable service under the provisions of Chapter V.”.

CHAPTER V

MISCELLANEOUS

69. In the Indian Stamp Act, 1899,—

(a) in section 9, in sub-section (2), in clause (a), for the words “Seventh Schedule

Power to
grant rebate.

Amendment
of Act
2 of 1899.

to the Constitution”, the words, brackets, letter and figure “Seventh Schedule to the Constitution, except the subject matters referred to in clause (b) of sub-section (1)” shall be substituted;

(b) in section 35, in clause (a) to the proviso, for the words “not being an instrument chargeable with a duty not exceeding ten naye paise only, or a bill of exchange or promissory note, shall, subject to all just exceptions,”, the word “shall” shall be substituted.

70. The Promissory Notes (Stamp) Act, 1926, is hereby repealed:

Repeal of Act
11 of 1926.

Provided that such repeal shall not affect—

(a) the previous operation of the said Act or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; and

(c) the validation of execution of any promissory note under the said Act.

71. In the Central Sales Tax Act, 1956, in section 14, after clause (v), the following clause shall be inserted, namely:—

Amendment
of section 14
of Act
74 of 1956.

“(va) liquefied petroleum gas for domestic use;”.

72. In the Additional Duties of Excise (Goods of Special Importance) Act, 1957, with effect from the 1st day of January, 2007, the First Schedule shall be amended in the manner specified in the Eighth Schedule.

Amendment
of First
Schedule
to Act
58 of 1957.

73. In the Oil Industry (Development) Act, 1974, in the Schedule, against Sl. No.1, relating to crude oil, for the entry in column 3, the entry “Rupees two thousand five hundred per tonne.” shall be substituted.

Amendment
of Schedule
to Act
47 of 1974.

74. In the Additional Duties of Excise (Textiles and Textile Articles) Act, 1978, with effect from the 1st day of January, 2007, the Schedule shall be amended in the manner specified in the Ninth Schedule.

Amendment
of Schedule to
Act
40 of 1978.

75. In the Finance Act, 2001, with effect from the 1st day of January, 2007, the Seventh Schedule shall be amended in the manner specified in the Tenth Schedule.

Amendment
of Seventh
Schedule
to Act
14 of 2001.
Amendment
of Act
23 of 2004.

76. In the Finance (No. 2) Act, 2004, with effect from the 1st day of June, 2006,—

(a) in section 97, in clause (5), in sub-clause (i), for the words “fifty per cent.”, the words “sixty-five per cent.” shall be substituted;

(b) in section 98, in the Table,—

(i) against Sl. No. 1, under column (3) relating to rate, for the figures and words “0.1 per cent.”, the figures and words “0.125 per cent.” shall be substituted;

(ii) against Sl. No. 2, under column (3) relating to rate, for the figures and words “0.1 per cent.”, the figures and words “0.125 per cent.” shall be substituted;

(iii) against Sl. No. 3, under column (3) relating to rate, for the figures and words “0.02 per cent.”, the figures and words “0.025 per cent.” shall be substituted;

(iv) against Sl. No. 4, under column (3) relating to rate, for the figures and words “0.0133 per cent.”, the figures and words “0.017 per cent.” shall be substituted;

(v) against Sl. No. 5, under column (3) relating to rate, for the figures and words “0.2 per cent.”, the figures and words “0.25 per cent.” shall be substituted.

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. 1,00,000 | <i>Nil</i> ; |
| (2) where the total income exceeds Rs. 1,00,000 but does not exceed Rs. 1,50,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,00,000; |
| (3) where the total income exceeds Rs. 1,50,000 but does not exceed Rs. 2,50,000 | Rs. 5,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 1,50,000; |
| (4) where the total income exceeds Rs. 2,50,000 | Rs. 25,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 2,50,000. |

(II) In the case of every individual, being a woman resident in India, and below the age of sixty-five years at any time during the previous year,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 1,35,000 | <i>Nil</i> ; |
| (2) where the total income exceeds Rs. 1,35,000 but does not exceed Rs. 1,50,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,35,000; |
| (3) where the total income exceeds Rs. 1,50,000 but does not exceed Rs. 2,50,000 | Rs. 1,500 plus 20 per cent. of the amount by which the total income exceeds Rs. 1,50,000; |
| (4) where the total income exceeds Rs. 2,50,000 | Rs. 21,500 plus 30 per cent. of the amount by which the total income exceeds Rs. 2,50,000. |

(III) In the case of every individual, being a resident in India, who is of the age of sixty-five years or more at any time during the previous year,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 1,85,000 | <i>Nil</i> ; |
| (2) where the total income exceeds Rs. 1,85,000 but does not exceed Rs. 2,50,000 | 20 per cent. of the amount by which the total income exceeds Rs. 1,85,000; |
| (3) where the total income exceeds Rs. 2,50,000 | Rs. 13,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 2,50,000. |

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall,—

(i) in the case of every individual or Hindu undivided family or association of persons or body of individuals having a total income exceeding ten lakh rupees, be reduced by the amount of rebate of income-tax calculated under Chapter VIII-A, and the income-tax as so reduced, be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax;

(ii) in the case of every person, other than those mentioned in item (i), be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in case of persons mentioned in item (i) above having a total income exceeding ten lakh 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 ten lakh rupees by more than the amount of income that exceeds ten lakh 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. |

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 at the rate hereinbefore specified, or in section 111A or section 112, shall, in the case of every firm, be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 30 per cent.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company 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,—

- (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 50 per cent.;
- (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 in section 111A or section 112, shall, in the case of every company, be increased by a surcharge for purposes of the Union calculated,—

- (i) in the case of every domestic company at the rate of ten per cent. of such income-tax;
- (ii) in the case of every company other than a domestic company at the rate of two and one-half per cent.

PART II

RATES FOR DEDUCTION OF TAX AT SOURCE IN CERTAIN CASES

In every case in which under the provisions of sections 193, 194, 194A, 194B, 194BB, 194D 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:—

	<i>Rate of income-tax</i>
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, crossword 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	10 per cent.;
(v) on income by way of interest payable on—	10 per cent.;
(A) any debentures or securities other than a security of the Central or State Government 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	
(vi) on any other income	20 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 10 per cent.;

(C) on income by way of short-term capital gains referred to in section 111A 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), (36) and (38) of section 10] 20 per cent.;

(E) 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 20 per cent.;

(F) 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 sub-section (1A) 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 (1A) of section 115A of the Income-tax Act, to a person resident in India—

(I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005 20 per cent.;

(II) where the agreement is made on or after the 1st day of June, 2005 10 per cent.;

(G) on income by way of royalty [not being royalty of the nature referred to in sub-item (b) (i) (F)] 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—

(I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005 20 per cent.;

(II) where the agreement is made on or after the 1st day of June, 2005 10 per cent.;

(H) 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—

(I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005 20 per cent.;

(II) where the agreement is made on or after the 1st day of June, 2005 10 per cent.;

(I) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort 30 per cent.;

(J) on income by way of winnings from horse races	30 per cent.;
(K) 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	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 a subject referred to in the first proviso to sub-section (1A) 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 (1A) of section 115A of the Income-tax Act, to a person resident in India—	
(I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005	20 per cent.;
(II) where the agreement is made on or after the 1st day of June, 2005	10 per cent.;
(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—	
(I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005	20 per cent.;
(II) where the agreement is made on or after the 1st day of June, 2005	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—	
(I) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005	20 per cent.;
(II) where the agreement is made on or after the 1st day of June, 2005	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	10 per cent.;
(H) on income by way of long-term capital gains [not being long-term capital gains referred to in clauses (33), (36) and (38) of section 10]	20 per cent.;
(I) 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" 20 per cent.;

(ii) on income by way of winnings from lotteries, crossword 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 20 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 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 (1A) 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 (1A) of section 115A of the Income-tax Act, to a person resident in India—

(A) where the agreement is made before the 1st day of June, 1997 30 per cent.;

(B) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005 20 per cent.;

(C) where the agreement is made on or after the 1st day of June, 2005 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 accordance 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 31st day of March, 1976 but before the 1st day of June, 1997 30 per cent.;

(C) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005 20 per cent.;

(D) where the agreement is made on or after the 1st day of June, 2005 10 per cent.;

(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 29th day of February, 1964 but before the 1st day of April, 1976	50 per cent.;
(B) where the agreement is made after the 31st day of March, 1976 but before the 1st day of June, 1997	30 per cent.;
(C) where the agreement is made on or after the 1st day of June, 1997 but before the 1st day of June, 2005	20 per cent.;
(D) where the agreement is made on or after the 1st day of June, 2005	10 per cent.;
(vii) on income by way of short-term capital gains referred to in section 111A	10 per cent.;
(viii) on income by way of long-term capital gains [not being long-term capital gains referred to in clauses (33), (36) and (38) of section 10]	20 per cent.;
(ix) on any other income	40 per cent.

Explanation.—For the purpose 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—

(A) item 1, of this Part, shall be increased by a surcharge, for purposes of the Union, calculated,—

(i) in the case of every individual, Hindu undivided family, association of persons and body of individuals, whether incorporated or not, 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 ten lakh rupees;

(ii) in the case of every firm and artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, at the rate of ten per cent. of such tax;

(B) item 2 of this Part, shall be increased by a surcharge, for purposes of the Union, calculated,—

(i) in the case of every domestic company at the rate of ten per cent. of such income tax;

(ii) in the case of every company other than a domestic company at the rate of two and one-half per cent. of such income-tax.

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 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 fringe benefits chargeable to tax under Chapter XII-H or income chargeable to tax under section 115JB or sub-section

) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act at the rates specified in that Chapter or section or surcharge on such "advance tax" in respect of income chargeable to tax under section 115A or section 115AB or section 115AC or section 115ACA or section 115AD or section 115B or section 115BB or section 115BBA or section 115BBC or section 115E or section 115JB or fringe benefits chargeable to tax under section 115WA] 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. 1,00,000 | Nil; |
| (2) where the total income exceeds Rs. 1,00,000 but does not exceed Rs. 1,50,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,00,000; |
| (3) where the total income exceeds Rs. 1,50,000 but does not exceed Rs. 2,50,000 | Rs. 5,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 1,50,000; |
| (4) where the total income exceeds Rs. 2,50,000 | Rs. 25,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 2,50,000. |

(II) In the case of every individual, being a woman resident in India, and below the age of sixty-five years at any time during the previous year,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 1,35,000 | Nil; |
| (2) where the total income exceeds Rs. 1,35,000 but does not exceed Rs. 1,50,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,35,000; |
| (3) where the total income exceeds Rs. 1,50,000 but does not exceed Rs. 2,50,000 | Rs. 1,500 plus 20 per cent. of the amount by which the total income exceeds Rs. 1,50,000; |
| (4) where the total income exceeds Rs. 2,50,000 | Rs. 21,500 plus 30 per cent. of the amount by which the total income exceeds Rs. 2,50,000. |

(III) In the case of every individual, being a resident in India, who is of the age of sixty-five years or more at any time during the previous year,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 1,85,000 | Nil; |
| (2) where the total income exceeds Rs. 1,85,000 but does not exceed Rs. 2,50,000 | 20 per cent. of the amount by which the total income exceeds Rs. 1,85,000; |
| (3) where the total income exceeds Rs. 2,50,000 | Rs. 13,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 2,50,000; |

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph or in section 111A or section 112 shall,—

(i) in the case of every individual or Hindu undivided family or association of persons or body of individuals having a total income exceeding ten lakh rupees, be reduced by the amount of rebate of income-tax calculated under Chapter VIII-A, and the income-tax as so reduced, be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax;

(ii) in the case of every person, other than those mentioned in item (i), be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in case of persons mentioned in item (i) above having a total income exceeding ten lakh 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 ten lakh rupees by more than the amount of income that exceeds ten lakh 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. |

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 at the rate hereinbefore specified, or in section 111A or section 112, shall, in the case of every firm, be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 30 per cent.

Paragraph E.

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company 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,—

(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

50 per cent.;

(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 in section 111A or section 112, shall, in the case of every company, be increased by a surcharge for purposes of the Union calculated,—

(i) in the case of every domestic company at the rate of ten per cent. of such income-tax;

(ii) in the case of every company other than a domestic company at the rate of two and one-half per cent.

PART IV

[See section 2(12)(c)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

Rule 1.—Agricultural income of the nature referred to in sub-clause (a) of clause (1A) 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) and (4) of section 40A.

Rule 2.—Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (1A) 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) 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 (1A) 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) of 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, 2006, 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, 1998 or the 1st day of April, 1999 or the 1st day of April, 2000 or the 1st day of April, 2001 or the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005, 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, 1998, 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, 1999 or the 1st day of April, 2000 or the 1st day of April, 2001 or the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1999, 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, 2000 or the 1st day of April, 2001 or the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2000, 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, 2001 or the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2001, 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, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2002, 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, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2003, 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, 2004 or the 1st day of April, 2005,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2004, 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, 2005,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2005,

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, 2006.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2007, 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, 1999 or the 1st day of April, 2000 or the 1st day of April, 2001 or the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006, 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, 1999, 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, 2000 or the 1st day of April, 2001 or the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006;

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2000, 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, 2001 or the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2001, 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, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2002, 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, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2003, 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, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2004, 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, 2005 or the 1st day of April, 2006,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April 2005, 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, 2006,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2006,

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, 2007.

(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 Part IV of the First Schedule to the Finance (No. 2) Act, 1998 (21 of 1998), or of the First Schedule to the Finance Act, 1999 (27 of 1999), or of the First Schedule to the Finance Act, 2000 (10 of 2000), or of the First Schedule to the Finance Act, 2001 (14 of 2001), or of the First Schedule to the Finance Act, 2002 (20 of 2002), or of the First Schedule to the Finance Act, 2003 (32 of 2003), or of the First Schedule to the Finance (No. 2) Act, 2004 (23 of 2004), or of the First Schedule to the Finance Act, 2005 (18 of 2005) 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 60)

S. No.	Notification number and date	Amendment	Date of effect of amendment
(1)	(2)	(3)	(4)
1.	G.S.R. 423(E), dated the 20th April, 1992 (160/1992-CUSTOMS, dated the 20th April, 1992).	In the said notification, in the <i>Explanation</i> , clause (iv) shall be omitted.	28th December, 1992.
2.	G.S.R. 619(E), dated the 17th September, 2004 (96/2004-CUSTOMS, dated the 17th September, 2004).	In the said notification, in paragraph 2, for the figures, letters and words "30th day of September, 2005", the figures, letters and words "the 3rd October, 2005" shall be substituted.	17th September, 2004

THE THIRD SCHEDULE

[See section 63(a)]

In the First Schedule to the Customs Tariff Act,—

(1) in Chapter 4, in tariff item 0409 00 00, for the entry in column (4), the entry "60%" shall be substituted;

(2) in Chapter 25,—

(i) for the entry in column (4) occurring against all the tariff items (except all the tariff items of headings 2504 and 2510), the entry "12.5%" shall be substituted;

(ii) for the entries in column (4) and column (5) occurring against all the tariff items of heading 2504, the entry "12.5%" and "12.5%" shall respectively be substituted;

(3) in Chapter 26, in tariff items 2620 11 00, 2620 19 00, 2620 30 10 and 2620 30 90, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(4) in Chapter 27,—

(i) for the entry in column (4) occurring against all the tariff items of heading 2701 (except tariff item 2701 12 00), the entry "12.5%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of headings 2702, 2703 and 2704, the entry "12.5%" shall be substituted;

(iii) in tariff item 2705 00 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(iv) for the entry in column (4) occurring against all the tariff items of headings 2706, 2707 and 2708, the entry "12.5%" shall be substituted;

(v) in tariff item 2709 00 00, for the entry in column (4), the entry "5%" shall be substituted;

(vi) for the entry in column (4) occurring against all the tariff items of headings 2710, 2712, 2713 and 2715, the entry "10%" shall be substituted;

(5) in Chapter 28,—

(i) for the entry in column (4) occurring against all the tariff items (except all the tariff items of headings 2801, 2802, 2803, 2804, 2805 and 2814), the entry "12.5%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of headings 2801, 2802, 2803, 2804 and 2805, the entry "10%" shall be substituted;

(6) in Chapter 29,—

(i) for the entry in column (4) occurring against all the tariff items (except tariff items 2902 43 00, 2905 43 00, 2905 44 00, 2917 37 00, 2933 71 00, 2936 10 00, 2936 21 00, 2936 22 10, 2936 22 90, 2936 23 10, 2936 23 90, 2936 24 00, 2936 25 00, 2936 26 10, 2936 26 90, 2936 27 00, 2936 28 00, 2936 29 10, 2936 29 20, 2936 29 30, 2936 29 40, 2936 29 50, 2936 29 90, 2936 90 00, 2937 11 00, 2937 12 00, 2937 19 00, 2937 21 00, 2937 22 00, 2937 23 00, 2937 29 00, 2937 31 00, 2937 39 00, 2937 40 00, 2937 50 00, 2937 90 00, 2939 41 10, 2939 41 20, 2939

41 90, 2939 42 00, 2939 43 00, 2939 49 00, 2939 51 00, 2939 59 00, 2941 10 10, 2941 10 20, 2941 10 30, 2941 10 40, 2941 10 50, 2941 10 90, 2941 20 10, 2941 20 90, 2941 30 10, 2941 30 20, 2941 30 90, 2941 40 00, 2941 50 00, 2941 90 11, 2941 90 12, 2941 90 13, 2941 90 14, 2941 90 19, 2941 90 20, 2941 90 30, 2941 90 40, 2941 90 50, 2941 90 60 and 2941 90 90), the entry "12.5%" shall be substituted;

(ii) in tariff items 2917 37 00 and 2933 71 00, for the entries in column (4) and column (5) occurring against each of them, the entries "12.5%" and "12.5%" shall respectively be substituted;

(iii) for the entries in column (4) and column (5) occurring against all the tariff items of headings 2936 and 2937, the entries "12.5%" and "12.5%" shall respectively be substituted;

(iv) in tariff items 2939 41 10, 2939 41 20, 2939 41 90, 2939 42 00, 2939 43 00, 2939 49 00, 2939 51 00 and 2939 59 00, for the entries in column (4) and column (5) occurring against each of them, the entries "12.5%" and "12.5%" shall respectively be substituted;

(v) for the entries in column (4) and column (5) occurring against all the tariff items of heading 2941, the entries "12.5%" and "12.5%" shall respectively be substituted;

(7) in Chapter 30,—

(i) for the entries in column (4) and column (5) occurring against all the tariff items (except all the tariff items of headings 3005 and 3006), the entries "12.5%" and "12.5%" shall respectively be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of heading 3005, the entry "12.5%" shall be substituted;

(iii) in tariff items 3006 10 10, 3006 10 20, 3006 20 00, 3006 30 00, 3006 40 00, 3006 50 00, 3006 70 00 and 3006 80 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(8) in Chapter 31, for the entry in column (4) occurring against all the tariff items (except tariff items 3102 21 00, 3102 50 00, 3104 30 00, 3105 20 00, 3105 30 00, 3105 40 00, 3105 51 00, 3105 59 00, 3105 60 00, 3105 90 10 and 3105 90 90), the entry "12.5%" shall be substituted;

(9) in Chapter 32, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(10) in Chapter 33,—

(i) for the entry in column (4) occurring against all the tariff items of sub-heading 3302 90, the entry "12.5%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of headings 3303, 3304, 3305, 3306 and 3307, the entry "12.5%" shall be substituted;

(11) in Chapter 34,—

(i) for the entry in column (4) occurring against all the tariff items (except tariff items 3402 11 10, 3402 11 90, 3402 12 00, 3402 13 00 and 3402 19 00), the entry "12.5%" shall be substituted;

(ii) in tariff items 3402 11 10, 3402 11 90, 3402 12 00, 3402 13 00 and 3402 19 00, for the entries in column (4) and column (5) occurring against

each of them, the entries "12.5%" and "12.5%" shall respectively be substituted;

(12) in Chapter 35, for the entry in column (4) occurring against all the tariff items of headings 3506 and 3507, the entry "12.5%" shall be substituted;

(13) in Chapter 36, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(14) in Chapter 37, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(15) in Chapter 38,—

(i) for the entry in column (4) occurring against all the tariff items (except tariff items 3801 10 00, 3802 10 00, 3809 10 00, 3812 10 00, 3815 11 00, 3815 12 10, 3815 12 90, 3818 00 10, 3818 00 90, 3823 11 11, 3823 11 12, 3823 11 19, 3823 11 90, 3823 12 00, 3823 13 00, 3823 19 00, 3823 70 10, 3823 70 20, 3823 70 30, 3823 70 40, 3823 70 90, 3824 60 10 and 3824 60 90), the entry "12.5%" shall be substituted;

(ii) in tariff items 3801 10 00, 3802 10 00, 3812 10 00, 3815 11 00, 3815 12 10 and 3815 12 90, for the entries in column (4) and column (5) occurring against each of them, the entries "12.5%" and "12.5%" shall respectively be substituted;

(16) in Chapter 39, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(17) in Chapter 40, for the entry in column (4) occurring against all the tariff items (except tariff items 4001 10 10, 4001 10 20, 4001 21 00, 4001 22 00, 4001 29 10, 4001 29 20, 4001 29 30, 4001 29 40, 4001 29 90 and 4011 30 00), the entry "12.5%" shall be substituted;

(18) in Chapter 41, for the entry in column (4) occurring against all the tariff items (except all the tariff items of headings 4101, 4102 and 4103), the entry "12.5%" shall be substituted;

(19) in Chapter 42, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(20) in Chapter 43,—

(i) for the entry in column (4) occurring against all the tariff items of heading 4302 (except tariff item 4302 13 00), the entry "12.5%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of headings 4303 and 4304, the entry "12.5%" shall be substituted;

(21) in Chapter 44, for the entry in column (4) occurring against all the tariff items (except all the tariff items of headings 4401, 4402 and 4403), the entry "12.5%" shall be substituted;

(22) in Chapter 45, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(23) in Chapter 46, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(24) in Chapter 47, for the entry in column (4) occurring against all the tariff items of heading 4707, the entry "12.5%" shall be substituted;

(25) in Chapter 48, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(26) in Chapter 49, for the entry in column (4) occurring against all the tariff items (except tariff items 4902 10 10, 4902 10 20, 4902 90 10, 4902 90 20, 4904 00 00, 4905 10 00, 4905 91 00, 4905 99 10 and 4905 99 90), the entry "12.5%" shall be substituted;

(27) in Chapter 50, for the entry in column (4) occurring against all the tariff items of headings 5004, 5005, 5006 and 5007, the entry "12.5%" shall be substituted;

(28) in Chapter 51,—

(i) for the entry in column (4) occurring against all the tariff items of heading 5104, the entry "12.5%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of heading 5105 (except tariff item 5105 29 10), the entry "12.5%" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of headings 5106, 5107, 5108, 5109 and 5110, the entry "12.5%" shall be substituted;

(iv) for the entry in column (4) occurring against all the tariff items of sub-heading 5111 11, the entry "12.5% or Rs. 135 per sq. metre, whichever is higher" shall be substituted;

(v) for the entry in column (4) occurring against all the tariff items of sub-heading 5111 19, the entry "12.5% or Rs. 150 per sq. metre, whichever is higher" shall be substituted;

(vi) for the entry in column (4) occurring against all the tariff items of sub-heading 5111 20, the entry "12.5% or Rs. 80 per sq. metre, whichever is higher" shall be substituted;

(vii) for the entry in column (4) occurring against all the tariff items of sub-heading 5111 30, the entry "12.5% or Rs. 75 per sq. metre, whichever is higher" shall be substituted;

(viii) for the entry in column (4) occurring against all the tariff items of sub-heading 5111 90, the entry "12.5% or Rs. 90 per sq. metre, whichever is higher" shall be substituted;

(ix) for the entry in column (4) occurring against all the tariff items of sub-heading 5112 11, the entry "12.5% or Rs. 125 per sq. metre, whichever is higher" shall be substituted;

(x) for the entry in column (4) occurring against all the tariff items of sub-heading 5112 19, the entry "12.5% or Rs. 155 per sq. metre, whichever is higher" shall be substituted;

(xi) for the entry in column (4) occurring against all the tariff items of sub-heading 5112 20, the entry "12.5% or Rs. 85 per sq. metre, whichever is higher" shall be substituted;

(xii) for the entry in column (4) occurring against all the tariff items of sub-heading 5112 30, the entry "12.5% or Rs. 110 per sq. metre, whichever is higher" shall be substituted;

(xiii) for the entry in column (4) occurring against all the tariff items of sub-heading 5112 90, the entry "12.5% or Rs. 135 per sq. metre, whichever is higher" shall be substituted;

(xiv) for the entry in column (4) occurring against all the tariff items of heading 5113, the entry "12.5% or Rs. 60 per sq. metre, whichever is higher" shall be substituted;

(29) in Chapter 52,—

(i) for the entry in column (4) occurring against all the tariff items of headings 5204, 5205, 5206 and 5207, the entry "12.5%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of sub-headings 5208 11, 5208 12, 5208 13, 5208 19, 5208 21, 5208 22, 5208 23, 5208 29, 5208 31, 5208 32 and 5208 33, the entry "12.5%" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of sub-heading 5208 39, the entry "12.5% or Rs. 150 per kg., whichever is higher" shall be substituted;

(iv) for the entry in column (4) occurring against all the tariff items of sub-heading 5208 41, the entry "12.5% or Rs. 9 per sq. metre, whichever is higher" shall be substituted;

(v) for the entry in column (4) occurring against all the tariff items of sub-heading 5208 42, the entry "12.5% or Rs. 37 per sq. metre, whichever is higher" shall be substituted;

(vi) for the entry in column (4) occurring against all the tariff items of sub-heading 5208 43, the entry "12.5%" shall be substituted;

(vii) for the entry in column (4) occurring against all the tariff items of sub-heading 5208 49, the entry "12.5% or Rs. 200 per kg., whichever is higher" shall be substituted;

(viii) for the entry in column (4) occurring against all the tariff items of sub-heading 5208 51, the entry "12.5% or Rs. 27 per sq. metre, whichever is higher" shall be substituted;

(ix) for the entry in column (4) occurring against all the tariff items of sub-heading 5208 52, the entry "12.5% or Rs. 23 per sq. metre, whichever is higher" shall be substituted;

(x) for the entry in column (4) occurring against all the tariff items of sub-heading 5208 53, the entry "12.5% or Rs. 35 per sq. metre, whichever is higher" shall be substituted;

(xi) for the entry in column (4) occurring against all the tariff items of sub-heading 5208 59, the entry "12.5% or Rs. 50 per sq. metre, whichever is higher" shall be substituted;

(xii) for the entry in column (4) occurring against all the tariff items of sub-headings 5209 11 and 5209 12, the entry "12.5%" shall be substituted;

(xiii) in tariff item 5209 19 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xiv) for the entry in column (4) occurring against all the tariff items of sub-headings 5209 21, 5209 22 and 5209 29, the entry "12.5%" shall be substituted;

(xv) for the entry in column (4) occurring against all the tariff items of sub-headings 5209 31, 5209 32 and 5209 39, the entry "12.5% or Rs. 150 per kg., whichever is higher" shall be substituted;

(xvi) for the entry in column (4) occurring against all the tariff items of sub-heading 5209 41, the entry "12.5% or Rs. 32 per sq. metre, whichever is higher" shall be substituted;

(xvii) in tariff item 5209 42 00, for the entry in column (4), the entry "12.5% or Rs. 25 per sq. metre, whichever is higher" shall be substituted;

(xviii) for the entry in column (4) occurring against all the tariff items of sub-heading 5209 43, the entry "12.5% or Rs. 30 per sq. metre, whichever is higher" shall be substituted;

(xix) for the entry in column (4) occurring against all the tariff items of sub-heading 5209 49, the entry "12.5% or Rs. 150 per kg., whichever is higher" shall be substituted;

(xx) for the entry in column (4) occurring against all the tariff items of sub-headings 5209 51 and 5209 52, the entry "12.5% or Rs. 30 per sq. metre, whichever is higher" shall be substituted;

(xxi) for the entry in column (4) occurring against all the tariff items of sub-heading 5209 59, the entry "12.5% or Rs. 38 per sq. metre, whichever is higher" shall be substituted;

(xxii) for the entry in column (4) occurring against all the tariff items of sub-headings 5210 11 and 5210 12, the entry "12.5%" shall be substituted;

(xxiii) in tariff item 5210 19 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxiv) for the entry in column (4) occurring against all the tariff items of sub-headings 5210 21, 5210 22, 5210 29, 5210 31 and 5210 32, the entry "12.5%" shall be substituted;

(xxv) for the entry in column (4) occurring against all the tariff items of sub-heading 5210 39, the entry "12.5% or Rs. 150 per kg., whichever is higher" shall be substituted;

(xxvi) for the entry in column (4) occurring against all the tariff items of sub-heading 5210 41, the entry "12.5% or Rs. 15 per sq. metre, whichever is higher" shall be substituted;

(xxvii) for the entry in column (4) occurring against all the tariff items of sub-heading 5210 42, the entry "12.5% or Rs. 25 per sq. metre, whichever is higher" shall be substituted;

(xxviii) for the entry in column (4) occurring against all the tariff items of sub-heading 5210 49, the entry "12.5% or Rs. 185 per kg., whichever is higher" shall be substituted;

(xxix) for the entry in column (4) occurring against all the tariff items of sub-headings 5210 51, 5210 52 and 5210 59, the entry "12.5% or Rs. 15 per sq. metre, whichever is higher" shall be substituted;

(xxx) for the entry in column (4) occurring against all the tariff items of sub-headings 5211 11 and 5211 12, the entry "12.5%" shall be substituted;

(xxxi) in tariff item 5211 19 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxxii) for the entry in column (4) occurring against all the tariff items of sub-headings 5211 21, 5211 22 and 5211 29, the entry "12.5%" shall be substituted;

(xxxiii) for the entry in column (4) occurring against all the tariff items of sub-headings 5211 31, 5211 32 and 5211 39, the entry "12.5% or Rs. 150 per kg., whichever is higher" shall be substituted;

(xxxiv) for the entry in column (4) occurring against all the tariff items of sub-heading 5211 41, the entry "12.5% or Rs. 44 per sq. metre, whichever is higher" shall be substituted;

(xxxv) in tariff item 5211 42 00, for the entry in column (4), the entry "12.5% or Rs. 18 per sq. metre, whichever is higher" shall be substituted;

(xxxvi) for the entry in column (4) occurring against all the tariff items of sub-heading 5211 43, the entry "12.5% or Rs. 40 per sq. metre, whichever is higher" shall be substituted;

(xxxvii) for the entry in column (4) occurring against all the tariff items of sub-heading 5211 49, the entry "12.5% or Rs. 150 per kg., whichever is higher" shall be substituted;

(xxxviii) for the entry in column (4) occurring against all the tariff items of sub-headings 5211 51, 5211 52 and 5211 59, the entry "12.5% or Rs. 18 per sq. metre, whichever is higher" shall be substituted;

(xxxix) in tariff items 5212 11 00, 5212 12 00, 5212 13 00 and 5212 14 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(xl) in tariff item 5212 15 00, for the entry in column (4), the entry "12.5% or Rs. 165 per kg., whichever is higher" shall be substituted;

(xli) in tariff items 5212 21 00, 5212 22 00 and 5212 23 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(xlii) in tariff item 5212 24 00, for the entry in column (4), the entry "12.5% or Rs. 20 per sq. metre, whichever is higher" shall be substituted;

(xliii) in tariff item 5212 25 00, for the entry in column (4), the entry "12.5% or Rs. 165 per kg., whichever is higher" shall be substituted;

(30) in Chapter 53, for the entry in column (4) occurring against all the tariff items (except all the tariff items of headings 5301 and 5302), the entry "12.5%" shall be substituted;

(31) in Chapter 54,—

(i) for the entry in column (4) occurring against all the tariff items of headings 5401, 5402, 5403 and 5404, the entry "12.5%" shall be substituted;

(ii) in tariff item 5405 00 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of heading 5406, the entry "12.5%" shall be substituted;

(iv) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 10, the entry "12.5% or Rs. 115 per kg., whichever is higher" shall be substituted;

(v) for the entry in column (4) occurring against all the tariff items of sub-headings 5407 20 and 5407 30, the entry "12.5%" shall be substituted;

(vi) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 41, the entry "12.5% or Rs. 30 per sq. metre, whichever is higher" shall be substituted;

(vii) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 42, the entry "12.5% or Rs. 60 per sq. metre, whichever is higher" shall be substituted;

(viii) in tariff item 5407 43 00, for the entry in column (4), the entry "12.5% or Rs. 67 per sq. metre, whichever is higher" shall be substituted;

(ix) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 44, the entry "12.5% or Rs. 58 per sq. metre, whichever is higher" shall be substituted;

(x) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 51, the entry "12.5% or Rs. 11 per sq. metre, whichever is higher" shall be substituted;

(xi) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 52, the entry "12.5% or Rs. 38 per sq. metre, whichever is higher" shall be substituted;

(xii) in tariff item 5407 53 00, for the entry in column (4), the entry "12.5% or Rs. 50 per sq. metre, whichever is higher" shall be substituted;

(xiii) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 54, the entry "12.5% or Rs. 20 per sq. metre, whichever is higher" shall be substituted;

(xiv) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 61, the entry "12.5% or Rs. 150 per kg., whichever is higher" shall be substituted;

(xv) in tariff item 5407 69 00, for the entry in column (4), the entry "12.5% or Rs. 60 per sq. metre, whichever is higher" shall be substituted;

(xvi) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 71, the entry "12.5% or Rs. 10 per sq. metre, whichever is higher" shall be substituted;

(xvii) in tariff item 5407 72 00, for the entry in column (4), the entry "12.5% or Rs. 24 per sq. metre, whichever is higher" shall be substituted;

(xviii) in tariff item 5407 73 00, for the entry in column (4), the entry "12.5% or Rs. 60 per sq. metre, whichever is higher" shall be substituted;

(xix) in tariff item 5407 74 00, for the entry in column (4), the entry "12.5% or Rs. 38 per sq. metre, whichever is higher" shall be substituted;

(xx) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 81, the entry "12.5% or Rs. 10 per sq. metre, whichever is higher" shall be substituted;

(xxi) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 82, the entry "12.5% or Rs. 42 per sq. metre, whichever is higher" shall be substituted;

(xxii) in tariff item 5407 83 00, for the entry in column (4), the entry "12.5% or Rs. 67 per sq. metre, whichever is higher" shall be substituted;

(xxiii) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 84, the entry "12.5% or Rs. 38 per sq. metre, whichever is higher" shall be substituted;

(xxiv) for the entry in column (4) occurring against all the tariff items of sub-heading 5407 91, the entry "12.5% or Rs. 15 per sq. metre, whichever is higher" shall be substituted;

(xxv) in tariff item 5407 92 00, for the entry in column (4), the entry "12.5% or Rs. 67 per sq. metre, whichever is higher" shall be substituted;

(xxvi) in tariff item 5407 93 00, for the entry in column (4), the entry "12.5% or Rs. 45 per sq. metre, whichever is higher" shall be substituted;

(xxvii) in tariff item 5407 94 00, for the entry in column (4), the entry "12.5% or Rs. 67 per sq. metre, whichever is higher" shall be substituted;

(xxviii) in tariff item 5408 10 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxix) for the entry in column (4) occurring against all the tariff items of sub-heading 5408 21, the entry "12.5%" shall be substituted;

(xxx) for the entry in column (4) occurring against all the tariff items of sub-heading 5408 22, the entry "12.5% or Rs. 45 per sq. metre, whichever is higher" shall be substituted;

(xxxi) in tariff item 5408 23 00, for the entry in column (4), the entry "12.5% or Rs. 47 per sq. metre, whichever is higher" shall be substituted;

(xxxii) for the entry in column (4) occurring against all the tariff items of sub-heading 5408 24, the entry "12.5% or Rs. 87 per sq. metre, whichever is higher" shall be substituted;

(xxxiii) for the entry in column (4) occurring against all the tariff items of sub-heading 5408 31, the entry "12.5% or Rs. 25 per sq. metre, whichever is higher" shall be substituted;

(xxxiv) for the entry in column (4) occurring against all the tariff items of sub-heading 5408 32, the entry "12.5% or Rs. 44 per sq. metre, whichever is higher" shall be substituted;

(xxxv) in tariff item 5408 33 00, for the entry in column (4), the entry "12.5% or Rs. 10 per sq. metre, whichever is higher" shall be substituted;

(xxxvi) for the entry in column (4) occurring against all the tariff items of sub-heading 5408 34, the entry "12.5% or Rs. 11 per sq. metre, whichever is higher" shall be substituted;

(32) in Chapter 55,—

(i) for the entry in column (4) occurring against all the tariff items of headings 5501, 5502, 5503, 5504, 5505, 5506, 5507, 5508, 5509 and 5510, the entry "12.5%" shall be substituted;

(ii) in tariff items 5511 10 00 and 5511 20 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 31 per kg., whichever is higher" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of sub-heading 5511 30, the entry "12.5% or Rs. 30 per kg., whichever is higher" shall be substituted;

(iv) for the entry in column (4) occurring against all the tariff items of sub-heading 5512 11, the entry "12.5%" shall be substituted;

(v) for the entry in column (4) occurring against all the tariff items of sub-heading 5512 19, the entry "12.5% or Rs. 42 per sq. metre, whichever is higher" shall be substituted;

(vi) for the entry in column (4) occurring against all the tariff items of sub-heading 5512 21, the entry "12.5%" shall be substituted;

(vii) for the entry in column (4) occurring against all the tariff items of sub-heading 5512 29, the entry "12.5% or Rs. 47 per sq. metre, whichever is higher" shall be substituted;

(viii) for the entry in column (4) occurring against all the tariff items of sub-heading 5512 91, the entry "12.5%" shall be substituted;

(ix) for the entry in column (4) occurring against all the tariff items of sub-heading 5512 99, the entry "12.5% or Rs. 65 per kg., whichever is higher" shall be substituted;

(x) for the entry in column (4) occurring against all the tariff items of sub-headings 5513 11, 5513 12, 5513 13 and 5513 19, the entry "12.5%" shall be substituted;

(xi) in tariff items 5513 21 00 and 5513 22 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 150 per kg., whichever is higher" shall be substituted;

(xii) in tariff item 5513 23 00, for the entry in column (4), the entry "12.5% or Rs. 125 per kg. or Rs. 25 per sq. metre, whichever is highest" shall be substituted;

(xiii) in tariff item 5513 29 00, for the entry in column (4), the entry "12.5% or Rs. 185 per kg., whichever is higher" shall be substituted;

(xiv) in tariff item 5513 31 00, for the entry in column (4), the entry "12.5% or Rs. 21 per sq. metre, whichever is higher" shall be substituted;

(xv) in tariff item 5513 32 00, for the entry in column (4), the entry "12.5% or Rs. 170 per kg., whichever is higher" shall be substituted;

(xvi) in tariff item 5513 33 00, for the entry in column (4), the entry "12.5% or Rs. 22 per sq. metre, whichever is higher" shall be substituted;

(xvii) in tariff item 5513 39 00, for the entry in column (4), the entry "12.5% or Rs. 125 per kg. or Rs. 30 per sq. metre, whichever is highest" shall be substituted;

(xviii) in tariff item 5513 41 00, for the entry in column (4), the entry "12.5% or Rs. 25 per sq. metre, whichever is higher" shall be substituted;

(xix) in tariff item 5513 42 00, for the entry in column (4), the entry "12.5% or Rs. 12 per sq. metre, whichever is higher" shall be substituted;

(xx) in tariff item 5513 43 00, for the entry in column (4), the entry "12.5% or Rs. 20 per sq. metre, whichever is higher" shall be substituted;

(xxi) in tariff item 5513 49 00, for the entry in column (4), the entry "12.5% or Rs. 185 per kg., whichever is higher" shall be substituted;

(xxii) for the entry in column (4) occurring against all the tariff items of sub-headings 5514 11, 5514 12, 5514 13 and 5514 19, the entry "12.5%" shall be substituted;

(xxiii) in tariff item 5514 21 00, for the entry in column (4), the entry "12.5% or Rs. 100 per kg. or Rs. 30 per sq. metre, whichever is highest" shall be substituted;

(xxiv) in tariff item 5514 22 00, for the entry in column (4), the entry "12.5% or Rs. 140 per kg., whichever is higher" shall be substituted;

(xxv) in tariff item 5514 23 00, for the entry in column (4), the entry "12.5% or Rs. 160 per kg., whichever is higher" shall be substituted;

(xxvi) in tariff item 5514 29 00, for the entry in column (4), the entry "12.5% or Rs. 170 per kg., whichever is higher" shall be substituted;

(xxvii) in tariff item 5514 31 00, for the entry in column (4), the entry "12.5% or Rs. 64 per sq. metre, whichever is higher" shall be substituted;

(xxviii) in tariff item 5514 32 00, for the entry in column (4), the entry "12.5% or Rs. 43 per sq. metre, whichever is higher" shall be substituted;

(xxix) in tariff item 5514 33 00, for the entry in column (4), the entry "12.5% or Rs. 180 per kg., whichever is higher" shall be substituted;

(xxx) in tariff item 5514 39 00, for the entry in column (4), the entry "12.5% or Rs. 31 per sq. metre, whichever is higher" shall be substituted;

(xxxi) in tariff item 5514 41 00, for the entry in column (4), the entry "12.5% or Rs. 26 per sq. metre, whichever is higher" shall be substituted;

(xxxii) in tariff item 5514 42 00, for the entry in column (4), the entry "12.5% or Rs. 140 per kg., whichever is higher" shall be substituted;

(xxxiii) in tariff item 5514 43 00, for the entry in column (4), the entry "12.5% or Rs. 31 per sq. metre, whichever is higher" shall be substituted;

(xxxiv) in tariff item 5514 49 00, for the entry in column (4), the entry "12.5% or Rs. 160 per kg., whichever is higher" shall be substituted;

(xxxv) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 11, the entry "12.5% or Rs. 40 per sq. metre, whichever is higher" shall be substituted;

(xxxvi) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 12, the entry "12.5% or Rs. 95 per kg., whichever is higher" shall be substituted;

(xxxvii) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 13, the entry "12.5% or Rs. 75 per sq. metre, whichever is higher" shall be substituted;

(xxxviii) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 19, the entry "12.5% or Rs. 45 per sq. metre, whichever is higher" shall be substituted;

(xxxix) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 21, the entry "12.5% or Rs. 79 per sq. metre, whichever is higher" shall be substituted;

(xl) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 22, the entry "12.5% or Rs. 140 per kg., whichever is higher" shall be substituted;

(xli) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 29, the entry "12.5% or Rs. 30 per sq. metre, whichever is higher" shall be substituted;

(*xlii*) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 91, the entry "12.5% or Rs. 57 per sq. metre, whichever is higher" shall be substituted;

(*xliii*) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 92, the entry "12.5% or Rs. 55 per sq. metre, whichever is higher" shall be substituted;

(*xliv*) for the entry in column (4) occurring against all the tariff items of sub-heading 5515 99, the entry "12.5% or Rs. 35 per sq. metre, whichever is higher" shall be substituted;

(*lv*) for the entry in column (4) occurring against all the tariff items of sub-heading 5516 11, the entry "12.5%" shall be substituted;

(*lvi*) in tariff item 5516 12 00, for the entry in column (4), the entry "12.5% or Rs. 35 per sq. metre, whichever is higher" shall be substituted;

(*lvii*) in tariff item 5516 13 00, for the entry in column (4), the entry "12.5% or Rs. 40 per sq. metre, whichever is higher" shall be substituted;

(*lviii*) for the entry in column (4) occurring against all the tariff items of sub-heading 5516 14, the entry "12.5% or Rs. 12 per sq. metre, whichever is higher" shall be substituted;

(*lix*) for the entry in column (4) occurring against all the tariff items of sub-heading 5516 21, the entry "12.5%" shall be substituted;

(*l*) in tariff items 5516 22 00 and 5516 23 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 150 per kg., whichever is higher" shall be substituted;

(*li*) in tariff item 5516 24 00, for the entry in column (4), the entry "12.5% or Rs. 12 per sq. metre, whichever is higher" shall be substituted;

(*lii*) for the entry in column (4) occurring against all the tariff items of sub-heading 5516 31, the entry "12.5%" shall be substituted;

(*liii*) in tariff items 5516 32 00, 5516 33 00 and 5516 34 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(*liv*) for the entry in column (4) occurring against all the tariff items of sub-heading 5516 41, the entry "12.5%" shall be substituted;

(*lv*) in tariff item 5516 42 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(*lvi*) in tariff items 5516 43 00 and 5516 44 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 12 per sq. metre, whichever is higher" shall be substituted;

(*lvii*) for the entry in column (4) occurring against all the tariff items of sub-heading 5516 91, the entry "12.5%" shall be substituted;

(*lviii*) in tariff item 5516 92 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(*lix*) in tariff item 5516 93 00, for the entry in column (4), the entry "12.5% or Rs. 21 per sq. metre, whichever is higher" shall be substituted;

(*lx*) in tariff item 5516 94 00, for the entry in column (4), the entry "12.5% or Rs. 40 per sq. metre, whichever is higher" shall be substituted;

(33) in Chapter 56, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(34) in Chapter 57,—

(i) for the entry in column (4) occurring against all the tariff items of heading 5701, the entry "12.5%" shall be substituted;

(ii) in tariff item 5702 10 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of sub-headings 5702 20 and 5702 31, the entry "12.5%" shall be substituted;

(iv) for the entry in column (4) occurring against all the tariff items of sub-heading 5702 32, the entry "12.5% or Rs.105 per sq. metre, whichever is higher" shall be substituted;

(v) for the entry in column (4) occurring against all the tariff items of sub-headings 5702 39 and 5702 41, the entry "12.5%" shall be substituted;

(vi) for the entry in column (4) occurring against all the tariff items of sub-heading 5702 42, the entry "12.5% or Rs. 80 per sq. metre, whichever is higher" shall be substituted;

(vii) for the entry in column (4) occurring against all the tariff items of sub-headings 5702 49 and 5702 51, the entry "12.5%" shall be substituted;

(viii) for the entry in column (4) occurring against all the tariff items of sub-heading 5702 52, the entry "12.5% or Rs.105 per sq. metre, whichever is higher" shall be substituted;

(ix) for the entry in column (4) occurring against all the tariff items of sub-headings 5702 59 and 5702 91, the entry "12.5%" shall be substituted;

(x) for the entry in column (4) occurring against all the tariff items of sub-heading 5702 92, the entry "12.5% or Rs.110 per sq. metre, whichever is higher" shall be substituted;

(xi) for the entry in column (4) occurring against all the tariff items of sub-headings 5702 99 and 5703 10, the entry "12.5%" shall be substituted;

(xii) for the entry in column (4) occurring against all the tariff items of sub-heading 5703 20, the entry "12.5% or Rs. 70 per sq. metre, whichever is higher" shall be substituted;

(xiii) for the entry in column (4) occurring against all the tariff items of sub-heading 5703 30, the entry "12.5% or Rs. 55 per sq. metre, whichever is higher" shall be substituted;

(xiv) for the entry in column (4) occurring against all the tariff items of sub-heading 5703 90, the entry "12.5%" shall be substituted;

(xv) in tariff item 5704 10 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xvi) for the entry in column (4) occurring against all the tariff items of sub-heading 5704 90, the entry "12.5% or Rs. 35 per sq. metre, whichever is higher" shall be substituted;

(xvii) for the entry in column (4) occurring against all the tariff items of heading 5705, the entry "12.5%" shall be substituted;

(35) in Chapter 58,—

(i) in tariff item 5801 10 00, for the entry in column (4), the entry “12.5% or Rs. 210 per sq. metre, whichever is higher” shall be substituted;

(ii) in tariff item 5801 21 00, for the entry in column (4), the entry “12.5% or Rs. 80 per sq. metre, whichever is higher” shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of sub-heading 5801 22, the entry “12.5% or Rs. 75 per sq. metre, whichever is higher” shall be substituted;

(iv) in tariff item 5801 23 00, for the entry in column (4), the entry “12.5% or Rs. 80 per sq. metre, whichever is higher” shall be substituted;

(v) in tariff item 5801 24 00, for the entry in column (4), the entry “12.5% or Rs. 135 per sq. metre, whichever is higher” shall be substituted;

(vi) in tariff item 5801 25 00, for the entry in column (4), the entry “12.5% or Rs. 120 per sq. metre, whichever is higher” shall be substituted;

(vii) in tariff item 5801 26 00, for the entry in column (4), the entry “12.5% or Rs. 180 per sq. metre, whichever is higher” shall be substituted;

(viii) in tariff item 5801 31 00, for the entry in column (4), the entry “12.5% or Rs. 75 per sq. metre, whichever is higher” shall be substituted;

(ix) in tariff item 5801 32 00, for the entry in column (4), the entry “12.5% or Rs. 180 per sq. metre, whichever is higher” shall be substituted;

(x) in tariff item 5801 33 00, for the entry in column (4), the entry “12.5% or Rs. 150 per sq. metre, whichever is higher” shall be substituted;

(xi) for the entry in column (4) occurring against all the tariff items of sub-heading 5801 34, the entry “12.5% or Rs. 140 per sq. metre, whichever is higher” shall be substituted;

(xii) in tariff item 5801 35 00, for the entry in column (4), the entry “12.5% or Rs. 68 per sq. metre, whichever is higher” shall be substituted;

(xiii) for the entry in column (4) occurring against all the tariff items of sub-heading 5801 36, the entry “12.5% or Rs. 130 per sq. metre, whichever is higher” shall be substituted;

(xiv) for the entry in column (4) occurring against all the tariff items of sub-heading 5801 90, the entry “12.5% or Rs. 35 per sq. metre, whichever is higher” shall be substituted;

(xv) in tariff item 5802 11 00, for the entry in column (4), the entry “12.5%” shall be substituted;

(xvi) for the entry in column (4) occurring against all the tariff items of sub-heading 5802 19, the entry “12.5% or Rs. 60 per sq. metre, whichever is higher” shall be substituted;

(xvii) in tariff item 5802 20 00, for the entry in column (4), the entry “12.5%” shall be substituted;

(xviii) in tariff item 5802 30 00, for the entry in column (4), the entry “12.5% or Rs. 150 per kg., whichever is higher” shall be substituted;

(xix) for the entry in column (4) occurring against all the tariff items of heading 5803, the entry “12.5%” shall be substituted;

(xx) for the entry in column (4) occurring against all the tariff items of heading 5804, the entry "12.5% or Rs.200 per kg., whichever is higher" shall be substituted;

(xxi) for the entry in column (4) occurring against all the tariff items of headings 5805, 5806, 5807, 5808 and 5809, the entry "12.5%" shall be substituted;

(xxii) in tariff item 5810 10 00, for the entry in column (4), the entry "12.5% or Rs. 200 per kg., whichever is higher" shall be substituted;

(xxiii) in tariff item 5810 91 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxiv) for the entry in column (4) occurring against all the tariff items of sub-heading 5810 92, the entry "12.5%" shall be substituted;

(xxv) in tariff item 5810 99 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxvi) for the entry in column (4) occurring against all the tariff items of heading 5811, the entry "12.5%" shall be substituted;

(36) in Chapter 59, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(37) in Chapter 60,—

(i) for the entry in column (4) occurring against all the tariff items (except tariff item 6001 92 00), the entry "12.5%" shall be substituted;

(ii) in tariff item 6001 92 00, for the entry in column (4), the entry "12.5% or Rs. 100 per kg., whichever is higher" shall be substituted;

(38) in Chapter 61,—

(i) for the entry in column (4) occurring against all the tariff items of sub-heading 6101·10, the entry "12.5% or Rs. 700 per piece, whichever is higher" shall be substituted;

(ii) in tariff item 6101 20 00, for the entry in column (4), the entry "12.5% or Rs. 540 per piece, whichever is higher" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of sub-heading 6101 30, the entry "12.5% or Rs. 530 per piece, whichever is higher" shall be substituted;

(iv) for the entry in column (4) occurring against all the tariff items of sub-heading 6101 90, the entry "12.5%" shall be substituted;

(v) in tariff item 6102 10 00, for the entry in column (4), the entry "12.5% or Rs. 595 per piece, whichever is higher" shall be substituted;

(vi) in tariff item 6102 20 00, for the entry in column (4), the entry "12.5% or Rs. 425 per piece, whichever is higher" shall be substituted;

(vii) for the entry in column (4) occurring against all the tariff items of sub-heading 6102 30, the entry "12.5% or Rs. 475 per piece, whichever is higher" shall be substituted;

(viii) for the entry in column (4) occurring against all the tariff items of sub-heading 6102 90, the entry "12.5%" shall be substituted;

(ix) for the entry in column (4) occurring against all the tariff items of heading 6103, the entry "12.5%" shall be substituted;

(x) in tariff items 6104 11 00, 6104 12 00 and 6104 13 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(xi) for the entry in column (4) occurring against all the tariff items of sub-heading 6104 19, the entry "12.5% or Rs. 460 per piece, whichever is higher" shall be substituted;

(xii) in tariff items 6104 21 00, 6104 22 00 and 6104 23 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(xiii) for the entry in column (4) occurring against all the tariff items of sub-heading 6104 29, the entry "12.5%" shall be substituted;

(xiv) in tariff items 6104 31 00, 6104 32 00 and 6104 33 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(xv) for the entry in column (4) occurring against all the tariff items of sub-heading 6104 39, the entry "12.5%" shall be substituted;

(xvi) in tariff item 6104 41 00, for the entry in column (4), the entry "12.5% or Rs. 255 per piece, whichever is higher" shall be substituted;

(xvii) in tariff item 6104 42 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xviii) in tariff items 6104 43 00 and 6104 44 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 255 per piece, whichever is higher" shall be substituted;

(xix) for the entry in column (4) occurring against all the tariff items of sub-heading 6104 49, the entry "12.5% or Rs. 220 per piece, whichever is higher" shall be substituted;

(xx) in tariff items 6104 51 00, 6104 52 00 and 6104 53 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 110 per piece, whichever is higher" shall be substituted;

(xxi) for the entry in column (4) occurring against all the tariff items of sub-heading 6104 59, the entry "12.5% or Rs. 110 per piece, whichever is higher" shall be substituted;

(xxii) in tariff item 6104 61 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxiii) in tariff items 6104 62 00 and 6104 63 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 98 per piece, whichever is higher" shall be substituted;

(xxiv) for the entry in column (4) occurring against all the tariff items of sub-heading 6104 69, the entry "12.5%" shall be substituted;

(xxv) for the entry in column (4) occurring against all the tariff items of sub-headings 6105 10 and 6105 20, the entry "12.5% or Rs. 83 per piece, whichever is higher" shall be substituted;

(xxvi) for the entry in column (4) occurring against all the tariff items of sub-heading 6105 90, the entry "12.5% or Rs. 90 per piece, whichever is higher" shall be substituted;

(xxvii) in tariff item 6106 10 00, for the entry in column (4), the entry "12.5% or Rs. 90 per piece, whichever is higher" shall be substituted;

(xxviii) for the entry in column (4) occurring against all the tariff items of sub-heading 6106 20, the entry "12.5% or Rs. 25 per piece, whichever is higher" shall be substituted;

(xxix) for the entry in column (4) occurring against all the tariff items of sub-heading 6106 90, the entry "12.5% or Rs. 135 per piece, whichever is higher" shall be substituted;

(xxx) in tariff item 6107 11 00, for the entry in column (4), the entry "12.5% or Rs. 24 per piece, whichever is higher" shall be substituted;

(xxxi) for the entry in column (4) occurring against all the tariff items of sub-heading 6107 12, the entry "12.5% or Rs. 30 per piece, whichever is higher" shall be substituted;

(xxxii) for the entry in column (4) occurring against all the tariff items of sub-heading 6107 19, the entry "12.5%" shall be substituted;

(xxxiii) in tariff item 6107 21 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxxiv) for the entry in column (4) occurring against all the tariff items of sub-headings 6107 22, 6107 29, 6107 91, 6107 92 and 6107 99, the entry "12.5%" shall be substituted;

(xxxv) for the entry in column (4) occurring against all the tariff items of sub-headings 6108 11 and 6108 19, the entry "12.5%" shall be substituted;

(xxxvi) in tariff item 6108 21 00, for the entry in column (4), the entry "12.5% or Rs. 25 per piece, whichever is higher" shall be substituted;

(xxxvii) for the entry in column (4) occurring against all the tariff items of sub-heading 6108 22, the entry "12.5% or Rs. 25 per piece, whichever is higher" shall be substituted;

(xxxviii) for the entry in column (4) occurring against all the tariff items of sub-heading 6108 29, the entry "12.5%" shall be substituted;

(xxxix) in tariff item 6108 31 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xl) for the entry in column (4) occurring against all the tariff items of sub-headings 6108 32 and 6108 39, the entry "12.5%" shall be substituted;

(xli) in tariff item 6108 91 00, for the entry in column (4), the entry "12.5% or Rs. 65 per piece, whichever is higher" shall be substituted;

(xlii) for the entry in column (4) occurring against all the tariff items of sub-heading 6108 92, the entry "12.5% or Rs. 60 per piece, whichever is higher" shall be substituted;

(xliii) for the entry in column (4) occurring against all the tariff items of sub-heading 6108 99, the entry "12.5%" shall be substituted;

(xliv) in tariff item 6109 10 00, for the entry in column (4), the entry "12.5% or Rs. 45 per piece, whichever is higher" shall be substituted;

(xlv) for the entry in column (4) occurring against all the tariff items of sub-heading 6109 90, the entry "12.5% or Rs. 50 per piece, whichever is higher" shall be substituted;

(*xlvi*) for the entry in column (4) occurring against all the tariff items of sub-heading 6110 11, the entry "12.5% or Rs. 275 per piece, whichever is higher" shall be substituted;

(*xlvii*) in tariff items 6110 12 00 and 6110 19 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 275 per piece, whichever is higher" shall be substituted;

(*xlviii*) in tariff item 6110 20 00, for the entry in column (4), the entry "12.5% or Rs. 85 per piece, whichever is higher" shall be substituted;

(*xliv*) for the entry in column (4) occurring against all the tariff items of sub-heading 6110 30, the entry "12.5% or Rs. 110 per piece, whichever is higher" shall be substituted;

(*l*) in tariff item 6110 90 00, for the entry in column (4), the entry "12.5% or Rs.105 per piece, whichever is higher" shall be substituted;

(*li*) for the entry in column (4) occurring against all the tariff items of headings 6111 and 6112, the entry "12.5%" shall be substituted;

(*lii*) in tariff item 6113 00 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(*liii*) for the entry in column (4) occurring against all the tariff items of headings 6114, 6115, 6116 and 6117, the entry "12.5%" shall be substituted;

(39) in Chapter 62,—

(*i*) in tariff item 6201 11 00, for the entry in column (4), the entry "12.5% or Rs. 385 per piece, whichever is higher" shall be substituted;

(*ii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6201 12, the entry "12.5% or Rs. 385 per piece, whichever is higher" shall be substituted;

(*iii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6201 13, the entry "12.5% or Rs. 320 per piece, whichever is higher" shall be substituted;

(*iv*) for the entry in column (4) occurring against all the tariff items of sub-heading 6201 19, the entry "12.5%" shall be substituted;

(*v*) in tariff item 6201 91 00, for the entry in column (4), the entry "12.5% or Rs. 220 per piece, whichever is higher" shall be substituted;

(*vi*) in tariff item 6201 92 00, for the entry in column (4), the entry "12.5% or Rs. 210 per piece, whichever is higher" shall be substituted;

(*vii*) in tariff item 6201 93 00, for the entry in column (4), the entry "12.5% or Rs.180 per piece, whichever is higher" shall be substituted;

(*viii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6201 99, the entry "12.5%" shall be substituted;

(*ix*) for the entry in column (4) occurring against all the tariff items of sub-heading 6202 11, the entry "12.5% or Rs. 385 per piece, whichever is higher" shall be substituted;

(*x*) in tariff item 6202 12 00, for the entry in column (4), the entry "12.5% or Rs. 210 per piece, whichever is higher" shall be substituted;

(xi) in tariff item 6202 13 00, for the entry in column (4), the entry "12.5% or Rs. 385 per piece, whichever is higher" shall be substituted;

(xii) for the entry in column (4) occurring against all the tariff items of sub-heading 6202 19, the entry "12.5%" shall be substituted;

(xiii) for the entry in column (4) occurring against all the tariff items of sub-heading 6202 91, the entry "12.5% or Rs. 220 per piece, whichever is higher" shall be substituted;

(xiv) for the entry in column (4) occurring against all the tariff items of sub-heading 6202 92, the entry "12.5% or Rs. 160 per piece, whichever is higher" shall be substituted;

(xv) for the entry in column (4) occurring against all the tariff items of sub-heading 6202 93, the entry "12.5% or Rs. 220 per piece, whichever is higher" shall be substituted;

(xvi) for the entry in column (4) occurring against all the tariff items of sub-heading 6202 99, the entry "12.5%" shall be substituted;

(xvii) in tariff item 6203 11 00, for the entry in column (4), the entry "12.5% or Rs. 1100 per piece, whichever is higher" shall be substituted;

(xviii) in tariff item 6203 12 00, for the entry in column (4), the entry "12.5% or Rs. 720 per piece, whichever is higher" shall be substituted;

(xix) for the entry in column (4) occurring against all the tariff items of sub-heading 6203 19, the entry "12.5% or Rs. 1,110 per piece, whichever is higher" shall be substituted;

(xx) in tariff items 6203 21 00, 6203 22 00, 6203 23 00 and 6203 29 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 145 per piece, whichever is higher" shall be substituted;

(xxi) in tariff item 6203 31 00, for the entry in column (4), the entry "12.5% or Rs. 815 per piece, whichever is higher" shall be substituted;

(xxii) in tariff item 6203 32 00, for the entry in column (4), the entry "12.5% or Rs. 440 per piece, whichever is higher" shall be substituted;

(xxiii) in tariff item 6203 33 00, for the entry in column (4), the entry "12.5% or Rs. 320 per piece, whichever is higher" shall be substituted;

(xxiv) for the entry in column (4) occurring against all the tariff items of sub-heading 6203 39, the entry "12.5% or Rs. 755 per piece, whichever is higher" shall be substituted;

(xxv) in tariff item 6203 41 00, for the entry in column (4), the entry "12.5% or Rs. 285 per piece, whichever is higher" shall be substituted;

(xxvi) in tariff item 6203 42 00, for the entry in column (4), the entry "12.5% or Rs. 135 per piece, whichever is higher" shall be substituted;

(xxvii) in tariff item 6203 43 00, for the entry in column (4), the entry "12.5% or Rs. 110 per piece, whichever is higher" shall be substituted;

(xxviii) for the entry in column (4) occurring against all the tariff items of sub-heading 6203 49, the entry "12.5% or Rs. 110 per piece, whichever is higher" shall be substituted;

(xxix) in tariff item 6204 11 00, for the entry in column (4), the entry "12.5% or Rs. 550 per piece, whichever is higher" shall be substituted;

(xxx) in tariff item 6204 12 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxxi) in tariff item 6204 13 00, for the entry in column (4), the entry "12.5% or Rs. 550 per piece, whichever is higher" shall be substituted;

(xxxii) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 19, the entry "12.5% or Rs. 500 per piece, whichever is higher" shall be substituted;

(xxxiii) in tariff item 6204 21 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxxiv) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 22, the entry "12.5%" shall be substituted;

(xxxv) in tariff item 6204 23 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(xxxvi) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 29, the entry "12.5%" shall be substituted;

(xxxvii) in tariff item 6204 31 00, for the entry in column (4), the entry "12.5% or Rs. 370 per piece, whichever is higher" shall be substituted;

(xxxviii) in tariff item 6204 32 00, for the entry in column (4), the entry "12.5% or Rs. 650 per piece, whichever is higher" shall be substituted;

(xxxix) in tariff item 6204 33 00, for the entry in column (4), the entry "12.5% or Rs. 390 per piece, whichever is higher" shall be substituted;

(xl) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 39, the entry "12.5% or Rs. 350 per piece, whichever is higher" shall be substituted;

(xli) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 41, the entry "12.5% or Rs. 145 per piece, whichever is higher" shall be substituted;

(xlii) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 42, the entry "12.5% or Rs. 116 per piece, whichever is higher" shall be substituted;

(xliii) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 43, the entry "12.5% or Rs. 145 per piece, whichever is higher" shall be substituted;

(xliv) in tariff item 6204 44 00, for the entry in column (4), the entry "12.5% or Rs. 145 per piece, whichever is higher" shall be substituted;

(xlv) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 49, the entry "12.5% or Rs. 145 per piece, whichever is higher" shall be substituted;

(xlvi) in tariff item 6204 51 00, for the entry in column (4), the entry "12.5% or Rs. 485 per piece, whichever is higher" shall be substituted;

(xlvii) in tariff items 6204 52 00 and 6204 53 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(xlviii) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 59, the entry "12.5%" shall be substituted;

(*xliv*) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 61, the entry "12.5% or Rs. 285 per piece, whichever is higher" shall be substituted;

(*l*) in tariff item 6204 62 00, for the entry in column (4), the entry "12.5% or Rs. 135 per piece, whichever is higher" shall be substituted;

(*li*) in tariff item 6204 63 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(*lii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6204 69, the entry "12.5% or Rs. 135 per piece, whichever is higher" shall be substituted;

(*liii*) in tariff item 6205 10 00, for the entry in column (4), the entry "12.5% or Rs. 200 per piece, whichever is higher" shall be substituted;

(*liv*) in tariff item 6205 20 00, for the entry in column (4), the entry "12.5% or Rs. 85 per piece, whichever is higher" shall be substituted;

(*lv*) in tariff item 6205 30 00, for the entry in column (4), the entry "12.5% or Rs. 120 per piece, whichever is higher" shall be substituted;

(*lvi*) for the entry in column (4) occurring against all the tariff items of sub-heading 6205 90, the entry "12.5% or Rs. 95 per piece, whichever is higher" shall be substituted;

(*lvii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6206 10, the entry "12.5%" shall be substituted;

(*lviii*) in tariff item 6206 20 00, for the entry in column (4), the entry "12.5% or Rs. 135 per piece, whichever is higher" shall be substituted;

(*lix*) in tariff item 6206 30 00, for the entry in column (4), the entry "12.5% or Rs. 95 per piece, whichever is higher" shall be substituted;

(*lx*) in tariff item 6206 40 00, for the entry in column (4), the entry "12.5% or Rs. 120 per piece, whichever is higher" shall be substituted;

(*lxi*) in tariff item 6206 90 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(*lxii*) in tariff item 6207 11 00, for the entry in column (4), the entry "12.5% or Rs. 28 per piece, whichever is higher" shall be substituted;

(*lxiii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6207 19, the entry "12.5% or Rs. 30 per piece, whichever is higher" shall be substituted;

(*lxiv*) in tariff items 6207 21 00, 6207 22 00 and 6207 29 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(*lxv*) for the entry in column (4) occurring against all the tariff items of sub-heading 6207 91, the entry "12.5%" shall be substituted;

(*lxvi*) in tariff item 6207 92 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(*lxvii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6207 99, the entry "12.5% or Rs. 70 per piece, whichever is higher" shall be substituted;

(*lxviii*) in tariff item 6208 11 00, for the entry in column (4), the entry "12.5% or Rs. 80 per piece, whichever is higher" shall be substituted;

(*lxix*) for the entry in column (4) occurring against all the tariff items of sub-heading 6208 19, the entry "12.5% or Rs. 60 per piece, whichever is higher" shall be substituted;

(*lxx*) in tariff items 6208 21 00 and 6208 22 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(*lxxi*) for the entry in column (4) occurring against all the tariff items of sub-heading 6208 29, the entry "12.5%" shall be substituted;

(*lxxii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6208 91, the entry "12.5% or Rs. 95 per piece, whichever is higher" shall be substituted;

(*lxxiii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6208 92, the entry "12.5% or Rs. 65 per piece, whichever is higher" shall be substituted;

(*lxxiv*) for the entry in column (4) occurring against all the tariff items of sub-heading 6208 99, the entry "12.5%" shall be substituted;

(*lxxv*) for the entry in column (4) occurring against all the tariff items of heading 6209, the entry "12.5%" shall be substituted;

(*lxxvi*) in tariff item 6210 10 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(*lxxvii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6210 20, the entry "12.5% or Rs. 365 per piece, whichever is higher" shall be substituted;

(*lxxviii*) for the entry in column (4) occurring against all the tariff items of sub-heading 6210 30, the entry "12.5% or Rs. 305 per piece, whichever is higher" shall be substituted;

(*lxxix*) for the entry in column (4) occurring against all the tariff items of sub-heading 6210 40, the entry "12.5% or Rs. 65 per piece, whichever is higher" shall be substituted;

(*lxxx*) in tariff item 6210 50 00, for the entry in column (4), the entry "12.5% or Rs. 65 per piece, whichever is higher" shall be substituted;

(*lxxxi*) in tariff items 6211 11 00, 6211 12 00, 6211 20 00 and 6211 31 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(*lxxxii*) in tariff items 6211 32 00 and 6211 33 00, for the entry in column (4) occurring against each of them, the entry "12.5% or Rs. 135 per piece, whichever is higher" shall be substituted;

(*lxxxiii*) in tariff items 6211 39 00 and 6211 41 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(*lxxxiv*) for the entry in column (4) occurring against all the tariff items of sub-heading 6211 42, the entry "12.5% or Rs. 135 per piece, whichever is higher" shall be substituted;

(*lxxxv*) in tariff item 6211 43 00, for the entry in column (4), the entry "12.5% or Rs. 135 per piece, whichever is higher" shall be substituted;

(lxxxvi) in tariff item 6211 49 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(lxxxvii) for the entry in column (4) occurring against all the tariff items of heading 6212, the entry "12.5% or Rs. 30 per piece, whichever is higher" shall be substituted;

(lxxxviii) for the entry in column (4) occurring against all the tariff items of heading 6213, the entry "12.5%" shall be substituted;

(lxxxix) for the entry in column (4) occurring against all the tariff items of sub-heading 6214 10, the entry "12.5% or Rs. 390 per piece, whichever is higher" shall be substituted;

(xc) for the entry in column (4) occurring against all the tariff items of sub-heading 6214 20, the entry "12.5% or Rs. 180 per piece, whichever is higher" shall be substituted;

(xci) in tariff items 6214 30 00 and 6214 40 00, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(xcii) for the entry in column (4) occurring against all the tariff items of sub-heading 6214 90, the entry "12.5% or Rs. 75 per piece, whichever is higher" shall be substituted;

(xciii) for the entry in column (4) occurring against all the tariff items of heading 6215, the entry "12.5% or Rs. 55 per piece, whichever is higher" shall be substituted;

(xciv) for the entry in column (4) occurring against all the tariff items of headings 6216 and 6217, the entry "12.5%" shall be substituted;

(40) in Chapter 63,—

(i) for the entry in column (4) occurring against all the tariff items (except tariff items 6301 20 00, 6302 21 00 and 6302 31 00), the entry "12.5%" shall be substituted;

(ii) in tariff item 6301 20 00, for the entry in column (4), the entry "12.5% or Rs. 275 per piece, whichever is higher" shall be substituted;

(iii) in tariff item 6302 21 00, for the entry in column (4), the entry "12.5% or Rs. 108 per kg., whichever is higher" shall be substituted;

(iv) in tariff item 6302 31 00, for the entry in column (4), the entry "12.5% or Rs. 96 per kg., whichever is higher" shall be substituted;

(41) in Chapter 64, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(42) in Chapter 65, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(43) in Chapter 66, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(44) in Chapter 67, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(45) in Chapter 68, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(46) in Chapter 69, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(47) in Chapter 70, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(48) in Chapter 71, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(49) in Chapter 73, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(50) in Chapter 74, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(51) in Chapter 75, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(52) in Chapter 76, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(53) in Chapter 78, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(54) in Chapter 79, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(55) in Chapter 80, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(56) in Chapter 81, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(57) in Chapter 82, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(58) in Chapter 83, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(59) in Chapter 84, for the entry in column (4) occurring against all the tariff items (except tariff items 8407 21 00, 8456 91 00, 8469 11 00, 8470 10 00, 8470 21 00, 8470 29 00, 8470 30 00, 8470 40 10, 8470 40 20, 8470 50 10, 8470 50 20, 8470 90 10, 8470 90 20, 8471 10 00, 8471 30 10, 8471 30 90, 8471 41 10, 8471 41 20, 8471 41 90, 8471 49 00, 8471 50 00, 8471 60 10, 8471 60 21, 8471 60 22, 8471 60 23, 8471 60 24, 8471 60 25, 8471 60 26, 8471 60 27, 8471 60 29, 8471 60 30, 8471 60 40, 8471 60 50, 8471 60 60, 8471 60 90, 8471 70 10, 8471 70 20, 8471 70 30, 8471 70 40, 8471 70 50, 8471 70 60, 8471 70 70, 8471 70 90, 8471 80 00, 8471 90 00, 8473 21 00, 8473 29 00, 8473 30 10, 8473 30 20, 8473 30 30, 8473 30 40, 8473 30 50, 8473 30 60, 8473 30 91, 8473 30 92, 8473 30 99 and 8473 50 00), the entry "12.5%" shall be substituted;

(60) in Chapter 85,—

(i) for the entry in column (4) occurring against all the tariff items of headings 8501, 8502, 8503, 8504, 8505, 8506, 8507, 8509, 8510, 8511, 8512, 8513, 8514, 8515, 8516, 8518 and 8519, the entry "12.5%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of heading 8520 (except tariff item 8520 20 00), the entry "12.5%" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of headings 8521 and 8522, the entry "12.5%" shall be substituted;

(iv) in tariff item 8523 30 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(v) for the entry in column (4) occurring against all the tariff items of heading 8524 (except all the tariff items of sub-headings 8524 31, 8524 40 and 8524 91), the entry "12.5%" shall be substituted;

(vi) for the entry in column (4) occurring against all the tariff items of heading 8525 (except all the tariff items of sub-heading 8525 20), the entry "12.5%" shall be substituted;

(vii) for the entry in column (4) occurring against all the tariff items of headings 8526, 8527, 8528, 8529 and 8530, the entry "12.5%" shall be substituted;

(viii) for the entry in column (4) occurring against all the tariff items of heading 8531 (except tariff item 8531 20 00), the entry "12.5%" shall be substituted;

(ix) for the entry in column (4) occurring against all the tariff items of headings 8535, 8536, 8537, 8538, 8539 and 8540 (except tariff item 8540 40 00), the entry "12.5%" shall be substituted;

(x) for the entry in column (4) occurring against all the tariff items of heading 8543 (except tariff items 8543 11 00 and 8543 81 00), the entry "12.5%" shall be substituted;

(xi) for the entry in column (4) occurring against all the tariff items of heading 8544 (except tariff items 8544 70 10 and 8544 70 90), the entry "12.5%" shall be substituted;

(xii) for the entry in column (4) occurring against all the tariff items of headings 8545, 8546, 8547 and 8548, the entry "12.5%" shall be substituted;

(61) in Chapter 86, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(62) In Chapter 87,—

(i) for the entry in column (4) occurring against all the tariff items of headings 8701 and 8702, the entry "12.5%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of headings 8704, 8705, 8706, 8707, 8708 and 8709, the entry "12.5%" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of headings 8712, 8713, 8714, 8715 and 8716, the entry "12.5%" shall be substituted;

(63) in Chapter 88, for the entry in column (4) occurring against all the tariff items (except tariff items 8802 20 00, 8802 30 00, 8802 40 00, 8803 10 00, 8803 20 00 and 8803 30 00), the entry "12.5%" shall be substituted;

(64) in Chapter 89, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(65) in Chapter 90,—

(i) for the entry in column (4) occurring against all the tariff items of headings 9001, 9002, 9003, 9004, 9005, 9006, 9007 and 9008, the entry "12.5%" shall be substituted;

(ii) in tariff items 9009 12 00, 9009 22 00 and 9009 30 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of heading 9010 (except tariff items 9010 41 00, 9010 42 00 and 9010 49 00), the entry "12.5%" shall be substituted;

(iv) for the entry in column (4) occurring against all the tariff items of headings 9011 and 9012, the entry "12.5%" shall be substituted;

(v) for the entry in column (4) occurring against all the tariff items of heading 9013 (except tariff items 9013 80 10 and 9013 90 10), the entry "12.5%" shall be substituted;

(vi) for the entry in column (4) occurring against all the tariff items of headings 9014, 9015, 9016, 9017, 9018 and 9019, the entry "12.5%" shall be substituted;

(vii) in tariff item 9020 00 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(viii) for the entry in column (4) occurring against all the tariff items of headings 9021, 9022, 9023, 9024 and 9025, the entry "12.5%" shall be substituted;

(ix) in tariff items 9027 10 00, 9027 40 00, 9027 90 10, 9027 90 20 and 9027 90 90, for the entry in column (4) occurring against each of them, the entry "12.5%" shall be substituted;

(x) for the entry in column (4) occurring against all the tariff items of headings 9028 and 9029, the entry "12.5%" shall be substituted;

(xi) for the entry in column (4) occurring against all the tariff items of heading 9030 (except tariff items 9030 40 00 and 9030 82 00), the entry "12.5%" shall be substituted;

(xii) for the entry in column (4) occurring against all the tariff items of heading 9031 (except tariff item 9031 41 00), the entry "12.5%" shall be substituted;

(xiii) for the entry in column (4) occurring against all the tariff items of heading 9032, the entry "12.5%" shall be substituted;

(xiv) in tariff item 9033 00 00, for the entry in column (4), the entry "12.5%" shall be substituted;

(66) in Chapter 91, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(67) in Chapter 92, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(68) in Chapter 93, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(69) in Chapter 94, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(70) in Chapter 95, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(71) in Chapter 96, for the entry in column (4) occurring against all the tariff items, the entry "12.5%" shall be substituted;

(72) in Chapter 97, for the entry in column (4) occurring against all the tariff items (except tariff items 9704 00 10, 9704 00 20 and 9704 00 90), the entry "12.5%" shall be substituted;

(73) in Chapter 98, for the entry in column (4) occurring against all the tariff items (except tariff item 9803 00 00), the entry "12.5%" shall be substituted.

THE FOURTH SCHEDULE

[See section 63(b)]

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

In the First Schedule to the Customs Tariff Act,—

(1) in Chapter 1, in heading 0105, for tariff items 0105 92 00 and 0105 93 00 and the entries relating thereto, the following entries shall be substituted, namely:—

"0105 94 00	- Fowls of the species <i>Gallus domesticus</i>	u	30%	-";
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(2) in Chapter 2,—

(i) in heading 0208, tariff item 0208 20 00 and the entries relating thereto shall be omitted;

(ii) in heading 0210, in the entry in column (2) appearing after tariff item 0210 20 00, for the words "meat and meat offal", the words "meat or meat offal" shall be substituted;

(3) in Chapter 3,—

(i) in heading 0301, after tariff item 0301 93 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—

"0301 94 00	- Bluefin tunas (<i>Thunnus thynnus</i>)	kg.	30%	-
0301 95 00	- Southern bluefin tunas (<i>Thunnus maccoyii</i>)	kg.	30%	-";

(ii) in heading 0302, after tariff item 0302 66 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—

"0302 67 00	- Swordfish (<i>Xiphias gladius</i>)	kg.	30%	-
0302 68 00	- Toothfish (<i>Dissostichus spp.</i>)	kg.	30%	-";

(iii) in heading 0303, for tariff items 0303 50 00 and 0303 60 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"- Herrings (*Clupea harengus*, *Clupea pallasii*) and cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*), excluding livers and roes:

0303 51 00	- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)	kg.	30%	-
0303 52 00	- Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) Swordfish (<i>Xiphias gladius</i>) and toothfish (<i>Dissostichus spp.</i>), excluding livers and roes:	kg.	30%	-
0303 61 00	- Swordfish (<i>Xiphias gladius</i>)	kg.	30%	-
0303 62 00	- Toothfish (<i>Dissostichus spp.</i>)	kg.	30%	-";

(iv) in heading 0304, for tariff item 0304 10 00, sub-heading 0304 20, tariff items 0304 20 10 to 0304 90 00 and the entries relating thereto, the following sub-heading and tariff items and entries shall be substituted, namely:—

"- *Fresh or chilled:*

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
0304 11 00	-- Swordfish (<i>Xiphias gladius</i>)	kg.	30%	-
0304 12 00	-- Toothfish (<i>Dissostichus spp.</i>)	kg.	30%	-
0304 19 00	-- Other	kg.	30%	-
	- <i>Frozen fillets:</i>			
0304 21 00	-- Swordfish (<i>Xiphias gladius</i>)	kg.	30%	-
0304 22 00	-- Toothfish (<i>Dissostichus spp.</i>)	kg.	30%	-
0304 29	-- <i>Other:</i>			
0304 29 10	-- Hilsa	kg.	30%	-
0304 29 20	-- Shark	kg.	30%	-
0304 29 30	-- Seer	kg.	30%	-
0304 29 40	-- Tuna	kg.	30%	-
0304 29 50	-- Cuttlefish	kg.	30%	-
0304 29 90	-- Other	kg.	30%	-
	- <i>Other:</i>			
0304 91 00	-- Swordfish (<i>Xiphias gladius</i>)	kg.	30%	-
0304 92 00	-- Toothfish (<i>Dissostichus spp.</i>)	kg.	30%	-
0304 99 00	-- Other	kg.	30%	-";

(4) in Chapter 4,—

(i) in Sub-heading Note 1, for the letters "i.e.", the words "that is" shall be substituted;

(ii) in tariff item 0406 40 00, for the entry in column (2), the following entry shall be substituted, namely:—

"- Blue-veined cheese and other cheese containing veins produced by *Penicillium roqueforti*";

(5) in Chapter 5,—

(i) tariff item 0503 00 00 and the entries relating thereto shall be omitted;

(ii) heading 0509, sub-heading 0509 00, tariff items 0509 00 10 and 0509 00 90 and the entries relating thereto shall be omitted;

(6) in Chapter 6, in heading 0603, for tariff item 0603 10 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"- *Fresh:*

0603 11 00	-- Roses	kg.	60%	-
0603 12 00	-- Carnations	kg.	60%	-
0603 13 00	-- Orchids	kg.	60%	-
0603 14 00	-- Chrysanthemums	kg.	60%	-
0603 19 00	-- Other	kg.	60%	-";

(7) in Chapter 7,—

(i) in heading 0709, tariff items 0709 10 00 and 0709 52 00 and the entries relating thereto shall be omitted;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(ii) in heading 0711, tariff item 0711 30 00 and the entries relating thereto shall be omitted;

(8) in Chapter 8,—

(i) in Note 3, in clauses (a) and (b), for the letters "e.g." wherever they occur, the words "for example" shall be substituted;

(ii) in heading 0802, after tariff item 0802 50 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

"0802 60 00 - Macadamia nuts kg. 30% 20%";

(iii) in heading 0805, in tariff item 0805 40 00, for the entry in column (2), the entry "-Grapefruit, including pomelos" shall be substituted;

(iv) in heading 0810, tariff item 0810 30 00 and the entries relating thereto shall be omitted;

(9) in Chapter 9,—

(i) in heading 0906, for sub-heading 0906 10, tariff items 0906 10 10 to 0906 10 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

"- Neither crushed nor ground :

0906 11	-- Cinnamon (<i>Cinnamomum zeylanicum</i> Blume)			
0906 11 10	--- Cinnamon bark	kg.	30%	22.5%
0906 11 20	--- Cinnamon tree flowers	kg.	30%	22.5%
0906 11 90	--- Other	kg.	30%	22.5%
0906 19	- Other:			
0906 19 10	--- cassia	kg.	30%	22.5%
0906 19 90	--- other	kg.	30%	22.5%";

(ii) in heading 0910, sub-heading 0910 40, tariff items 0910 40 10 to 0910 50 00 and the entries relating thereto shall be omitted;

(10) in Chapter 10, in Note 1, for the brackets and letters "(a)" and "(b)" wherever they occur, the brackets and letters "(A)" and "(B)" shall respectively be substituted;

(11) in Chapter 11, in heading 1102, tariff item 1102 30 00 and the entries relating thereto shall be omitted;

(12) in Chapter 12,—

(i) in heading 1207,—

(a) sub-heading 1207 10, tariff items 1207 10 10 and 1207 10 90 and the entries relating thereto shall be omitted;

(b) sub-heading 1207 30, tariff items 1207 30 10 and 1207 30 90 and the entries relating thereto shall be omitted;

(c) sub-heading 1207 60, tariff items 1207 60 10 and 1207 60 90 and the entries relating thereto shall be omitted;

(ii) in heading 1209, tariff item 1209 26 00 and the entries relating thereto shall be omitted;

(iii) in heading 1211, tariff item 1211 10 00 and the entries relating thereto shall be omitted;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	(iv) in heading 1212,—			
	(a) sub-heading 1212 10, tariff items 1212 10 10 and 1212 10 90 and the entries relating thereto shall be omitted;			
	(b) sub-heading 1212 30, tariff items 1212 30 10 and 1212 30 90 and the entries relating thereto shall be omitted;			
	(13) in Chapter 13,—			
	(i) in heading 1301,—			
	(a) sub-heading 1301 10, tariff items 1301 10 10 to 1301 10 90 and the entries relating thereto shall be omitted;			
	(b) after tariff item 1301 90 49 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—			
	"--- Other:			
1301 90 99	— Other	kg.	30%	-";
	(ii) in heading 1302, tariff item 1302 14 00 and the entries relating thereto shall be omitted;			
	(14) in Chapter 14,—			
	(i) for Notes 3 and 4, the following Note shall be substituted, namely:—			
	"3. Heading 1404 does not apply to wood wool (heading 4405) and prepared knots or tufts for broom or brush making (heading 9603).";			
	(ii) tariff item 1402 00 00 and the entries relating thereto shall be omitted;			
	(iii) heading 1403, sub-heading 1403 00, tariff items 1403 00 10 and 1403 00 90 and the entries relating thereto shall be omitted;			
	(iv) in heading 1404, sub-heading 1404 10, tariff items 1404 10 11 to 1404 10 90 and the entries relating thereto shall be omitted;			
	(15) in Chapter 15, in heading 1515, tariff item 1515 40 00 and the entries relating thereto shall be omitted;			
	(16) in Chapter 19, in Note 3, for the word "coated", the words "completely coated" shall be substituted;			
	(17) in Chapter 20,—			
	(i) in Note 1,—			
	(a) for clause (b), the word "or" occurring at the end shall be omitted;			
	(b) for clause (c), the following clauses shall be substituted, namely:—			
	"(c) bakers' wares and other products of heading 1905; or			
	(d) homogenized composite food preparations of heading 2104.";			
	(ii) in heading 2005, for tariff item 2005 90 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—			
	"- Other vegetables and mixtures of vegetables:			
2005 91 00	- Bamboo shoots	kg.	30%	-
2005 99 00	- Other	kg.	30%	-";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(iii) in heading 2009, after tariff item 2009 19 00, for the entry in column (2), the following entry shall be substituted, namely:—

" - Grapefruit (including pomelo) juice: ";

(18) in Chapter 22,—

(i) in Note 1, in clause (c), for the word and figures " heading 2851" the word and figures "heading 2853" shall be substituted;

(ii) in heading 2208, for sub-heading 2208 40, tariff items 2208 40 11 and 2208 40 12 and the entries relating thereto, the following sub-heading, tariff items and entries relating thereto shall be substituted, namely:—

"2208 40	-	<i>Rum and other spirits obtained by distilling fermented sugarcane products:</i>			
	---	<i>In containers holding 2 l or less:</i>			
2208 40 11	----	Rum	l	182%	-
2208 40 12	----	Other	l	182%	-
	---	<i>Other:</i>			
2208 40 91	----	Rum	l	182%	-
2208 40 92	----	Other	l	182%	-";

(19) in Chapter 23,—

(i) in heading 2302, sub-heading 2302 20, tariff items 2302 20 10 to 2302 20 90 and the entries relating thereto shall be omitted;

(ii) in heading 2306, tariff item 2306 70 00 and the entries relating thereto shall be omitted;

(20) in Chapter 25,—

(i) in heading 2506, for tariff item 2506 10 20, sub-heading 2506 21, tariff items 2506 21 10 to 2506 29 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

"2506 10 20	--	In powder	kg.	12.5%	-
2506 20	-	<i>Quartzite:</i>			
2506 20 10	--	In lumps	kg.	12.5%	-
2506 20 20	---	In powder	kg.	12.5%	-
2506 20 90	---	Other	kg.	12.5%	-";

(ii) in heading 2508, sub-heading 2508 20, tariff items 2508 20 10 and 2508 20 90 and the entries relating thereto shall be omitted;

(iii) for heading 2513, tariff items 2513 11 00 and 2513 19 00 and the entries relating thereto, the following heading, tariff item and entries shall be substituted, namely:—

"2513 PUMICE STONE; EMERY; NATURAL CORUNDUM, NATURAL GARNET AND OTHER NATURAL ABRASIVES, WHETHER OR NOT HEAT-TREATED

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
2513 10 00	- Pumice stone	kg.	12.5%	-";
(iv) in heading 2516, for tariff items 2516 12 00 to 2516 22 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—				
"2516 12 00	-- Merely cut, by sawing, or otherwise into blocks or slabs of a rectangular (including square) shape	kg.	12.5%	-
2516 20 00	- Sandstone	kg.	12.5%	-";
(v) in heading 2524, for sub-heading 2524 00, tariff items 2524 00 11 to 2524 00 99 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—				
"2524 10 10	- Crocidolite	kg.	12.5%	-
2524 90	- <i>Other:</i>			
	-- <i>In rock form:</i>			
2524 90 11	---- Chrysotile	kg.	12.5%	-
2524 90 12	---- Amphibole	kg.	12.5%	-
2524 90 13	---- Crysolite	kg.	12.5%	-
2524 90 14	---- Amosite	kg.	12.5%	-
2524 90 19	---- Other	kg.	12.5%	-
	-- <i>Fibre raw, beaten or washed or graded to length:</i>			
2524 90 21	---- Chrysotile	kg.	12.5%	-
2524 90 22	---- Amphibole	kg.	12.5%	-
2524 90 23	---- Crysolite	kg.	12.5%	-
2524 90 24	---- Amosite	kg.	12.5%	-
2524 90 29	---- Other	kg.	12.5%	-
	-- <i>Flakes or powder:</i>			
2524 90 31	---- Chrysotile	kg.	12.5%	-
2524 90 32	---- Amphibole	kg.	12.5%	-
2524 90 33	---- Crysolite	kg.	12.5%	-
2524 90 34	---- Amosite	kg.	12.5%	-
2524 90 39	---- Other	kg.	12.5%	-
	-- <i>Other:</i>			
2524 90 91	---- Waste	kg.	12.5%	-
2524 90 99	---- Other	kg.	12.5%	-";
(vi) in heading 2529,—				
(a) in the entry in column (2), for the word "FELSPAR", the word "FELDSPAR" shall be substituted;				

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(b) in sub-heading 2529 10, in the entry in column (2), for the word "Felspar", the word "Feldspar" shall be substituted;

(21) in Chapter 26,—

(i) in Note 3, for the word "ash" wherever it occurs, the words "slag, ash" shall be substituted;

(ii) in Sub-heading Note 2, for the word "Ash", the words "Slag, ash" shall be substituted;

(iii) in heading 2620, in the entry in column (2), for the word "ASH", the words "SLAG, ASH" shall be substituted;

(22) in Chapter 27,—

(i) for Sub-heading Note 3, the following Sub-heading Note shall be substituted, namely:—

"3. For the purposes of tariff items 2707 10 00, 2707 20 00, 2707 30 00 and 2707 40 00, the terms "benzol (benzene)", "toluol (toluene)", "xylol (xylenes)" and "naphthalene" apply to products which contain more than 50% by weight of benzene, toluene, xylenes or naphthalene, respectively.";

(ii) in heading 2707, tariff item 2707 60 00 and the entries relating thereto shall be omitted;

(23) in Section VI, in Note 1,—

(i) in paragraph (a), for the brackets and letter "(a)", the brackets and letter "(A)" shall be substituted;

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

"(B) Subject to paragraph (A) above, goods answering to a description in heading 2843, 2846 or 2852 are to be classified in those headings and in no other heading of this Section.";

(24) in Chapter 28,—

(i) in Note 2,—

(a) for the words, brackets and figures "inorganic bases (heading 2838), organic products included in headings 2843 to 2846", the words, brackets and figures "inorganic bases (heading 2842), organic products included in heading 2843 to 2846 and 2852" shall be substituted;

(b) in clause (e), for the word and figures "heading 2851", the word and figures "heading 2853" shall be substituted;

(ii) in heading 2811, tariff item 2811 23 00 and the entries relating thereto shall be omitted;

(iii) in heading 2824, tariff item 2824 20 00 and the entries relating thereto shall be omitted;

(iv) in heading 2826,—

(a) sub-heading 2826 11, tariff items 2826 11 10 and 2826 11 20 and the entries relating thereto shall be omitted;

(b) sub-heading 2826 20, tariff items 2826 20 10 and 2826 20 20 and the entries relating thereto shall be omitted;

(v) in heading 2827, tariff items 2827 33 00, 2827 34 00 and 2827 36 00 and the entries relating thereto shall be omitted;

(vi) in heading 2830, tariff items 2830 20 00 and 2830 30 00 and the entries relating thereto shall be omitted;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	(vii) in heading 2833,—			
	(a) tariff item 2833 23 00 and the entries relating thereto shall be omitted;			
	(b) sub-heading 2833 26, tariff items 2833 26 10 and 2833 26 90 and the entries relating thereto shall be omitted;			
	(viii) in heading 2835, tariff items 2835 23 00 and the entries relating thereto shall be omitted;			
	(ix) in heading 2836, tariff items 2836 10 00 and 2836 70 00 and the entries relating thereto shall be omitted;			
	(x) heading 2838, sub-heading 2838 00, tariff items 2838 00 10 to 2838 00 30 and the entries relating thereto shall be omitted;			
	(xi) in heading 2839, tariff item 2839 20 00 and the entries relating thereto shall be omitted;			
	(xii) in heading 2841, sub-heading 2841 10, tariff items 2841 10 10, 2841 10 90, sub-heading 2841 20, tariff items 2841 20 10 and 2841 20 20 and the entries relating thereto shall be omitted;			
	(xiii) for heading 2851, sub-heading 2851 00, tariff items 2851 00 10 to 2851 00 90 and the entries relating thereto, the following heading, sub-heading and tariff items and the entries shall be substituted, namely:—			
"2852 00 00	COMPOUNDS, INORGANIC OR ORGANIC, OF MERCURY, EXCLUDING AMALGAMS	kg.	12.5%	-
2853	OTHER INORGANIC COMPOUNDS (INCLUDING DISTILLED OR CONDUCTIVITY WATER AND WATER OF SIMILAR PURITY); LIQUID AIR (WHETHER OR NOT RARE GASES HAVE BEEN REMOVED); COMPRESSED AIR; AMALGAMS, OTHER THAN AMALGAMS OF PRECIOUS METALS			
2853 00	- <i>Other inorganic compounds (including distilled or conductivity water and water of similar purity); liquid air (whether or not rare gases have been removed); compressed air; amalgams, other than amalgams of precious metals :</i>			
2853 00 10	--- Distilled or conductivity water and water of similar purity	kg.	12.5%	-
2853 00 20	--- Liquid air, whether or not any fraction of rare gases has been removed	kg.	12.5%	-
2853 00 30	--- Compressed air	kg.	12.5%	-
2853 00 40	--- Amalgams, other than of precious metals	kg.	12.5%	-
	--- <i>Other:</i>			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
2853 00 91	--- Cyanogen Chloride [(CN)Cl]	kg.	12.5%	-
2853 00 99	--- Other	kg.	12.5%	-";

(25) in Chapter 29,—

(i) in Note 5,—

(a) for brackets and letters "(a)", "(b)", "(c)", "(d)" and "(e)", the brackets and letters "(A)", "(B)", "(C)", "(D)" and "(E)" shall respectively be substituted;

(b) in paragraph (C), so re-numbered,

(A) for the brackets and letters "(A)" and "(B)", the brackets and figures "(1)" and "(2)" shall respectively be substituted;

(B) after sub-paragraph (2) so re-numbered, the following sub-paragraph shall be inserted, namely:—

"(3) co-ordination compounds, other than products classifiable in Sub-Chapter XI or heading 2941, are to be classified in the heading which occurs last in numerical order in Chapter 29, among those appropriate to the fragments formed by "cleaving" of all metal bonds, other than metal-carbon bonds. ";

(ii) in Note 6, the word ", mercury" shall be omitted;

(iii) for Sub-heading Note, the following Sub-heading Notes shall be substituted, namely:—

"SUB-HEADING NOTES

1. Within any one heading of this Chapter, derivatives of a chemical compound (or group of chemical compounds) are to be classified in the same sub-heading as that compound (or group of compounds) provided that they are not more specially covered by any other sub-heading and that there is no residual sub-heading named "other" in the series of sub-headings concerned.

2. Note 3 to this Chapter shall not be applicable to the sub-headings of this Chapter.;"

(iv) in heading 2903,—

(a) in tariff item 2903 15 00, for the entry in column (2), the following entry shall be substituted, namely:—

"-- Ethylene dichloride (ISO) (1,2-dichloroethane)";

(b) for sub-heading 2903 30, tariff items 2903 30 11 to 2903 30 30 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

" - Fluorinated, brominated or iodinated
derivatives of acyclic hydrocarbons:

2903 31 00	-- Ethylene dibromide (ISO) (1,2-dibromoethane)	kg.	12.5%	-
2903 39	-- Other:			
	--- Fluorinated derivatives:			
2903 39 11	---- 1-Propene, 1, 1,3,3,3 Pentafluoro - 2 -(trifluoromethyl) (PFIB)	kg.	12.5%	-
2903 39 19	---- Other	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
2903 39 20	--- Brominated derivative	kg.	12.5%	-
2903 39 30	--- Iodinated derivatives	kg.	12.5%	-
2903 39 90	--- other	kg.	12.5%	-";
(c) for tariff item 2903 51 00 and the entries relating thereto, the following tariff items shall be substituted, namely:—				
"2903 51 00	-- 1, 2, 3, 4, 5, 6- Hexachloro-cyclohexane (HCH (ISO)), including lindane (ISO, INN)	kg.	12.5%	-
2903 52 00	-- Aldrin (ISO), chlordane (ISO) and heptachlor (ISO)	kg.	12.5%	-";
(d) for sub-heading 2903 62, tariff items 2903 62 10 to 2903 62 29 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—				
"2903 62	-- <i>Hexachlorobenzene (ISO) and DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2, 2-bis (p-chlorophenyl) ethane):</i>			
2903 62 10	--- Hexachlorobenzene (ISO) --- DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2, 2-bis(p-chlorophenyl)ethane):	kg.	12.5%	-
2903 62 21	--- DDT – Technical 75 Wdp	kg.	12.5%	-
2903 62 29	--- Other	kg.	12.5%	-";
(v) in heading 2905, tariff item 2905 15 00 and the entries relating thereto shall be omitted;				
(vi) in heading 2906, tariff item 2906 14 00 and the entries relating thereto shall be omitted;				
(vii) in heading 2907, tariff item 2907 14 00 and the entries relating thereto shall be omitted;				
(viii) in heading 2908, for tariff item 2908 10 00, sub-heading 2908 20, tariff items 2908 20 10 to 2908 20 29, sub-heading 2908 90, tariff items 2908 90 10 to 2908 90 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—				
"- <i>Derivatives containing only halogen substituents and their salts:</i>				
2908 11 00	-- Pentachlorophenol (ISO)	kg.	12.5%	-
2908 19 00	-- Other - <i>Other:</i>	kg.	12.5%	-
2908 91 00	-- Dinoseb (ISO) and its salts	kg.	12.5%	-
2908 99	-- <i>Other:</i>			
2908 99 10	--- Para nitrophenol	kg.	12.5%	-
2908 99 20	--- Musk xylol	kg.	12.5%	-
2908 99 90	--- Other	kg.	12.5%	-";
(ix) in heading 2909, tariff item 2909 42 00 and the entries relating thereto shall be omitted;				
(x) in heading 2910, after tariff item 2910 30 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—				
"2910 40 00	- Dieldrin (ISO, INN)	kg.	12.5%	-";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(xi) in heading 2912, tariff item 2912 13 00 and the entries relating thereto shall be omitted;

(xii) in heading 2915,—

(a) tariff items 2915 22 00 and 2915 23 00 and the entries relating thereto shall be omitted;

(b) for tariff items 2915 34 00 and 2915 35 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—

"2915 36 00 — Dinoseb (ISO) acetate kg. 12.5% -";

(xiii) in heading 2916, after tariff item 2916 35 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

"2916 36 00 — Binapacryl (ISO) kg. 12.5% -";

(xiv) in heading 2917, tariff item 2917 31 00 and the entries relating thereto shall be omitted;

(xv) in heading 2918,—

(a) after tariff item 2918 16 90 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

"2918 18 00 — Chlorobenzilate (ISO) kg. 12.5% -";

(b) for tariff item 2918 90 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"- Other:

2918 91 00 — 2, 4, 5-T (ISO) (2, 4, 5-trichlorophenoxyacetic acid), its salts and esters kg. 12.5% -

2918 99 00 — Other kg. 12.5% -";

(xvi) for heading 2919, sub-heading 2919 00, tariff items 2919 00 10 to 2919 00 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

"2919 PHOSPHORIC ESTERS AND THEIR SALTS, INCLUDING LACTOPHOSPHATES; THEIR HALOGENATED, SULPHONATED, NITRATED OR NITROSATED DERIVATIVES

"2919 10 00 - Tris(2,3-dibromopropyl) phosphate kg. 12.5% -

2919 90 - Other:

2919 90 10 --- Glycerophosphoric acid kg. 12.5% -

2919 90 20 --- Calcium glycerophosphate kg. 12.5% -

2919 90 30 --- Iron glycerophosphate kg. 12.5% -

2919 90 40 --- Sodium glycerophosphate kg. 12.5% -

2919 90 50 --- Tricresyl phosphate kg. 12.5% -

2919 90 90 --- Other kg. 12.5% -";

(xvii) for heading 2920, tariff items 2920 10 10 and 2920 10 20 and the entries relating thereto, the following heading, sub-heading, tariff items and the entries shall be substituted, namely:—

"2920 ESTERS OF OTHER INORGANIC ACIDS OF NON-METALS

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	(EXCLUDING ESTERS OF HYDROGEN HALIDES) AND THEIR SALTS; THEIR HALOGENATED, SULPHONATED, NITRATED OR NITROSATED DERIVATIVES			
	- <i>Thiophosphoric esters (phosphorothioates) and their salts; their halogenated, sulphonated, nitrated or nitrosated derivatives:</i>			
2920 11 00	-- Parathion (ISO) and parathion-methyl (ISO) (methylparathion)	kg.	12.5%	-
2920 19	-- <i>Other:</i>			
2920 19 10	-- Phosphorothioic acid, S[2-(diethyl amino) ethyl] O, O-Diethyl ester	kg.	12.5%	-
2920 19 20	-- Thiophosphoric ester (phosphorothioates) and their salts, their halogenated, sulphonated, nitrated or nitrosated derivatives	kg.	12.5%	-
2920 19 90	-- Other	kg.	12.5%	-";
	(xviii) in heading 2921, tariff item 2921 12 00 and the entries relating thereto shall be omitted;			
	(xix) in heading 2922, sub-heading 2922 22, tariff items 2922 22 10 to 2922 22 90 and the entries relating thereto shall be omitted;			
	(xx) in heading 2924, after tariff item 2924 11 00 and the entries relating thereto, the following tariff item and the entries shall be inserted, namely:—			
" 2924 12 00	-- Fluoroacetamide (ISO), monocrotophos (ISO) and phosphamidon (ISO)	kg.	12.5%	-";
	(xxi) in heading 2925, for sub-heading 2925 20, tariff items 2925 20 10 and 2925 20 90 and the entries relating thereto, the following sub-heading, tariff items and the entries shall be substituted, namely:—			
	"- <i>Imines and their derivatives; salts thereof:</i>			
2925 21 00	-- Chlordimeform (ISO)	kg.	12.5%	-
2925 29	-- <i>Other:</i>			
2925 29 10	-- Guanidine nitrate	kg.	12.5%	-
2925 29 90	-- Other	kg.	12.5%	-";
	(xxii) in heading 2930,—			
	(a) tariff item 2930 10 00 and the entries relating thereto shall be omitted;			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
(b) after tariff item 2930 40 00 and the entries relating thereto, the following tariff item and the entries shall be inserted, namely:—				
"2930 50 00	- Captafol (ISO) and methamidophos (ISO)	kg.	12.5%	-";
(xxiii) in heading 2936, tariff item 2936 10 00 and the entries relating thereto shall be omitted;				
(xxiv) in heading 2939, for tariff item 2939 19 00, sub-heading 2939 21, tariff items 2939 21 10 to 2939 29 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—				
"2939 19 00	- Other	kg.	12.5%	-
2939 20	- <i>Alkaloid of cinchona and their derivatives; salts thereof:</i>			
2939 20 10	-- Quinine alkaloids	kg.	12.5%	-
2939 20 20	-- Quinine hydrochloride	kg.	12.5%	-
2939 20 30	-- Quinine sulphate	kg.	12.5%	-
2939 20 40	-- Chloroquine phosphate	kg.	12.5%	-
2939 20 50	-- Benzeneacetic acid, alpha -hydroxy-alpha-phenyl, 1-azabicyclo [2. 2. 2.]oct-3-yl ester	kg.	12.5%	-
2939 20 90	-- Other	kg.	12.5%	-";
(26) in Chapter 30,—				
(f) in Note 4,—				
(a) in clause (a), for the words "suture materials", the words "suture materials (including sterile absorbable surgical or dental yarns)" shall be substituted;				
(b) in clause (c), after the word "haemostatics", the following words shall be inserted, namely:—				
"sterile surgical or dental adhesion barriers, whether or not absorbable;"				
(c) after clause (j), the following clause shall be inserted, namely:—				
"(k) appliances identifiable for ostomy use, that is, colostomy, ileostomy and urostomy pouches cut to shape and their adhesive wafers or faceplates.";				
(ii) in heading 3001, sub-heading 3001 10, tariff items 3001 10 10 to 3001 10 99 and the entries relating thereto shall be omitted;				
(iii) in heading 3004, in tariff item 3004 32 00, in column (2), for the word "and", the word "or" shall be substituted;				
(iv) in heading 3006,—				
(a) for sub-heading 3006 10, tariff items 3006 10 10 and 3006 10 20 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—				
"3006 10	- <i>Sterile surgical catgut, similar sterile suture materials (including sterile absorbable surgical or dental yarns) and sterile tissue adhesives for surgical wound closure; sterile laminaria and</i>			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	<i>sterile laminaria tents; sterile absorbable surgical or dental haemostatics; sterile surgical or dental adhesion barriers, whether or not absorbable:</i>			
3006 10 10	-- Sterile, surgical catgut and similar sterile suture materials (including sterile absorbable surgical or dental yarns) and sterile tissue adhesives for wound closure	kg.	12.5%	-
3006 10 20	-- Sterile laminaria and sterile laminaria tents, sterile absorbable surgical or dental haemostatics, sterile surgical or dental adhesion barriers, whether or not absorbable	kg.	12.5%	-";

(b) for tariff item 3006 80 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"- Other:

3006 91 00	-- Appliances identifiable for ostomy use	kg.	12.5%	-
3006 92 00	-- Waste pharmaceuticals	kg.	12.5%	-";

(27) in Chapter 31,—

(i) in Note 1, in clause (b), for the brackets and letter "(A)" wherever they occur, the brackets and letter "(a)" shall be substituted;

(ii) in Note 2, for the brackets and letters "(A)", "(B)", "(C)" and "(D)" wherever they occur, the brackets and letters "(a)", "(b)", "(c)" and "(d)" shall respectively be substituted;

(iii) in Note 3, for the brackets and letters "(A)", "(B)" and "(C)" wherever they occur, the brackets and letters "(a)", "(b)" and "(c)" shall respectively be substituted;

(iv) in Note 4, for the brackets and letters "(A)" and "(B)" wherever they occur, the brackets and letters "(a)" and "(b)" shall respectively be substituted;

(v) in heading 3102, tariff item 3102 70 00 and the entries relating thereto shall be omitted;

(vi) in heading 3103, tariff item 3103 20 00 and the entries relating thereto shall be omitted;

(vii) in heading 3104, tariff item 3104 10 00 and the entries relating thereto shall be omitted;

(28) in Chapter 32, in heading 3206, tariff items 3206 30 00 and 3206 43 00 and the entries relating thereto shall be omitted;

(29) in Chapter 33,—

(i) in heading 3301,—

(a) tariff items 3301 11 00, 3301 14 00 and 3301 21 00 and the entries relating thereto shall be omitted;

(b) sub-heading 3301 22, tariff items 3301 22 10 and 3301 22 90 and the entries relating thereto shall be omitted;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(c) tariff items 3301 23 00 and 3301 26 00 and the entries relating thereto shall be omitted;

(30) in Chapter 34,—

(i) in Note 5,—

(a) for the brackets and letters "(A)", "(B)" and "(C)" wherever they occur, the brackets and letters "(a)", "(b)" and "(c)" shall respectively be substituted;

(b) for the brackets and letters "(a)", "(b)", "(c)" and "(d)" wherever they occur, the brackets and figures "(i)", "(ii)", "(iii)" and "(iv)" shall respectively be substituted;

(ii) in heading 3404, tariff item 3404 10 00 and the entries relating thereto shall be omitted;

(31) in Chapter 37,—

(i) in heading 3702, tariff item 3702 20 00 and the entries relating thereto shall be omitted;

(ii) in heading 3705, tariff item 3705 20 00 and the entries relating thereto shall be omitted;

(32) in Chapter 38,—

(i) in Note 1, in clause (c), for the word "ash", the words "slag, ash" shall be substituted;

(ii) for Sub-heading Note, the following Sub-heading Notes shall be substituted, namely:—

"SUB-HEADING NOTES

1. Sub-heading 3808 50 covers only goods of heading 3808, containing one or more of the following substances: aldrin (ISO); binapacryl (ISO); camphechlor (ISO) (toxaphene); captafol (ISO); chlordane (ISO); chlordimeform (ISO); chlorobenzilate (ISO); DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2,2-bis (p-chlorophenyl) ethane); dieldrin (ISO, INN), dinoseb (ISO), its salts or its esters; 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); phosphamidon (ISO); 2,4,5-T (ISO) (2,4,5-trichlorophenoxyacetic acid), its salts or its esters.

2. For the purposes of tariff items 3825 41 00 and 3825 49 00, "waste organic solvents" are wastes containing mainly organic solvents, not fit for further use as presented as primary products, whether or not intended for recovery of the solvents.;

(iii) in heading 3805, tariff item 3805 20 00 and the entries relating thereto shall be omitted;

(iv) in heading 3808, for sub-heading 3808 10, tariff items 3808 10 11 to 3808 10 99, sub-heading 3808 20, tariff items 3808 20 10 to 3808 20 90, sub-heading 3808 30, tariff items 3808 30 10 to 3808 40 00, sub-heading 3808 90, tariff items 3808 90 10 and 3808 90 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

"3808 50 - aldrin (ISO); binapacryl (ISO);
camphechlor (ISO) (toxaphene);
captafol (ISO); chlordane (ISO);
chlordimeform (ISO);
chlorobenzilate (ISO);
DDT (ISO) (clofenotane (INN),
1,1,1-trichloro-2,2-bis (p-chlorophenyl) ethane);
dieldrin (ISO, INN), dinoseb (ISO),
its salts or its esters;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	<i>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); phosphamidon (ISO); 2,4,5-T (ISO) (2,4,5- trichlorophenoxyacetic acid), its salts or its esters:</i>			
3808 50 00	--- aldrin (ISO); binapacryl (ISO); camphechlor (ISO) (toxaphene); captafol (ISO); chlordane (ISO); chlordimeform (ISO); chlorobenzilate (ISO); DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2,2-bis (p-chlorophenyl ethane); dieldrin (ISO,INN), dinoseb (ISO), its salts or its esters; 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); phosphamidon (ISO); 2,4,5-T (ISO) (2,4,5- trichlorophenoxyacetic acid), its salts or its esters	kg.	12.5%	-
	- <i>Other:</i>			
3808 91	--- <i>Insecticides:</i>			
3808 91 11	---- Aluminium phosphite (for example phostoxin)	kg.	12.5%	-
3808 91 12	---- Calcium cyanide	kg.	12.5%	-
3808 91 13	---- D.D.V.P. (Dimethyle-dichloro-vinyl- phosphate)	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
3808 91 21	--- Diagonal	kg.	12.5%	-
3808 91 22	--- Methyl bromide	kg.	12.5%	-
3808 91 23	--- Dimethoate, technical grade	kg.	12.5%	-
3808 91 24	--- Melathion	kg.	12.5%	-
3808 91 31	--- Endosulphan, technical grade	kg.	12.5%	-
3808 91 32	--- Quinal phos	kg.	12.5%	-
3808 91 33	--- Isoproturon	kg.	12.5%	-
3808 91 34	--- Fenthion	kg.	12.5%	-
3808 91 35	--- Cipermethrin, technical grade	kg.	12.5%	-
3808 91 36	--- Allethrin	kg.	12.5%	-
3808 91 37	--- Synthetic pyrethrum	kg.	12.5%	-
	--- <i>Other.</i>			
3808 91 91	--- Repellants for insects such as flies, mosquito	kg.	12.5%	-
3808 91 92	--- Paper impregnated or coated with insecticides such as D.D.T. coated paper	kg.	12.5%	-
3808 91 99	--- Other	kg.	12.5%	-
3808 92	--- <i>Fungicides:</i>			
3808 92 10	--- Maneb	kg.	12.5%	-
3808 92 20	--- Sodium penta chlorophenate (santrobrite)	kg.	12.5%	-
3808 92 30	--- Thiram (tetra methyl thiuram disulphide)	kg.	12.5%	-
3808 92 40	--- Zineb	kg.	12.5%	-
3808 92 50	--- Copper oxychloride	kg.	12.5%	-
3808 92 90	--- Other	kg.	12.5%	-
3808 93	--- <i>Herbicides, anti-sprouting products and plant-growth regulated:</i>			
3808 93 10	--- Chloromethyl phenoxy acetic acid (M.C.P.A.)	kg.	12.5%	-
3808 93 20	--- 2:4 Dichloro phenoxy acetic acid its and esters	kg.	12.5%	-
3808 93 30	--- Gibberellic acid	kg.	12.5%	-
3808 93 40	--- Plant growth regulators	kg.	12.5%	-
3808 93 50	--- Weedicides and weed killing agents	kg.	12.5%	-
3808 93 90	--- Other	kg.	12.5%	-
3808 94 00	--- Disinfectants	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
3808 99	-- <i>Other:</i>			
3808 99 10	-- Pesticides, not elsewhere specified or included	kg.	12.5%	-
3808 99 90	-- Other	kg.	12.5%	-";

(v) in tariff item 3821 00 00, for the entry in column (2), the following entry shall be substituted, namely:—

"PREPARED CULTURE MEDIA FOR DEVELOPMENT OR MAINTENANCE OF MICRO-ORGANISMS (INCLUDING VIRUSES AND THE LIKE) OR OF PLANT HUMAN OR ANIMAL CELLS";

(vi) in heading 3824,—

(a) sub-heading 3824 20, tariff items 3824 20 10 to 3824 20 90 and the entries relating thereto shall be omitted;

(b) for tariff item 3824 60 90, sub-heading 3824 71, tariff items 3824 71 10, 3824 71 90, sub-heading 3824 79, tariff items 3824 79 10 and 3824 79 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"3824 60 90	-- Other	kg.	30%	-
	- <i>Mixtures containing halogenated derivatives of methane, ethane or propane:</i>			
3824 71 00	-- Containing chlorofluorocarbons (CFCs), whether or not containing hydrochlorofluoro-carbons (HCFCs), perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs)	kg.	12.5%	-
3824 72 00	-- Containing bromochlorodifluoromethane, bromotrifluoromethane or dibromotetrafluoro-ethanes	kg.	12.5%	-
3824 73 00	-- Containing hydrobromofluorocarbons (HBFCs)	kg.	12.5%	-
3824 74 00	-- Containing hydrochlorofluorocarbons (HCFCs), whether or not containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs); but not containing chlorofluorocarbons (CFCs)	kg.	12.5%	-
3824 75 00	-- Containing carbon tetrachloride	kg.	12.5%	-
3824 76 00	-- Containing 1,1,1-trichloroethane (methyl chloroform)	kg.	12.5%	-
3824 77 00	-- Containing bromomethane (methyl bromide) or bromochloromethane	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
3824 78 00	— Containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs)	kg.	12.5%	-
3824 79 00	— Other — <i>Mixtures and preparations containing oxirane (ethylene oxide), polybrominated biphenyls (PBBs), polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or tris (2,3-dibromopropyl) phosphate:</i>	kg.	12.5%	-
3824 81 00	— Containing oxirane (ethylene oxide)	kg.	12.5%	-
3824 82 00	— Containing polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)	kg.	12.5%	-
3824 83 00	— Containing tris (2,3-dibromopropyl phosphate)	kg.	12.5%	-";

(33) in Chapter 39,—

(i) for Note 2, the following Note shall be substituted, namely:—

"2. This Chapter does not cover:

- (a) lubricating preparations of heading 2710 or 3403;
- (b) waxes of heading 2712 or 3404;
- (c) separate chemically defined organic compounds (Chapter 29);
- (d) heparin or its salts (heading 3001);
- (e) solutions (other than collodions) consisting of any of the products specified in headings 3901 to 3913 in volatile organic solvents when the weight of the solvent exceeds 50% of the weight of the solution (heading 3208); stamping foils of heading 3212;
- (f) organic surface-active agents or preparation of heading 3402;
- (g) run gums or ester gums (heading 3806);
- (h) prepared additives for mineral oils (including gasoline) or for other liquids used for the same purposes as mineral oils (heading 3811);
- (i) prepared hydraulic fluids based on polyglycols, silicones or other polymers of Chapter 39 (heading 3819);
- (k) diagnostic or laboratory reagents on a backing of plastics (heading 3822);
- (l) synthetic rubber, as defined for the purpose of Chapter 40, or articles thereof;
- (m) saddlery or harness (heading 4201) or trunks, suit-cases, hand-bags or other containers of heading 4202;
- (n) plaits, wickerwork or other articles of Chapter 46;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	(o) wall coverings of heading 4814;			
	(p) goods of Section XI (textiles and textile articles);			
	(q) articles of Section XII (for example, footwear, headgear, umbrellas, sun umbrellas, walking-sticks, whips, riding-crops or parts thereof);			
	(r) imitation jewellery of heading 7117;			
	(s) articles of Section XVI (machines and mechanical or electrical appliances);			
	(t) parts of aircraft or vehicles of Section XVII;			
	(u) articles of Chapter 90 (for example, optical elements, spectacle frames, drawing instruments);			
	(v) articles of Chapter 91 (for example, clock or watch cases);			
	(w) articles of Chapter 92 (for example, musical instruments or parts thereof);			
	(x) articles of Chapter 94 (for example, furniture, lamps and lighting fittings, illuminated signs, prefabricated buildings);			
	(y) articles of Chapter 95 (for example, toys, games, sports requisites); or			
	(z) articles of Chapter 96 (for example, brushes, buttons, slide fasteners, combs, mouth-pieces or stems for smoking pipes, cigarette-holders or the like, parts of vacuum flasks or the like, pens, propelling pencils).";			
	(ii) in Sub-heading Note 1, in clause (a), in sub-clause (l), for the letters "e.g.", the words "for example" shall be substituted;			
	(iii) in heading 3907, after tariff item 3907 60 90 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—			
"3907 70 00	- Poly (lactic acid)	kg.	12.5%	-";
	(iv) in heading 3920, sub-heading 3920 72, tariff items 3920 72 10 to 3920 72 90 and the entries relating thereto shall be omitted;			
	(v) in heading 3924, in column (2), for the word "TOILET", the words "HYGIENIC OR TOILET" shall be substituted;			
	(34) in Chapter 40,—			
	(i) in Note 4, in clause (a), for the figure, brackets and letter "5(b)", the figure, brackets and letter "5(B)" shall be substituted;			
	(ii) in Note 5, for the brackets and letters "(a)" and "(b)" wherever they occur, the brackets and letters "(A)" and "(B)" shall respectively be substituted;			
	(iii) in heading 4010, sub-heading 4010 13, tariff items 4010 13 10 and 4010 13 90 and the entries relating thereto shall be omitted;			
	(35) in Chapter 41,—			
	(i) in Note 1, in clause (c), after the words "of gazelle," the words and brackets "of camels (including dromedaries)," shall be inserted;			
	(ii) in heading 4103, sub-heading 4103 10, tariff items 4103 10 10 to 4103 10 90 and the entries relating thereto shall be omitted;			
	(36) in Chapter 42,—			
	(i) heading 4204, sub-heading 4204 00, tariff items 4204 00 10 to 4204 00 99 and the entries relating thereto shall be omitted;			
	(ii) for heading 4206, sub-heading 4206 10, tariff items 4206 10 10 to 4206 90 00 and the entries relating thereto, the following heading, tariff items and entries shall be substituted, namely:—			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
"4206	ARTICLES OF GUT (OTHER THAN SILK-WORM GUT), OF GOLDBEATER'S SKIN, OF BLADDERS OR OF TENDONS			
4206 00 10	-- For rackets	kg.	12.5%	-
4206 00 90	-- Other	kg.	12.5%	-";
(37) in Chapter 43,—				
(i) in heading 4301, tariff item 4301 70 00 and the entries relating thereto shall be omitted;				
(ii) in heading 4302, tariff item 4302 13 00 and the entries relating thereto shall be omitted;				
(38) in Chapter 44,—				
(i) in Sub-heading Note,—				
(a) for the words and figures "sub-headings 4403 41 to 4403 49, 4407 24 to 4407 29, 4408 31 to 4408 39 and 4412 13 to 4412 99", the following words and figures shall be substituted, namely:—				
"tariff item 4403 41 00, sub-heading 4403 49, tariff items 4407 21 00 to 4407 28 00, sub-headings 4407 29, 4408 31, 4408 39 and 4412 31";				
(b) for the words "Teak, Tauari," the words "Tauari, Teak," shall be substituted;				
(ii) in heading 4402, for sub-heading 4402 00, tariff items 4402 00 10 and 4402 00 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—				
"4402 10	- <i>Wood charcoal (including shell or nut charcoal), whether or not agglomerated:</i>			
4402 10 10	-- Of bamboo	mt.	5%	--
4402 90	- <i>Other:</i>			
4402 90 10	-- Of coconut shell	mt.	5%	-
4402 90 90	-- Other	mt.	5%	-";
(iii) in heading 4407,—				
(a) for tariff item 4407 24 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—				
"4407 21 00	-- Mahogany (<i>Swietenia spp.</i>)	m ³	12.5%	--
4407 22 00	-- Virola, Imbuia and balsa	m ³	12.5%	-";
(b) after tariff item 4407 26 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—				
"4407 27 00	-- Sapelli	m ³	12.5%	-
4407 28 00	-- Iroko	m ³	12.5%	-";
(c) after tariff item 4407 92 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—				
"4407 93 00	-- Of maple (<i>Acer spp.</i>)	m ³	12.5%	-
4407 94 00	-- Of cherry (<i>Prunus spp.</i>)	m ³	12.5%	-
4407 95 00	-- Of ash (<i>Fraxinus spp.</i>)	m ³	12.5%	-";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	(iv) in heading 4408, in the entry in column (2), for the words "FOR OTHER SIMILAR LAMINATED WOOD", the words "FOR SIMILAR LAMINATED WOOD" shall be substituted;			
	(v) in heading 4409, for sub-heading 4409 20, tariff items 4409 20 10 to 4409 20 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—			
	"- <i>Non-coniferous</i> :			
440921 00	-- Of bamboo	kg.	12.5%	-
440929	-- <i>Other</i> :			
440929 10	-- Planed, tongued, grooved, rebated, chamfered, V-jointed, and the like but not further moulded	kg.	12.5%	-
440929 20	-- Beadings and mouldings (including moulded skirting and other moulded boards)	kg.	12.5%	-
440929 90	-- Other	kg.	12.5%	-";
	(vi) for heading 4410, tariff items 4410 21 00, 4410 29 00, sub-heading 4410 31, tariff items 4410 31 10 to 4410 31 90, sub-heading 4410 32, tariff items 4410 32 10 to 4410 32 90, sub-heading 4410 33 tariff items 4410 33 10 to 4410 33 90, sub-heading 4410 39, tariff items 4410 39 10 to 4410 39 90, sub-heading 4410 90, tariff items 4410 90 10 to 4410 90 99 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—			
"4410	PARTICLE BOARD, ORIENTED STRAND BOARD (OSB) AND SIMILAR BOARD (FOR EXAMPLE, WAFERBOARD) OF WOOD OR OTHER LIGNEOUS MATERIALS, WHETHER OR NOT AGGLOMERATED WITH RESINS OR OTHER ORGANIC BINDING SUBSTANCES			
	- <i>Of wood</i> :			
441011	-- <i>Particle board</i> :			
441011 10	-- Plain particle boards	kg.	12.5%	-
441011 20	-- Insulation board and hardboard	kg.	12.5%	-
441011 30	-- Veneered particle board, not having decorative veneers on any face	kg.	12.5%	-
441011 90	-- Others	kg.	12.5%	-
441012	-- <i>Oriented strand board (OSB)</i> :			
441012 10	-- Unworked or not further worked than sanded	kg.	12.5%	-
441012 90	-- Other	kg.	12.5%	-
441019 00	-- Other	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
4410 90	- <i>Other:</i>			
4410 90 10	— Plain particle board	kg.	12.5%	-
4410 90 20	— Insulation board and hard board	kg.	12.5%	-
4410 90 30	— Veneered particle board, not having decorative veneers on any face	kg.	12.5%	-
4410 90 90	— Other	kg.	12.5%	-";
<p>(vii) for heading 4411, sub-headings 4411 11, tariff items 4411 11 10, 4411 11 90, sub-heading 4411 19, tariff items 4411 19 10, 4411 19 90, sub-heading 4411 21, tariff items 4411 21 10, 4411 21 90, sub-heading 4411 29, tariff items 4411 29 10, 4411 29 90, sub-heading 4411 31, tariff item 4411 31 10, 4411 31 90, sub-heading 4411 39, tariff items 4411 39 10, 4411 39 90, sub-heading 4411 91, tariff items 4411 91 10 to 4411 91 90, sub-heading 4411 99, tariff items 4411 99 10 to 4411 99 90 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—</p>				
"4411	FIBRE BOARD OF WOOD OR OTHER LIGNEOUS MATERIALS, WHETHER OR NOT BONDED WITH RESINS OR OTHER ORGANIC SUBSTANCES			
	- <i>Medium density fibre board (MDF):</i>			
4411 12 00	— Of a thickness not exceeding 5mm	kg.	12.5%	-
4411 13 00	— Of a thickness exceeding 5mm but not exceeding 9mm	kg.	12.5%	-
4411 14 00	— Of a thickness exceeding 9mm	kg.	12.5%	-
	- <i>Other:</i>			
4411 92	— <i>Of a density exceeding 0.8 gm/cm³: Not mechanically worked or surface covered:</i>			
4411 92 11	— Hardboard	kg.	12.5%	-
4411 92 19	— Other	kg.	12.5%	-
	— <i>Other:</i>			
4411 92 21	— Hardboard	kg.	12.5%	-
4411 92 29	— Other	kg.	12.5%	-
4411 93	— <i>Of a density exceeding 0.5 gm/cm³ but not exceeding 0.8 gm/cm³: Not mechanically worked or surface covered:</i>			
4411 93 11	— Insulation board	kg.	12.5%	-
4411 93 19	— Other	kg.	12.5%	-
	— <i>Other:</i>			
4411 93 21	— Insulation board	kg.	12.5%	-
4411 93 29	— Other	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
4411 94	— <i>Of a density not exceeding 0.5 gm/cm³: — Not mechanically worked or surface covered:</i>			
4411 94 11	— Insulation board	kg.	12.5%	-
4411 94 19	— Other — <i>Other:</i>	kg.	12.5%	-
4411 94 21	— Insulation board	kg.	12.5%	-
4411 94 29	— Other	kg	12.5%	-";

(viii) for heading 4412, sub-headings 4412 13, tariff items 4412 13 10 to 4412 13 90, sub-heading 4412 14, tariff items 4412 14 10 to 4412 14 90, sub-heading 4412 19, tariff items 4412 19 10 to 4412 19 90, sub-heading 4412 22, tariff items 4412 22 10 to 4412 22 90, sub-heading 4412 23, tariff item 4412 23 10 to 4412 23 90, sub-heading 4412 29, tariff items 4412 29 10 to 4412 29 90, sub-heading 4412 92, tariff items 4412 92 10 to 4412 92 90, sub-heading 4412 93, tariff items 4412 93 10 to 4412 93 90, sub-heading 4412 99, tariff items 4412 99 10 to 4412 99 90 and entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—

"4412	PLYWOOD, VENEERED PANELS AND SIMILAR LAMINATED WOOD			
4412 10 00	- Of bamboo	m ³	12.5%	-
-	- <i>Other plywood, consisting solely of sheets of wood (other than bamboo), each ply not exceeding 6 mm thickness:</i>			
4412 31	- <i>With at least one outer ply of tropical wood specified in Sub-heading Note 1 to this Chapter, namely:— Abura, Acajou, d'Afrique, Afrormosia, Ako, Alan, Andiroba, Aningre, Avodire, Azobe, Balau, Balsa, Bosse clair, Bosse fonce, Cativo, Cedro, Dabema, Dark red Meranti, Dibetou, Doussie, Framire, Freijo, Fromager, Fuma, Geronggang, Ilomba, Imbuia, Ipe, Iroko, Jaboty, Jelutong, Jequitiba, Jongkong, Kapur, Kempas, Keruing, Kosipo, Kotibe, Koto, Light red Meranti, Limba, Louro, Macaranduba, Mahogany, Makore, Mandioqueira, Mansonia, Mengkulang, Meranti Bakau, Merawan, Merbau, Merpauh, Mersawa, Moabi, Niangon, Nyatoh, Obeche, Okoume, Onzabili, Orey, Ovengkol, Ozigo, Padauk, Paldao, Palissandre de Guatemala, Palissandre de para, Palissandre de Rio, Palissandre de Rose, Pau Amarelo, Pau Marfim, Pulai, Punah, Quaruba, Ramin, Sapelli, Saqui-Saqui, Sepetir, Sipo, Sucupira,</i>			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	<i>Suren, Tauari, Teak, Tiama, Tola, Virola, White Lauan, White Meranti, White Seraya, Yellow Meranti :</i>			
4412 31 10	-- Decorative plywood	m ³	12.5%	-
4412 31 20	-- Tea chest panels or shooks, packed in sets	m ³	12.5%	-
4412 31 30	-- Other tea chest panels	m ³	12.5%	-
4412 31 40	-- Marine and aircraft plywood	m ³	12.5%	-
4412 31 50	-- Cuttings and trimmings of plywood of width not exceeding 5cm	m ³	12.5%	-
4412 31 90	-- Other	m ³	12.5%	-
4412 32	-- <i>Other, with at least one outer ply of non-coniferous wood:</i>			
4412 32 10	-- Decorative plywood	m ³	12.5%	-
4412 32 20	-- Tea chest panels or shooks, packed in sets	m ³	12.5%	-
4412 32 30	-- Marine and aircraft plywood	m ³	12.5%	-
4412 32 40	-- Cuttings and trimmings of plywood of width not exceeding 5cm	m ³	12.5%	-
4412 32 90	-- Other	m ³	12.5%	-
4412 39	-- <i>Other:</i>			
4412 39 10	-- Decorative plywood	m ³	12.5%	-
4412 39 20	-- Tea chest panels or shooks, packed in sets	m ³	12.5%	-
4412 39 30	-- Marine and aircraft plywood			
4412 39 40	-- Cuttings and trimmings of plywood of width not exceeding 5cm	m ³	12.5%	-
4412 39 90	-- Other	m ³	12.5%	-
	-- <i>Other:</i>			
4412 94 00	-- Blockboard, laminboard and battenboard	m ³	12.5%	-
4412 99	-- <i>Other:</i>			
4412 99 10	-- Decorative plywood	m ³	12.5%	-
4412 99 20	-- Tea chest panel or shooks, packed in sets	m ³	12.5%	-
4412 99 30	-- Marine and aircraft plywood	m ³	12.5%	-
4412 99 40	-- Cuttings and trimmings of plywood of width not exceeding 5cm	m ³	12.5%	-
4412 99 90	-- Other	m ³	12.5%	-;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(ix) in heading 4418,—

(a) in the entry in column (2), for the words "PARQUET PANELS", the words "FLOORING PANELS" shall be substituted;

(b) tariff item 4418 30 00 and the entries relating thereto shall be omitted;

(c) after tariff item 4418 50 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—

"4418 60 00	- Posts and beams	kg.	12.5%	-
	- <i>Assembled flooring panels :</i>			
4418 71 00	-- For mosaic floors	kg.	12.5%	-
4418 72 00	-- Other, multilayer	kg.	12.5%	-
4418 79 00	-- Other	kg.	12.5%	-";

(39) in Chapter 46,—

(i) in Note 1, for the word "bamboos", the words "bamboos, rattan," shall be substituted;

(ii) in heading 4601, for sub-heading 4601 20, tariff items 4601 20 10 to 4601 91 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"- *Mats, matting and screens of vegetable materials:*

4601 21 00	-- Of bamboo	kg.	12.5%	-
4601 22 00	-- Of rattan	kg.	12.5%	-
4601 29 00	-- Other	kg.	12.5%	-
4601 92 00	-- Of bamboo	kg.	12.5%	-
4601 93 00	-- Of rattan	kg.	12.5%	-
4601 94 00	-- Of other vegetable materials	kg.	12.5%	-";

(iii) in heading 4602, for sub-heading 4602 10, tariff items 4602 10 11, to 4602 10 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"- *Of vegetable material:*

4602 11 00	-- Of bamboo	kg.	12.5%	-
4602 12 00	-- Of rattan	kg.	12.5%	-
4602 19	-- <i>Other:</i>			
	-- <i>Of palm leaves:</i>			
4602 19 11	--- Baskets	kg.	12.5%	-
4602 19 19	--- Other	kg.	12.5%	-
4602 19 90	--- Other	kg.	12.5%	-";

(40) in Chapter 47, in heading 4706, after tariff item 4706 20 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

"4706 30 00	- Other, of bamboo	kg.	5%	-";
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(41) in Chapter 48,—

(i) in Note 2, in clause (n), for the brackets, word and figures "(Section XV)", the brackets/ words and figures "(generally Section XIV or XV)" shall be substituted;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(ii) in Note 4, for the figure "65%", the figure "50%" shall be substituted;

(iii) in Note 9,—

(a) in clause (a), in sub-clause (i), for the letters "e.g.", the words "for example" shall be substituted;

(b) in the paragraph beginning with the words "Products" and ending with the word and figures "heading 4815", for the figures "4815", the figures "4823" shall be substituted;

(iv) in heading 4802, tariff item 4802 30 00 and the entries relating thereto shall be omitted;

(v) in heading 4809, sub-heading 4809 10, tariff items 4809 10 10 and 4809 10 90 and the entries relating thereto shall be omitted;

(vi) in heading 4814, tariff item 4814 30 00 and the entries relating thereto shall be omitted;

(vii) tariff item 4815 00 00 and the entries relating thereto shall be omitted;

(viii) in heading 4816, tariff items 4816 10 00 and 4816 30 00 and the entries relating thereto shall be omitted;

(ix) for heading 4823, tariff items 4823 12 00 and 4823 19 00 and the entries relating thereto, the following heading and entries shall be substituted, namely:—

"4823 OTHER PAPER, PAPERBOARD,
CELLULOSE WADDING AND WEBS
OF CELLULOSE FIBRES, CUT TO
SIZE OR SHAPE; OTHER
ARTICLES OF PAPER PULP,
PAPER, PAPERBOARD, CELLULOSE
WADDING OR WEBS OF CELLULOSE
FIBRES

(x) in heading 4823, for tariff item 4823 60 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"- *Trays, dishes, plates, cups
and the like, of paper or paperboard:*

4823 61 00	-- Of bamboo	kg.	12.5%	-
4823 69 00	-- Other	kg.	12.5%	-";

(42) in Section XI,—

(i) in Note 1,—

(a) in clause (a), for the word and figures "heading 0503", the word and figures "heading 0511" shall be substituted;

(b) in clause (e), the brackets and words "(for example, wadding, gauze, bandages and similar articles for medical, surgical, dental or veterinary purposes, sterile surgical suture materials)" shall be omitted;

(ii) for Note 13, the following Notes shall be substituted, namely:—

"13. For the purposes of this Section and, where applicable, throughout this Schedule, the expression "elastomeric yarn" means filament yarn, including monofilament, of synthetic textile material, other than textured yarn, which does not break on being extended to three times its original length and which returns, after being extended to twice its original length, within a period of five minutes, to a length not greater than one and a half times its original length.

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

14. Unless the context otherwise requires, textile garments of different headings are to be classified in their own headings even if put up in sets for retail sale. For the purposes of this Note, the expression "textile garments" means garments of headings 6101 to 6114 and headings 6201 to 6211."

(iii) in Sub-heading Note 1,—

(a) clause (a) shall be omitted;

(b) clauses (b) to (k) shall be re-numbered as clauses (a) to (ij);

(c) in clause (h) as so re-numbered, for the words, brackets and letters "definitions" at (e) to (ij)", the words, brackets and letters, "definitions" at (d) to (h)" shall be substituted;

(43) in Chapter 50, in heading 5003, sub-heading 5003 10, tariff items 5003 10 10 to 5003 10 90, sub-heading 5003 90, tariff items 5003 90 10 to 5003 90 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

"5003 00	-	<i>Silk waste (including cocoons unsuitable for reeling, yarn waste and garneted stock):</i>			
5003 00 10	—	Mulberry silk waste	kg.	15%	-
5003 00 20	—	Tussar silk waste	kg.	15%	-
5003 00 30	—	Eri waste	kg.	15%	-
5003 00 40	—	Munga waste	kg.	15%	-
5003 00 90	—	Other	kg.	15%	-";

(44) in Chapter 51, in Note 1,—

(a) in clause (b), for the word "camel", the words and brackets "camel (including dromedary)," shall be substituted;

(b) in clause (c), for the word and figures "heading 0503", the word and figures " heading 0511" shall be substituted;

(45) in Chapter 52,—

(i) in heading 5208, sub-heading 5208 53, tariff items 5208 53 10 to 5208 53 90 and the entries relating thereto shall be omitted;

(ii) in heading 5210,—

(a) sub-heading 5210 12, tariff items 5210 12 10 and 5210 12 90 and the entries relating thereto shall be omitted;

(b) sub-heading 5210 22, tariff items 5210 22 11 to 5210 22 29 and the entries relating thereto shall be omitted;

(c) sub-heading 5210 42, tariff items 5210 42 10 to 5210 42 90 and the entries relating thereto shall be omitted;

(d) sub-heading 5210 52, tariff items 5210 52 10 to 5210 52 90 and the entries relating thereto shall be omitted;

(iii) in heading 5211, for tariff item 5211 19 00, sub-heading 5211 21, tariff items 5211 21 10 to 5211 21 90, sub-heading 5211 22, tariff items 5211 22 10 to 5211 22 90, sub-heading 5211 29, tariff items 5211 29 10 to 5211 29 90, and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
"5211 19 00	-- Other fabrics	m ²	12.5%	-
5211 20	-- <i>Bleached</i> :			
5211 20 10	-- Shirting fabrics	m ²	12.5%	-
5211 20 20	-- Canvas (including duck) of carded or combed yarn	m ²	12.5%	-
5211 20 30	-- Flannelette	m ²	12.5%	-
5211 20 40	-- Saree	m ²	12.5%	-
5211 20 50	-- Crepe fabric including Crepe checks	m ²	12.5%	-
5211 20 60	-- Twill fabrics	m ²	12.5%	-
	-- <i>Other</i> :			
5211 20 91	--- Zari bordered sari	m ²	12.5%	-
5211 20 92	--- Dedsuti, dosuti, ceretennes and osamburge	m ²	12.5%	-
5211 20 99	--- Other	m ²	12.5%	-";

(46) in Chapter 53,—

(i) heading 5304, sub-heading 5304 10, tariff items 5304 10 10 to 5304 90 00 and the entries relating thereto shall be omitted;

(ii) for heading 5305, sub-heading 5305 11, tariff items 5305 11 10 to 5305 29 00, sub-heading 5305 90, tariff items 5305 90 10 and 5305 90 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

"5305	COCONUT, ABACA (MANILA HEMP OR MUSA TEXTILES NEE), RAMIE AND OTHER VEGETABLE TEXTILE FIBRES, NOT ELSEWHERE SPECIFIED OR INCLUDED, RAW OR PROCESSED BUT NOT SPUN; TOW, NOILS AND WASTE OF THESE FIBRES (INCLUDING YARN WASTE AND GARNETED STOCK)			
5305 00	- <i>Coconut, abaca (Manila hemp or Musa textilis Nee), ramie and other vegetable textile fibres, not elsewhere specified or included, raw or processed but not spun; tow, noils and waste of these fibres (including yarn waste and garneted stock):</i>			
5305 00 10	-- Coir bristles fibre	kg.	12.5%	-
5305 00 20	-- Coir mattress fibre	kg.	12.5%	-
5305 00 30	-- Curled or machine twisted coir fibre	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
5305 00 40	-- Coir pith	kg.	12.5%	-
5305 00 50	-- Of Abaca	kg.	12.5%	-
5305 00 90	-- Of others	kg.	12.5%	-";

(47) in Chapter 54,—

(i) for the Chapter heading, the heading "*Man-made filaments; strip and the like of man-made textile materials*" shall be substituted;

(ii) for Note 1, the following Note shall be substituted, namely:—

"1. Throughout this Schedule, the term 'man made fibres' means staple fibres and filaments of organic polymers produced by manufacturing processes either:

(a) by polymerisation of organic monomers to produce polymers such as polyamides, polyesters, polyolefins or polyurethanes, or by chemical modification of polymers produced by this process (for example poly (vinyl alcohol) prepared by the hydrolysis of poly (vinyl acetate)); or

(b) by dissolution or chemical treatment of natural organic polymers (for example, cellulose) to produce polymers such as cuprammonium rayon (cupro) or viscose rayon, or by chemical modification of natural organic polymers (for example, cellulose, casein and other proteins, or alginic acid), to produce polymers such as cellulose acetate or alginates.

The terms "synthetic" and "artificial", used in relation to fibres, mean: synthetic: fibres as defined at (a); artificial: fibres as defined at (b). Strip and the like of heading 5404 or 5405 are not considered to be man-made fibres.

The terms "man-made", "synthetic" and "artificial" shall have the same meaning when used in relation to "textile materials".;

(iii) in heading 5402,—

(a) for sub-heading 5402 10, tariff items 5402 10 10 and 5402 10 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"- *High tenacity yarn of nylon or other polyamides:*

5402 11 10	- Of aramids	kg.	12.5%	-
5402 19	- <i>Other:</i>			
5402 19 10	- Nylon tyre yarn	kg.	12.5%	-
5402 19 90	- Other	kg.	12.5%	-";

(b) after tariff item 5402 33 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

"5402 34 00	- Of polypropylene	kg.	12.5%	-";
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(c) for tariff items 5402 41 00 to 5402 49 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"5402 44 00	- Elastomeric	kg.	12.5%	-
5402 45 00	- Other, of nylon or other polyamides	kg.	12.5%	-
5402 46 00	- Other, of polyesters, partially oriented	kg.	12.5%	-
5402 47 00	- Other, of polyesters	kg.	12.5%	-
5402 48 00	- Other, of polypropylene	kg.	12.5%	-
5402 49 00	- Other	kg.	12.5%	-";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
(iv) in heading 5403, tariff item 5403 20 00 and the entries relating thereto shall be omitted;				
(v) in heading 5404, for tariff item 5404 10 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—				
"- <i>Monofilament:</i>				
5404 11 00	— Elastomeric	kg.	12.5%	-
5404 12 00	— Other, of polypropylene	kg.	12.5%	-
5404 19	— <i>Other:</i>			
5404 19 10	— Catgut imitation of synthetic yarn, non-sterile	kg.	12.5%	-
5404 19 20	— Strip and the like of synthetic fibre material	kg.	12.5%	-
5404 19 90	— Other	kg.	12.5%	-";
(vi) for heading 5406, tariff items 5406 10 00 and 5406 20 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—				
"5406 00	- <i>Man-made filament yarn (other than sewing thread), put up for retail sale</i>			
5406 00 10	— Synthetic filament yarn	kg.	12.5%	-
5406 00 20	— Artificial filament yarn	kg.	12.5%	-";
(48) in Chapter 55,—				
(i) in heading 5501, after tariff item 5501 30 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—				
"5501 40 00	- of polypropylene	kg.	12.5%	-";
(ii) in heading 5503, for tariff item 5503 10 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—				
"- <i>Of nylon or other polyamides:</i>				
5503 11 00	— Of aramids	kg.	12.5%	-
5503 19 00	— Other	kg.	12.5%	-";
(iii) in heading 5513, tariff items 5513 22 00, 5513 32 00, 5513 33 00, 5513 42 00 and 5513 43 00 and the entries relating thereto shall be omitted;				
(iv) in heading 5514,—				
(a) sub-heading 5514 13, tariff items 5514 13 10 and 5514 13 20 and the entries relating thereto shall be omitted;				
(b) for tariff items 5514 29 00 to 5514 39 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—				
"5514 29 00	— Other woven fabrics	m ²	12.5% or Rs. 170/- per kg., whichever is higher	-
5514 30	- <i>Of yarns of different colours:</i>			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
5514 30 11	--- Of polyester staple fibres, plain weave	m ²	12.5% or Rs. 64	-
			per sq. metre,	
			whichever	
			is higher	
5514 30 12	--- 3- thread or 4- thread twill, including cross twill, of polyester staple fibres	m ²	12.5% or Rs. 43	-
			per sq. metre,	
			whichever	
			is higher	
5514 30 13	--- Other woven fabrics of polyester staple fibres	m ²	12.5% or Rs. 180	-
			per kg.,	
			whichever	
			is higher	
5514 30 19	--- Other woven fabrics	m ²	12.5% or Rs. 31	-";
			per sq. metre,	
			whichever	
			is higher	

(v) in heading 5515, sub-heading 5515 92, tariff items 5515 92 10 to 5515 92 90 and the entries relating thereto shall be omitted;

(49) in Chapter 56,—

(i) in Note 1, in clause (e), for the brackets, word and figures "(Section XV)", the brackets, words and figures "(generally Section XIV or XV)" shall be substituted;

(ii) in heading 5604, sub-heading 5604 20, tariff items 5604 20 10 and 5604 20 90 and the entries relating thereto shall be omitted;

(iii) in heading 5607, sub-heading 5607 10, tariff items 5607 10 10 and 5607 10 90 and the entries relating thereto shall be omitted;

(50) in Chapter 57,—

(i) in heading 5702, for tariff item 5702 49 90, sub-heading 5702 51, tariff items 5702 51 10 to 5702 51 40, sub-heading 5702 52, tariff items 5702 52 10 to 5702 52 90, sub-heading 5702 59, tariff items 5702 59 10 to 5702 59 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"5702 49 90	--- Other	m ²	12.5%	-
5702 50	- Other, not of pile construction, not made up:			
	- Of man-made textile materials:			
5702 50 21	--- Carpets, Carpeting and rugs	m ²	12.5% or Rs. 105	-
			per sq. metre,	
			whichever is	
			higher	
5702 50 22	--- Mats and matting	m ²	12.5% or Rs. 105	-
			per sq. metre,	
			whichever is	
			higher	
5702 50 29	--- Other	m ²	12.5% or Rs. 105	-
			per sq. metre,	
			whichever	
			is higher	

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	<i>— Of other textiles materials:</i>			
5702 50 31	— Carpets and other floor coverings, of cotton other than durries	m ²	12.5%	-
5702 50 32	— Carpets and other floor coverings, of silk	m ²	12.5%	-
5702 50 33	— Place mat and other similar goods	m ²	12.5%	-
5702 50 39	— Other	m ²	12.5%	-";

(51) in Chapter 58, in heading 5803, sub-headings 5803 10, tariff items 5803 10 10 to 5803 10 90, sub-heading 5803 90, tariff items 5803 90 10 to 5803 90 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

"5803 00	<i>— Gauze, other than narrow fabrics of heading 5806:</i>			
	<i>— Of cotton:</i>			
5803 00 11	— Unbleached	m ²	12.5%	—
5803 00 12	— Bleached	m ²	12.5%	—
5803 00 13	— Piece dyed	m ²	12.5%	—
5803 00 14	— Yarn dyed	m ²	12.5%	—
5803 00 15	— printed	m ²	12.5%	—
5803 00 19	— other	m ²	12.5%	—
	<i>— Of other textile materials:</i>			
5803 00 91	— Of silk or silk waste	m ²	12.5%	-
5803 00 92	— Of synthetic fibre	m ²	12.5%	-
5803 00 93	— Of artificial fibre	m ²	12.5%	—
5803 00 99	— Other	m ²	12.5%	—";

(52) in Chapter 59, in Note 5, in clause (h), for the brackets, word and figures "(Section XV)" the brackets, words and figures "(generally Section XIV or XV)" shall be substituted;

(53) in Chapter 60, in heading 6005, tariff item 6005 10 00 and the entries relating thereto shall be omitted;

(54) in Chapter 61,—

(i) in heading 6101, sub-heading 6101 10, tariff items 6101 10 10 to 6101 10 90 and the entries relating thereto shall be omitted;

(ii) for heading 6103, tariff items 6103 11 00, 6103 12 00, sub-heading 6103 19, tariff items 6103 19 10 to 6103 21 00 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

"6103	MEN'S OR BOYS' SUITS, ENSEMBLES, JACKETS, BLAZERS, TROUSERS, BIB AND BRACE OVERALLS, BREECHES AND SHORTS (OTHER THAN SWIM WEAR), KNITTED OR CROCHETED
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Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
6103 10	- <i>Suits:</i>			
6103 10 10	-- Of silk	u	12.5%	-
6103 10 20	-- Of cotton	u	12.5%	
6103 10 30	-- Of artificial fibres	u	12.5%	
6103 10 90	-- Other	u	12.5%	-";
(iii) in heading 6104, tariff items 6104 11 00, 6104 12 00 and 6104 21 00 and the entries relating thereto shall be omitted;				
(iv) in heading 6107, sub-heading 6107 92, tariff items 6107 92 10 and 6107 92 20 and the entries relating thereto shall be omitted;				
(v) in heading 6111, tariff item 6111 10 00 and the entries relating thereto shall be omitted;				
(vi) in heading 6114, tariff item 6114 10 00 and the entries relating thereto shall be omitted;				
(vii) for heading 6115, tariff items 6115 11 00, 6115 12 00, sub-heading 6115 19, tariff items 6115 19 10 to 6115 19 90, sub-heading 6115 20, tariff items 6115 20 10 to 6115 93 00 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—				
"6115	PANTYHOSE, TIGHTS, STOCKINGS, SOCKS AND OTHER HOSIERY, INCLUDING GRADUATED COMPRESSION HOSIERY (FOR EXAMPLE, STOCKINGS FOR VARICOSE VEINS) AND FOOTWEAR WITHOUT APPLIED SOLES, KNITTED OR CROCHETED			
6115 1000	- Graduated compression hosiery for example, (stockings for varicose veins)	u	12.5%	-
6115 21	- <i>Other panty hose and tights:</i>			
6115 21 00	-- Of synthetic fibres, measuring per single yarn less than 67 decitex	u	12.5%	-
6115 22 00	-- Of synthetic fibres, measuring per single yarn 67 decitex or more	u	12.5%	-
6115 29	- <i>Of other textile materials:</i>			
6115 29 10	-- Of silk	u	12.5%	-
6115 29 20	-- Of wool or fine animal hair	u	12.5%	-
6115 29 30	-- Of artificial fibres	u	12.5%	-
6115 29 90	-- Other	u	12.5%	-
6115 30 00	- Other women's full-length or knee-length hosiery, measuring per single yarn less than 67 decitex	u	12.5%	-
6115 94 00	-- Of wool or fine animal hair	pa	12.5%	-
6115 95 00	-- Of cotton	pa	12.5%	-
6115 96 00	-- Of synthetic fibres	pa	12.5%	-";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(viii) in heading 6117, sub-heading 6117 20, tariff items 6117 20 10 to 6117 20 90 and the entries relating thereto shall be omitted;

(55) in Chapter 62,—

(i) in heading 6203, tariff item 6203 21 00 and the entries relating thereto shall be omitted;

(ii) in heading 6205, tariff item 6205 10 00 and the entries relating thereto shall be omitted;

(iii) in heading 6207, tariff item 6207 92 00 and the entries relating thereto shall be omitted;

(iv) in heading 6209, tariff item 6209 10 00 and the entries relating thereto shall be omitted;

(v) in heading 6211, tariff item 6211 31 00 and the entries relating thereto shall be omitted;

(vi) in heading 6213, tariff item 6213 10 00 and the entries relating thereto shall be omitted;

(56) in Chapter 63,—

(i) in heading 6302, tariff items 6302 52 00 and 6302 92 00 and the entries relating thereto shall be omitted;

(ii) in heading 6303, tariff items 6303 11 00 and the entries relating thereto shall be omitted;

(iii) in heading 6306,—

(a) tariff items 6306 11 00 and 6306 21 00 and the entries relating thereto shall be omitted;

(b) for tariff items 6306 29 90, 6306 31 00, sub-heading 6306 39, tariff items 6306 39 10 to 6306 49 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"6306 29 90	— Other	kg.	12.5%	-
6306 30 00	- Sails	kg.	12.5%	-
6306 40 00	- Pneumatic mattresses	u	12.5%	-";

(57) in Chapter 64,—

(i) in heading 6401, sub-heading 6401 91, tariff items 6401 91 10 and 6401 91 90 and the entries relating thereto shall be omitted;

(ii) in heading 6402, sub-heading 6402 30, tariff items 6402 30 10 and 6402 30 90 and the entries relating thereto shall be omitted;

(iii) in heading 6403, tariff item 6403 30 00 and the entries relating thereto shall be omitted;

(58) in Chapter 65,—

(i) tariff item 6503 00 00 and the entries relating thereto shall be omitted;

(ii) in heading 6506, tariff item 6506 92 00 and the entries relating thereto shall be omitted;

(59) in Chapter 66, in heading 6603, sub-heading 6603 10, tariff items 6603 10 10 and 6603 10 90 and the entries relating thereto shall be omitted;

(60) in Chapter 68,—

(i) in heading 6802, tariff item 6802 22 00 and the entries relating thereto shall be omitted;

(ii) in heading 6811, for tariff item 6811 10 00, sub-heading 6811 20, tariff items 6811 20 10 to 6811 20 90, sub-heading 6811 30, tariff items 6811 30 10 to 6811 90 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
"6811 40	- <i>Containing asbestos:</i>			
6811 40 10	-- Asbestos - cement sheets	kg.	12.5%	-
6811 40 20	-- Asbestos - cement tiles	kg.	12.5%	-
6811 40 90	-- Other	kg.	12.5%	-
	- <i>Not containing asbestos:</i>			
6811 81 00	-- Corrugated sheets	kg.	12.5%	-
6811 82 00	-- Other sheets, panels, tiles and similar articles	kg.	12.5%	-
6811 83 00	-- Tubes, pipes and tube or pipe fittings	kg.	12.5%	-
6811 89 00	-- Other articles	kg.	12.5%	-";
(iii) in heading 6812, for the tariff item 6812 50 00, sub-heading 6812 60, tariff items 6812 60 11 to 6812 70 00, sub-heading 6812 90, tariff items 6812 90 11 to 6812 90 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—				
"6812 80 00	- Of crocidolite	kg.	12.5%	-
	- <i>Other :</i>			
6812 91 00	-- Clothing, clothing accessories, footwear and headgear	kg.	12.5%	-
6812 92	-- <i>Paper, millboard and felt:</i>			
	-- <i>Millboard:</i>			
6812 92 11	--- Asbestos	kg.	12.5%	-
6812 92 19	--- Other	kg.	12.5%	-
6812 92 90	--- Other	kg.	12.5%	-
6812 93 00	-- Compressed asbestos fibre jointing, in sheets or rolls	kg.	12.5%	-
6812 99	-- <i>Other:</i>			
	-- <i>Lagging compounds:</i>			
6812 99 11	--- Asbestos	kg.	12.5%	-
6812 99 19	--- Other	kg.	12.5%	-
	-- <i>Asbestos packing joints and gaskets:</i>			
6812 99 21	--- Packing joints	kg.	12.5%	-
6812 99 22	--- Gaskets	kg.	12.5%	-
6812 99 90	--- Other	kg.	12.5%	-";
(iv) in heading 6813, for tariff item 6813 10 00, sub-heading 6813 90, tariff items 6813 90 10 and 6813 90 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—				
"6813 20	- <i>Containing asbestos:</i>			
6813 20 10	-- Brake lining and pads	kg.	12.5%	-
6813 20 90	-- Asbestos friction materials	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	-- <i>Not containing asbestos :</i>			
6813 81 00	-- Brake linings and pads	kg.	12.5%	-
6813 89 00	-- Other	kg.	12.5%	-
(61) in Chapter 70,—				
(i) in Sub-heading Note, for the word and figures "sub-headings 7013 21, 7013 31", the words and figures "tariff items 7013 22 00, 7013 33 00, 7013 41 00" shall be substituted;				
(ii) tariff item 7012 00 00 and the entries relating thereto shall be omitted;				
(iii) for heading 7013, tariff items 7013 10 00 to 7013 39 00, sub-heading 7013 91, tariff items 7013 91 10, 7013 91 90, sub-heading 7013 99, tariff items 7013 99 10 and 7013 99 90 and the entries relating thereto, the following heading, tariff items and entries shall be substituted, namely:—				
"7013	<i>GLASSWARE OF A KIND USED FOR TABLE, KITCHEN, TOILET, OFFICE, INDOOR DECORATION OR SIMILAR PURPOSES (OTHER THAN THAT OF HEADING 7010 OR 7018)</i>			
7013 10 00	- Of glass-ceramics	kg.	12.5%	-
	- <i>Stemware drinking glasses, other than of glass-ceramics:</i>			
7013 22 00	- Of lead crystal	kg.	12.5%	-
7013 28 00	- Other	kg.	12.5%	-
	- <i>Other drinking glasses, other than of glass-ceramics:</i>			
7013 33 00	- Of lead crystal	kg.	12.5%	-
7013 37 00	- Other	kg.	12.5%	-
	- <i>Glassware of a kind used for table (other than drinking glasses) or kitchen purposes, other than of glass-ceramics:</i>			
7013 41 00	- Of lead crystal	kg.	12.5%	-
7013 42 00	- Of glass having a linear coefficient of expansion not exceeding 5×10^{-6} per Kelvin within a temperature range of 0°C to 300°C	kg.	12.5%	-
7013 49 00	- Other	kg.	12.5%	-
	- <i>Other glassware:</i>			
7013 91 00	- Of lead crystal	kg.	12.5%	-
7013 99 00	- Other	kg.	12.5%	-";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(62) in Chapter 71,—

(i) in Note 2, for the brackets and letters "(a)" and "(b)" wherever they occur, the brackets and letters "(A)" and "(B)" shall respectively be substituted;

(ii) in Note 4, for the brackets and letters "(a)", "(b)" and "(c)", except "2(b)", the brackets and letters "(A)", "(B)" and "(C)" shall respectively be substituted;

(iii) for Note 9, the following Note shall be substituted, namely:—

"9. For the purposes of heading 7113, the expression "articles of jewellery" means:

(a) any small objects of personal adornment (for example, rings, bracelets, necklaces, brooches, ear-rings, watch-chains, fobs, pendants, tie-pins, cuff-links, dress-studs, religious or other medals and insignia); and

(b) articles of personal use of a kind normally carried in the pocket, in the handbag or on the person (for example, cigar or cigarette cases, snuff boxes, cachou or pill boxes, powder boxes, chain purses or prayer beads).

These articles may be combined or set, for example, with natural or cultured pearls, precious or semi-precious stones, synthetic or reconstructed precious or semi-precious stones, tortoise shell, mother-of-pearl, ivory, natural or reconstituted amber, jet or coral.;

(iv) in Sub-heading Note 2, for the figure, brackets and letter "4(b)", the figure, brackets and letter "4(B)" shall be substituted;

(63) in Chapter 72,—

(i) in heading 7225, sub-heading 7225 20, tariff items 7225 20 11 to 7225 20 29 and the entries relating thereto shall be omitted;

(ii) in heading 7226, tariff items 7226 93 00 and 7226 94 00 and the entries relating thereto shall be omitted;

(iii) in heading 7229, tariff item 7229 10 00 and the entries relating thereto shall be omitted;

(64) in Chapter 73,—

(i) in heading 7304, for sub-heading 7304 10, tariff items 7304 10 11 to 7304 10 29, sub-heading 7304 21, tariff items 7304 21 10, 7304 21 90, sub-heading 7304 29, tariff items 7304 29 10, 7304 29 90, sub-heading 7304 31, tariff items 7304 31 11 to 7304 31 39, sub-heading 7304 39, tariff items 7304 39 11 to 7304 49 00, sub-heading 7304 51, tariff items 7304 51 10 to 7304 51 30, sub-heading 7304 59, tariff items 7304 59 10 to 7304 90 00 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

" - *Line pipe of a kind used for oil and gas pipelines:*

7304 11	— <i>Of stainless steel:</i>			
7304 11 10	— Tubes and pipes	kg.	12.5%	-
7304 11 20	— Blanks for tubes and pipes	kg.	12.5%	-
7304 11 90	— Other	kg.	12.5%	-
7304 19	— <i>Other:</i>			
7304 19 10	— Tubes and pipes	kg.	12.5%	-
7304 19 20	— Blanks for tubes and pipes	kg.	12.5%	-
7304 19 90	— Other	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	- <i>Casing, tubing and drill pipe, of a kind used in drilling for oil or gas:</i>			
7304 22 00	- Drill pipe of stainless steel	kg.	12.5%	-
7304 23	- <i>Other drill pipe:</i>			
7304 23 10	-- Of iron	kg.	12.5%	-
7304 23 90	-- Other	kg.	12.5%	-
7304 24 00	- Other, of stainless steel	kg.	12.5%	-
7304 29	- <i>Other:</i>			
7304 29 10	-- Of iron	kg.	12.5%	-
7304 29 90	-- Other	kg.	12.5%	-
	- <i>Other, of circular cross-section, of iron or non-alloy steel:</i>			
7304 31	- <i>Cold-drawn or cold-rolled (cold-reduced):</i>			
	-- <i>Up to 114.3 mm outer diameter</i>			
7304 31 11	-- Of iron	kg.	12.5%	-
7304 31 19	-- Other	kg.	12.5%	-
	-- <i>Above 114.3 mm but up to 219.1 mm outer diameter:</i>			
7304 31 21	-- Of iron	kg.	12.5%	-
7304 31 29	-- Other	kg.	12.5%	-
	-- <i>Above 219.1 mm diameter:</i>			
7304 31 31	-- Of iron	kg.	12.5%	-
7304 31 39	-- Other	kg.	12.5%	-
7304 39	- <i>Other:</i>			
	-- <i>Up to 114.3 mm outer diameter:</i>			
7304 39 11	-- Of iron	kg.	12.5%	-
7304 39 19	-- Other	kg.	12.5%	-
	-- <i>Above 114.3 mm but up to 219.1 mm outer diameters:</i>			
7304 39 21	-- Of iron	kg.	12.5%	-
7304 39 29	-- Other	kg.	12.5%	-
	-- <i>Above 219.1 mm diameter:</i>			
7304 39 31	-- Of iron	kg.	12.5%	-
7304 39 39	-- Other	kg.	12.5%	-
	- <i>Other, of circular cross-section, of stainless steel:</i>			
7304 41 00	- Cold-drawn or cold-rolled (cold-reduced)	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
7304 49 00	- Other	kg.	12.5%	-
	- <i>Other, of circular cross section, of alloy steel:</i>			
7304 51	- <i>Cold-drawn or cold rolled (cold-reduced):</i>			
7304 51 10	-- Up to 114.3 mm diameter	kg.	12.5%	-
7304 51 20	-- Above 114.3 mm but up to 219.1 mm outer diameter	kg.	12.5%	-
7304 51 30	-- Above 219.1 mm outer diameter	kg.	12.5%	-
7304 59	- <i>Other:</i>			
7304 59 10	-- Up to 114.3 mm diameter	kg.	12.5%	-
7304 59 20	-- Above 114.3 mm but up to 219.1 mm outer diameter	kg.	12.5%	-
7304 59 30	-- Above 219.1 mm outer diameter	kg.	12.5%	-
7304 90 00	- Other	kg.	12.5%	-";
<p>(ii) in heading 7306, for sub-heading 7306 10, tariff items 7306 10 11 to 7306 10 29, sub-heading 7306 20, tariff items 7306 20 10 to 7306 20 90, sub-heading 7306 30, tariff items 7306 30 10 to 7306 50 00, sub-heading 7306 60, tariff items 7306 60 10 and 7306 60 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—</p>				
<p>"- <i>Line pipe of a kind used for oil or gas pipelines:</i></p>				
7306 11 00	- Welded, of stainless steel	kg.	12.5%	-
7306 19	- <i>Other:</i>			
<p>- <i>Galvanised pipes:</i></p>				
7306 19 11	---- Of iron	kg.	12.5%	-
7306 19 19	---- Other	kg.	12.5%	-
<p>-- <i>Non-galvanised pipes:</i></p>				
7306 19 21	---- Of iron	kg.	12.5%	-
7306 19 29	---- Other	kg.	12.5%	-
<p>- <i>Casing and tubing of a kind used in drilling for oil or gas:</i></p>				
7306 21 00	- Welded, of stainless steel	kg.	12.5%	-
7306 29	- <i>Other:</i>			
7306 29 11	---- Of iron	kg.	12.5%	-
7306 29 19	---- Other	kg.	12.5%	-
7306 30	- <i>Other, welded, of circular cross-section, of iron or non-alloy steel:</i>			
7306 30 10	-- Of iron	kg.	12.5%	-
7306 30 90	-- Other	kg.	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
7306 40 00	- Other, welded, of circular cross-section, of stainless steel	kg.	12.5%	-
7306 50 00	- Other, welded, of circular cross-section, of other alloy steel - <i>Other, welded, of non-circular cross-section:</i>	kg.	12.5%	-
7306 61 00	-- Of square or rectangular cross-section	kg.	12.5%	-
7306 69 00	-- Of other non-circular cross-section	kg.	12.5%	-
7306 90	- <i>Other:</i> - <i>ERW precision tubes:</i>			
7306 90 11	--- Of iron	kg.	12.5%	-
7306 90 19	--- Other	kg.	12.5%	-
7306 90 90	--- Other	kg.	12.5%	-";

(iii) in heading 7314, tariff item 7314 13 00 and the entries relating thereto shall be omitted;

(iv) in heading 7319, sub-heading 7319 10, tariff items 7319 10 10 to 7319 10 90 and the entries relating thereto shall be omitted;

(v) in heading 7321, for sub-heading 7321 13, tariff items 7321 13 10 to 7321 13 90, sub-heading 7321 83, tariff items 7321 83 10 and 7321 83 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

"7321 19	-- <i>Other, including appliances for solid fuel:</i>			
7321 19 10	--- Cookers and kitchen stoves	u	12.5%	-
7321 19 90	--- Other stoves and appliances	u	12.5%	-
7321 89	-- <i>Other, including appliances for solid fuel:</i>			
7321 89 10	--- Clay tandoor (oven with iron or steel body and earthen grates)	kg.	12.5%	-
7321 89 90	--- Other	kg.	12.5%	-";

(65) in Chapter 74,—

(i) in Note 1, in clause (f), the paragraph beginning with the words "in the case of" and ending with the words "exceeds 6 mm" shall be omitted;

(ii) in heading 7401, for tariff items 7401 10 00 and 7401 20 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

"7401 00	- <i>Copper Mattes; Cement copper (precipitated copper):</i>			
7401 00 10	--- Copper mattes	kg.	12.5%	-
7401 00 90	--- Cement copper (precipitated copper)	kg.	12.5%	-";

(iii) in heading 7403, sub-heading 7403 23, tariff items 7403 23 10 and 7403 23 20 and the entries relating thereto shall be omitted;

(iv) in heading 7407, sub-heading 7407 22, tariff items 7407 22 10 and 7407 22 20 and the entries relating thereto shall be omitted;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	(v) heading 7414, sub-heading 7414 20, tariff items 7414 20 10 to 7414 20 90, sub-heading 7414 90, tariff items 7414 90 10 to 7414 90 90 and the entries relating thereto shall be omitted;			
	(vi) tariff item 7416 00 00 and the entries relating thereto shall be omitted;			
	(vii) heading 7417, sub-heading 7417 00, tariff items 7417 00 11 to 7417 00 99 and the entries relating thereto shall be omitted,			
	(66) in Chapter 78,—			
	(i) heading 7803, sub-heading 7803 00, tariff items 7803 00 11 to 7803 00 30 and the entries relating thereto shall be omitted;			
	(ii) heading 7805, sub-heading 7805 00, tariff items 7805 00 10 and 7805 00 20 and the entries relating thereto shall be omitted;			
	(67) in Chapter 79, heading 7906, sub-heading 7906 00, tariff items 7906 00 10 and 7906 00 20 and the entries relating thereto shall be omitted;			
	(68) in Chapter 80,—			
	(i) in Note 1, in clause (d), the paragraph beginning with the words and figures "Headings 8004" and ending with the words "other headings" shall be omitted;			
	(ii) heading 8004, sub-heading 8004 00, tariff items 8004 00 10 and 8004 00 90 and the entries relating thereto shall be omitted;			
	(iii) tariff item 8005 00 00 and the entries relating thereto shall be omitted;			
	(iv) heading 8006, sub-heading 8006 00, tariff items 8006 00 10 and 8006 00 20 and the entries relating thereto shall be omitted;			
	(69) in Chapter 81,—			
	(i) in heading 8101, sub-heading 8101 95, tariff items 8101 95 10 and 8101 95 90 and the entries relating thereto shall be omitted;			
	(ii) in heading 8112, sub-heading 8112 30, tariff items 8112 30 10 to 8112 30 90, sub-heading 8112 40, tariff items 8112 40 10 to 8112 40 90 and the entries relating thereto shall be omitted;			
	(70) in Chapter 83, in tariff item 8311 90 00, in the entry in column (2), the words "including parts" shall be omitted;			
	(71) in Section XVI,—			
	(i) in Note 1, in clause (b), for the word and figures "heading 4204", the word and figures "heading 4205" shall be substituted;			
	(ii) in Note 2, in clauses (a) and (c), for the figures "8485", the figures "8487" shall be substituted;			
	(72) in Chapter 84,—			
	(i) in Note 1, for clauses (e) and (f), the following clauses shall be substituted, namely:—			
	"(e) vacuum cleaners of heading 8508;			
	(f) electro-mechanical domestic appliances of heading 8509; digital cameras of heading 8525; or			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(g) hand-operated mechanical floor sweepers, not motorised (heading 9603).";

(ii) in Note 2,—

(a) for the portion beginning with the words "Subject to" and ending with the words "not the latter", the following shall be substituted, namely:—

"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 other of the headings 8425 to 8480 is to be classified under the appropriate heading of the headings 8401 to 8424 or under the heading 8486, as the case may be, and not under the headings 8425 to 8480.";

(b) for the brackets, words and figures "(heading 8443 or 8471)", the brackets, word and figures "(heading 8443)" shall be substituted ;

(iii) for Note 5, the following Note shall be substituted, namely:—

"5.(A) For the purposes of heading 8471, the expression "automatic data processing machine" means machine capable of:

(i) storing the processing programme or programmes and at least the data immediately necessary for the execution of the programme;

(ii) being freely programmed in accordance with the requirements of the user;

(iii) performing arithmetical computations specified by the user; and

(iv) executing, without human intervention, a processing programme which requires them to modify their execution, by logical decision during the processing run.

(B) Automatic data processing machines may be in the form of systems consisting of a variable number of separate units.

(C) Subject to paragraphs (D) and (E), a unit is to be regarded as being part of an automatic data processing system if it meets all of the following conditions :

(i) it is of a kind solely or principally used in an automatic data processing system;

(ii) it is connectable to the central processing unit either directly or through one or more other units; and

(iii) it is able to accept or deliver data in a form (codes or signals) which can be used by the system.

Separately presented units of an automatic data processing machine are to be classified in heading 8471.

However, keyboards, X-Y co-ordinate input devices and disk storage units which satisfy the conditions of (ii) and (iii) above, are in all cases to be classified as units of heading 8471.

(D) Heading 8471 does not cover the following when presented separately, even if they meet all of the conditions set forth in paragraph (C):

(i) printers, copying machines, facsimile machines, whether or not combined;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(ii) apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network);

(iii) loudspeakers and microphones;

(iv) television cameras, digital cameras and video camera recorders;

(v) monitors and projectors, not incorporating television reception apparatus.

(E) Machines incorporating or working in conjunction with an automatic data processing machine and performing a specific function other than data processing are to be classified in the headings appropriate to their respective functions or, failing that, in residual headings.";

(iv) after Note 8, the following Note shall be inserted, namely:—

"9. (A) Clauses (a) and (b) of Note 8 to Chapter 85 shall also apply respectively to the expressions "semi-conductor devices" and "electronic integrated circuits", used in this Note and in heading 8486. However, for the purposes of this Note and heading 8486, the expression "semi-conductor devices" also covers photosensitive semi-conductor devices and light emitting diodes.

(B) For the purposes of this Note and heading 8486, the expression "manufacture of flat panel displays" covers the fabrication of substrates into a flat panel. It does not cover the manufacture of glass or the assembly of printed circuit boards or other electronic components onto the flat panel.

The expression "flat panel display" does not cover cathode-ray tube technology.

(C) Heading 8486 also includes machines and apparatus solely or principally of a kind used for:

(i) the manufacture or repair of masks and reticles;

(ii) assembling semi-conductor devices or electronic integrated circuits; and

(iii) lifting, handling, loading or unloading of boules, wafers, semi-conductor devices, electronic integrated circuits and flat panel displays.

(D) Subject to Note 1 to Section XVI and Note 1 to Chapter 84, machines and apparatus answering to the description in heading 8486 are to be classified in that heading and in no other heading of this Schedule.";

(v) in Sub-heading Note 1, for the figure, brackets and letter "Note 5 (B)", the figure, brackets and letter "Note 5(C)" shall be substituted ;

(vi) in heading 8418,—

(a) tariff items 8418 22 00 and the entries relating thereto shall be omitted;

(b) in tariff item 8418 50 00, for the entry in column (2), the following entry shall be substituted, namely:—

" Other furniture (chests, cabinets, display counters, showcases and the like) for storage and display, incorporating refrigerating or freezing equipment";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(c) in tariff item 8418 61 00, for the entry in column (2), the following entry shall be substituted, namely:—

"--Heat pumps other than air-conditioning machines of heading 8415";

(vii) in heading 8425, tariff item 8425 20 00 and the entries relating thereto shall be omitted;

(viii) in heading 8428, sub-heading 8428 50, tariff items 8428 50 10 to 8428 50 90 and the entries relating thereto shall be omitted;

(ix) in heading 8442,—

(a) for the entry in column (2), the following entry shall be substituted, namely:—

"MACHINERY, APPARATUS AND EQUIPMENT (OTHER THAN THE MACHINE TOOLS OF HEADINGS 8456 TO 8465) FOR PREPARING OR MAKING PLATES, PRINTING COMPONENTS; PLATES, CYLINDERS AND OTHER PRINTING COMPONENTS; PLATES, CYLINDERS AND LITHOGRAPHIC STONES, PREPARED FOR PRINTING PURPOSES (FOR EXAMPLE, PLANED, GRAINED OR POLISHED)";

(b) tariff item 8442 10 00, sub-heading 8442 20, tariff items 8442 20 10 to 8442 20 90 and the entries relating thereto shall be omitted;

(c) in sub-heading 8442 30, in the entry in column (2), for the words "*Other machinery*", the word, "*Machinery*" shall be substituted;

(d) for sub-heading 8442 50, tariff items 8442 50 10 to 8442 50 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

"8442 50	- <i>Plates, cylinders and other printing components; plates, cylinders and lithographic stones, prepared for printing purposes (for example, planed, grained or polished):</i>			
8442 50 10	- Plates and cylinders	kg.	12.5%	-
8442 50 20	- Lithographic plates	kg.	12.5%	-
	--- <i>Plate, cylinder and lithographic stones prepared for printing purposes:</i>			
8442 50 31	--- Plate and cylinder for textile printing machine	kg.	12.5%	-
8442 50 39	----Other	kg.	12.5%	-
8442 50 40	--- Highly polished copper sheets for making blocks	kg.	12.5%	-
8442 50 50	--- Highly polished zinc sheets for making process blocks	kg.	12.5%	-
8442 50 90	--- Other	kg.	12.5%	-";

(x) for heading 8443, tariff items 8443 11 00 to 8443 51 00, sub-heading 8443 59, tariff items 8443 59 10 to 8443 59 90, sub heading 8443 60, tariff items 8443 60 10 to 8443 60 90, sub-heading 8443 90, tariff items 8443 90 10 and 8443 90 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
"8443	PRINTING MACHINERY USED FOR PRINTING BY MEANS OF PLATES, CYLINDERS AND OTHER PRINTING COMPONENTS OF HEADING 8442; OTHER PRINTERS, COPYING MACHINES AND FACSIMILE MACHINES, WHETHER OR NOT COMBINED; PARTS AND ACCESSORIES THEREOF			
	- <i>Printing machinery used for printing by means of plates, cylinders and other printing components of heading 8442 :</i>			
8443 11 00	-- Off set printing machinery, reel fed	u	12.5%	-
8443 12 00	-- Offset printing machinery, sheet-fed, office type (using sheets with one side not exceeding 22 cm and the other side not exceeding 36 cm in the unfolded state)	u	12.5%	-
8443 13 00	-- Other offset printing machinery	u	12.5%	-
8443 14 00	-- Letterpress printing machinery, reel fed, excluding flexography printing	u	12.5%	-
8443 15 00	-- Letterpress printing machinery, other than reel fed, excluding flexographic printing	u	12.5%	-
8443 16 00	-- Flexographic printing machinery	u	12.5%	-
8443 17 00	-- Gravure printing machinery	u	12.5%	-
8443 19 00	-- Other	u	12.5%	-
	- <i>Other printers, copying machines and facsimile machines, whether or not combined :</i>			
8443 31 00	-- Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network	u	12.5%	-
8443 32 00	-- Other, capable of connecting to an automatic data processing machine or to a network	u	12.5%	-
8443 39	-- <i>Other:</i>			
8443 39 10	--- Flat bed printing presses	u	12.5%	-
8443 39 20	--- Platen printing presses	u	12.5%	-
8443 39 30	--- Proof presses	u	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	--- <i>Machinery for printing repetitive word or design or colour :</i>			
8443 39 41	--- On cotton textile	u	12.5%	-
8443 39 49	--- Other	u	12.5%	-
	- <i>Machines for uses ancillary to printing:</i>			
8443 39 51	--- Automatic feeders and sheet delivering machine	u	12.5%	-
8443 39 52	--- Serial numbering machines	u	12.5%	-
8443 39 53	--- Folders, guzmnos perforators and staplers	u	12.5%	-
8443 39 59	--- Other	u	12.5%	-
	- <i>Parts and accessories :</i>			
8443 91 00	--- Parts and accessories of printing machinery used for printing by means of plates, cylinders and other printing components of heading 8442	kg.	12.5%	-
8443 99 00	--- Other	kg.	12.5%	-";
(xi) in heading 8448, sub-heading 8448 41, tariff items 8448 41 10 to 8448 41 90 and the entries relating thereto shall be omitted;				
(xii) in heading 8456, for tariff items 8456 30 00, 8456 91 00, sub-heading 8456 99, tariff items 8456 99 10 and 8456 99 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—				
"8456 30 00	--- Operated by electro-discharge processes	u	12.5%	-
8456 90	- <i>Other:</i>			
8456 90 10	--- For dry etching pattern on semi conductor material	u	Free	-
8456 90 20	--- Electro chemical machines	u	12.5%	-
8456 90 90	--- Other	u	12.5%	-";
(xiii) for heading 8469, tariff items 8469 11 00, 8469 12 00, sub-heading 8469 20 tariff items 8469 20 10, 8469 20 90 sub-heading 8469 30, tariff items 8469 30 10 and 8469 30 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—				
"8469	TYPEWRITERS OTHER THAN PRINTERS OF HEADING 8443; WORD-PROCESSING MACHINES			
8469 00	- <i>Typewriters other than printers of heading 8443; word-processing machines:</i>			
8469 00 10	--- Word processing machines	u	Free	-
8469 00 20	--- Automatic typewriters	u	12.5%	-
8469 00 30	--- Braille typewriters, electric	u	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
8469 00 40	-- Braille typewriters, non-electric	u	12.5%	
8469 00 90	-- Other typewriters, electric or non-electric	u	12.5%	
	(xiv) in heading 8470, sub-heading 8470 40, tariff items 8470 40 10 and 8470 40 20 and the entries relating thereto shall be omitted;			
	(xv) in heading 8471,—			
	(a) tariff item 8471 10 00 and the entries relating thereto shall be omitted;			
	(b) in sub-heading 8471 30, and after tariff item 8471 30 90, in the entry in column (2), the word "digital" wherever it occurs, shall be omitted;			
	(c) in tariff item 8471 50 00, in the entry in column (2), for the words "Digital processing", the word "Processing" shall be substituted;			
	(xvi) in heading 8472, tariff item 8472 20 00 and the entries relating thereto shall be omitted;			
	(xvii) for heading 8485, tariff items 8485 10 00 and 8485 90 00 and the entries relating thereto, the following headings, tariff items and entries shall be substituted, namely:—			
" 8486	MACHINES AND APPARATUS OF A KIND USED SOLELY OR PRINCIPALLY FOR THE MANUFACTURE OF SEMICONDUCTOR BOULES OR WAFERS, SEMI-CONDUCTOR DEVICES, ELECTRONIC INTEGRATED CIRCUITS OR FLAT PANEL DISPLAYS; MACHINES AND APPARATUS SPECIFIED IN NOTE 9(C) TO THIS CHAPTER; PARTS AND ACCESSORIES			
8486 10 00	- Machines and apparatus for the manufacture of boules or wafers	u	12.5%	-
8486 20 00	- Machines and apparatus for the manufacture of semi-conductor devices or of electronic integrated circuits	u	12.5%	-
8486 30 00	- Machines and apparatus for the manufacture of flat panel displays	u	12.5%	-
8486 40 00	- Machines and apparatus specified in Note 9(c) to this Chapter	u	12.5%	-
8486 90 00	- Parts and accessories	kg.	12.5%	-
8487	MACHINERY PARTS, NOT CONTAINING ELECTRICAL CONNECTORS, INSULATORS, COILS, CONTACTS OR OTHER ELECTRICAL FEATURES, NOT SPECIFIED OR INCLUDED ELSEWHERE IN THIS CHAPTER			
8487 10 00	- Ships' or boats' propellers and blades therefore	u	12.5%	-
8487 90 00	- Other	kg.	12.5%	-";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

(72) in Chapter 85,—

(i) in Note 1,—

(a) in clause (b), the word "or" occurring at the end shall be omitted;

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

"(c) machines and apparatus of heading 8486;

(d) vacuum apparatus of a kind used in medical, surgical, dental or veterinary purposes (Chapter 90); or

(e) electrically heated furniture of Chapter 94.";

(ii) in Note 3, for clause (a), the following clause shall be substituted, namely:—

"(a) floor polishers, food grinders and mixers, and fruit or vegetable juice extractors, of any weight;"

(iii) for Notes 4, 5, 6 and 7, the following Notes shall be substituted, namely:—

" 4. For the purposes of heading 8523:

(a) Solid-state non-volatile storage devices (for example, "flash memory cards" or "flash electronic storage cards") are storage devices with a connecting socket, comprising in the same housing one or more flash memories (for example, "FLASH E²PROM") in the form of integrated circuits mounted on a printed circuit board. They may include a controller in the form of an integrated circuit and discrete passive components, such as capacitors and resistors;

(b) The term "smart cards" means cards which have embedded in them one or more electronic integrated circuits (a microprocessor, random access memory (RAM) or read-only memory (ROM)) in the form of chips. These cards may contain contacts, a magnetic stripe or an embedded antenna but do not contain any other active or passive circuit elements.

5. For the purposes of heading 8534, "printed circuits" are circuits obtained by forming on an insulating base, by any printing process (for example, embossing, plating-up, etching) or by the "film circuit" technique, conductor elements, contacts or other printed components (for example, inductances, resistors, capacitors) alone or interconnected according to a pre-established pattern, other than elements which can produce, rectify, modulate or amplify an electrical signal (for example, semi-conductor elements).

The expression "printed circuits" does not cover circuits combined with elements other than those obtained during the printing process, nor does it cover individual, discrete resistors, capacitors or inductances. Printed circuits may, however, be fitted with non-printed connecting elements.

Thin- or thick-film circuits comprising passive and active elements obtained during the same technological process are to be classified in heading 8542.

6. For the purpose of heading 8536, "connectors for optical fibres, optical fibre bundles or cables" means connectors that simply mechanically align optical fibres end to end in a digital line system. They perform no other function, such as the amplification, regeneration or modification of a signal.

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

7. Heading 8537 does not include cordless infrared devices for the remote control of television receivers or other electrical equipment (heading 8543).

8. For the purposes of headings 8541 and 8542 :

(a) "Diodes, transistors and similar semi-conductor devices" are semi-conductor devices the operation of which depends on variations in resistivity on the application of an electric field;

(b) "Electronic integrated circuits" are :

(i) Monolithic integrated circuits in which the circuit elements (diodes, transistors, resistors, capacitors, inductances, etc.) are created in the mass (essentially) and on the surface of a semi-conductor or compound semi-conductor material (for example, doped silicon, gallium arsenide, silicon germanium, indium phosphide) and are inseparably associated;

(ii) Hybrid integrated circuits in which passive elements (resistors, capacitors, inductances, etc.), obtained by thin- or thick-film technology, and active elements (diodes, transistors, monolithic integrated circuits, etc.), obtained by semi-conductor technology, are combined to all intents and purposes indivisibly, by interconnections or interconnecting cables, on a single insulating substrate (glass, ceramic, etc.). These circuits may also include discrete components;

(iii) Multichip integrated circuits consisting of two or more interconnected monolithic integrated circuits combined to all intents and purposes indivisibly, whether or not on one or more insulating substrates, with or without leadframes, but with no other active or passive circuit elements.

For the classification of the articles defined in this Note, headings 8541 and 8542 shall take precedence over any other heading in this Schedule, except in the case of heading 8523, which might cover them by reference to, in particular, their function.

9. For the purposes of heading 8548, "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."

(iv) for Sub-heading Notes, the following Sub-heading Note shall be substituted, namely:—

"SUB-HEADING NOTE

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 170mm x 100 mm x 45 mm.";

(v) in supplementary note, for the figures "8524", the figures "8523" shall be substituted;

(vi) in heading 8505, tariff item 8505 30 00 and entries relating thereto shall be omitted;

(vii) after tariff item 8507 90 90 and the entries relating thereto, the following heading, tariff item and entries shall be inserted, namely:—

"8508

VACUUM CLEANERS

- *With self-contained electric motor:*

8508 11 00

- Of a power not exceeding 1,500 W
and having a dust bag or other
receptacle capacity not exceeding 20 l

u

12.5%

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
8508 19 00	- Other	u	12.5%	-
8508 60 00	- Other vacuum cleaners	u	12.5%	-
8508 70 00	- Parts	kg.	12.5%	-";
	(viii) in heading 8509,—			
	(a) for the entry in column (2), the following entry shall be substituted, namely:— "ELECTRO-MECHANICAL DOMESTIC APPLIANCES, WITH SELF CONTAINED ELECTRIC MOTOR, OTHER THAN VACUUM CLEANERS OF HEADING 8508";			
	(b) tariff items 8509 10 00 to 8509 30 00 and the entries relating thereto shall be omitted;			
	(ix) for heading 8517, sub-heading 8517 11, tariff items 8517 11 10, 8517 11 90, sub-heading 8517 19, tariff items 8517 19 11 to 8517 30 00, sub-heading 8517 50, tariff items 8517 50 10 to 8517 50 99, sub-heading 8517 80, tariff items 8517 80 10 to 8517 80 90, sub-heading 8517 90, tariff items 8517 90 10 and 8517 90 90 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—			
"8517	TELEPHONE SETS, INCLUDING TELEPHONES FOR CELLULAR NETWORKS OR FOR OTHER WIRELESS NETWORKS; OTHER APPARATUS FOR THE TRANSMISSION OR RECEPTION OF VOICE, IMAGES OR OTHER DATA, INCLUDING APPARATUS FOR COMMUNICATION IN A WIRED OR WIRELESS NETWORK (SUCH AS A LOCAL OR WIDE AREA NETWORK), OTHER THAN TRANSMISSION OR RECEPTION APPARATUS OF HEADING 8443, 8525, 8527 OR 8528			
	- <i>Telephone sets, including telephones for cellular networks or for other wireless networks:</i>			
8517 11	- <i>Line telephone sets with cordless handsets:</i>			
8517 11 10	-- Push button type	u	Free	
8517 11 90	-- Other	u	Free	
8517 12	- <i>Telephones for cellular networks or for other wireless networks:</i>			
8517 12 10	-- Push button type	u	Free	
8517 12 90	-- Other	u	Free	
8517 18	- <i>Other:</i>			
8517 18 10	-- Push button type	u	Free	
8517 18 90	-- Other	u	Free	
	- <i>Other apparatus for transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network):</i>			
8517 61 00	-- Base stations	u	Free	

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
8517 62	-- <i>Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus:</i>			
8517 62 10	-- PLCC equipment	u	Free	
8517 62 20	-- Voice frequency telegraphy	u	Free	
8517 62 30	-- Modems (modulators-demodulators)	u	Free	
8517 62 40	-- High bit rate digital subscriber line system (HDSL)	u	Free	
8517 62 50	-- Digital loop carrier system(DLC)	u	Free	
8517 62 60	-- Synchronous digital hierarchy system(SDH)	u	Free	
8517 62 70	-- Multiplexers, statistical multiplexers	u	Free	
8517 62 90	-- Other	u	Free	
8517 69	-- <i>Other:</i>			
8517 69 10	-- ISDN System	u	Free	
8517 69 20	-- ISDN terminal adaptor	u	Free	
8517 69 30	-- Routers	u	Free	
8517 69 40	-- X 25 Pads	u	Free	
8517 69 50	-- Subscriber end equipment	u	Free	
8517 69 60	-- Set top boxes for gaining access to internet	u	Free	
8517 69 70	-- Attachments for telephones	u	Free	
8517 69 90	-- Other	u	Free	
8517 70	-- <i>Parts:</i>			
8517 70 10	-- Populated, loaded or stuffed printed circuit boards	kg.	Free	
8517 70 90	-- Other	kg.	Free";	

(x) for heading 8519, tariff items 8519 10 00 to 8519 93 00, sub-heading 8519 99, tariff items 8519 99 10 to 8519 99 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

"8519		SOUND RECORDING OR REPRODUCING APPARATUS	
8519 20 00	- Apparatus operated by coins, banknotes, bank cards, tokens or by other means of payment	u	12.5%
8519 30 00	- Turntables (record-decks)	u	12.5%
8519 50 00	- Telephone answering machines	u	Free
	- <i>Other apparatus:</i>		

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
8519 81 00	-- Using magnetic, optical or semi-conductor media	u	12.5%	-
8519 89	-- <i>Other:</i>			
8519 89 10	--- Audio Compact disc player	u	12.5%	-
8519 89 20	--- Compact disc changer including mini disc player or laser disc player	u	12.5%	-
8519 89 30	--- Time Code recorder	u	12.5%	-
8519 89 40	--- MP-3 player	u	12.5%	-
8519 89 90	--- Others	u	12.5%	-";

(xi) heading 8520, tariff items 8520 10 00 to 8520 32 00, sub-heading 8520 33, tariff items 8520 33 10, 8520 33 90, sub-heading 8520 39, tariff items 8520 39 10, 8520 39 90, sub-heading 8520 90, tariff items 8520 90 10 and 8520 90 90 and the entries relating thereto, shall be omitted;

(xii) for heading 8523, sub-heading 8523 11, tariff items 8523 11 11 to 8523 11 29, sub-heading 8523 12, tariff items 8523 12 11 to 8523 12 29, sub-heading 8523 13, tariff items 8523 13 11 to 8523 13 29, sub-heading 8523 20, tariff items 8523 20 10 to 8523 30 00, sub-heading 8523 90, tariff items 8523 90 10 to 8523 90 90 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—

"8523 DISCS, TAPES, SOLID-STATE NON-VOLATILE STORAGE DEVICES, "SMART CARDS" AND OTHER MEDIA FOR THE RECORDING OF SOUND OR OF OTHER PHENOMENA, WHETHER OR NOT RECORDED, INCLUDING MATRICES AND MASTERS FOR THE PRODUCTION OF DISCS, BUT EXCLUDING PRODUCTS OF CHAPTER 37				
<i>- Magnetic media:</i>				
8523 21 00	-- Cards incorporating a magnetic stripe	u	12.5%	-
8523 29	-- <i>Other:</i>			
8523 29 10	--- Audio cassettes	u	12.5%	-
8523 29 20	--- Video cassettes	u	12.5%	-
8523 29 30	--- Video magnetic tape including those in hubs and reels, rolls, pancakes and jumbo rolls	u	12.5%	-
8523 29 40	--- ¾" and 1" video cassettes	u	12.5%	-
8523 29 50	--- ½" video cassettes suitable to work with betacam, betacam SP/M II and VHS type VCR	u	12.5%	-
8523 29 60	--- Other video cassettes and tapes ¾" and 1" video cassettes	u	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
8523 29 70	-- All kinds of Magnetic discs	u	12.5%	-
8523 29 80	-- Cartridge tape	u	12.5%	-
8523 29 90	-- Other	u	12.5%	-
8523 40	- <i>Optical media:</i>			
8523 40 10	-- Matrices for production of records; prepared record blank	u	12.5%	-
8523 40 20	-- Cartridge Tape	u	12.5%	-
8523 40 30	-- ½" Video cassette suitable to work with digital VCR	u	12.5%	-
8523 40 40	-- Compact disc (Audio)	u	12.5%	-
8523 40 50	-- Compact disc (video)	u	12.5%	-
8523 40 60	-- Blank master discs (that is, substrate) for producing stamper for compact disc	u	12.5%	-
8523 40 70	-- Stamper for CD audio, CD video and CD-ROM	u	12.5%	-
8523 40 80	-- Digital video disc	u	12.5%	-
8523 40 90	-- Other	u	12.5%	-
	- <i>Semi-conductor media:</i>			
8523 51 00	-- Solid-state non-volatile storage devices	u	12.5%	-
8523 52 00	-- Smart cards	u	Free	-
8523 59 00	-- Other	u	12.5%	-
8523 80	- <i>Other:</i>			
8523 80 10	-- Gramophone records	u	12.5%	-
8523 80 20	-- Information technology software	u	Free	-
8523 80 30	-- Audio-visual news or audio visual views	u	12.5%	-
8523 80 40	-- Children's video films	u	12.5%	-
8523 80 50	-- Video tapes of educational nature	u	12.5%	-
8523 80 60	-- 2-D/ 3D computer graphics	u	12.5%	-
8523 80 90	-- Other	u	12.5%	-";

(xiii) heading 8524, sub-heading 8524 10, tariff items 8524 10 10, 8524 10 90, sub-heading 8524 31, tariff items 8524 31 11 to 8524 31 90, sub-heading 8524 32, tariff items 8524 32 10, 8524 32 90, sub-heading 8524 39, tariff items 8524 39 10 to 8524 39 90, sub-heading 8524 40, tariff items 8524 40 11 to 8524 40 90, sub-heading 8524 51, tariff items 8524 51 11 to 8524 51 90, sub-heading 8524 52, tariff items 8524 52 11 to 8524 52 90, sub-heading 8524 53, tariff items 8524 53 11 to 8524 60 00, sub-heading 8524 91, tariff items 8524 91 11 to 8524 91 90, sub-heading 8524 99, tariff items 8524 99 10 to 8524 99 99 and the entries relating thereto shall be omitted;

(xiv) for heading 8525, sub-heading 8525 10, tariff items 8525 10 10 to 8525 10 90, sub-heading 8525 20, tariff items 8525 20 11 to 8525 40 00 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
"8525	TRANSMISSION APPARATUS FOR RADIO-BROADCASTING OR TELEVISION, WHETHER OR NOT INCORPORATING RECEPTION APPARATUS OR SOUND RECORDING OR REPRODUCING APPARATUS; TELEVISION CAMERAS, DIGITAL CAMERAS AND VIDEO CAMERA RECORDERS			
8525 50	- <i>Transmission apparatus:</i>			
8525 50 10	--- Radio broadcast transmitter	u	12.5%	-
8525 50 20	--- TV broadcast transmitter	u	12.5%	-
8525 50 30	--- Broadcast equipment sub-system	u	12.5%	-
8525 50 40	--- Communication jamming equipment	u	12.5%	-
8525 50 50	--- Wireless microphone	u	12.5%	-
8525 50 90	--- Other	u	12.5%	-
8525 60	- <i>Transmission apparatus incorporating reception apparatus:</i>			
	--- <i>Two way radio communication equipment:</i>			
8525 60 11	--- Walkie talkie set	u	Free	
8525 60 12	--- Marine radio communication equipment	u	Free	
8525 60 13	--- Amateur radio equipment	u	Free	
8525 60 19	--- Other	u	Free	
	--- <i>Other:</i>			
8525 60 91	--- VSAT terminals	u	Free	
8525 60 92	--- Other satellite communication equipment	u	Free	
8525 60 99	--- Other	u	Free	
8525 80	- <i>Television cameras, digital cameras and video camera recorders:</i>			
8525 80 10	--- Television Cameras	u	12.5%	-
8525 80 20	--- Digital Cameras	u	12.5%	-
8525 80 30	--- Video camera recorders	u	12.5%	-
8525 80 90	--- Other	u	12.5%	-";

(xv) for heading 8527, tariff items 8527 12 00 to 8527 39 00, sub-heading 8527 90, tariff items 8527 90 11 to 8527 90 90 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—

"8527	RECEPTION APPARATUS FOR RADIO-BROADCASTING, WHETHER OR NOT COMBINED, IN THE SAME HOUSING, WITH SOUND RECORDING OR REPRODUCING APPARATUS OR A CLOCK			
	- <i>Radio-broadcast receivers capable of operating without an external source of power:</i>			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
8527 12 00	-- Pocket-size radio cassette-players	u	12.5%	-
8527 13 00	-- Other apparatus combined with sound recording or reproducing apparatus	u	12.5%	-
8527 19 00	-- Other	u	12.5%	-
	- <i>Radio-broadcast receivers not capable of operating without an external source of power, of a kind used in motor vehicles:</i>			
8527 21 00	-- Combined with sound recording or reproducing apparatus	u	12.5%	-
8527 29 00	-- Other	u	12.5%	-
	- <i>Other:</i>			
8527 91 00	-- Combined with sound recording or reproducing apparatus	u	12.5%	-
8527 92 00	-- Not combined with sound recording or reproducing apparatus but combined with a clock	u	12.5%	-
8527 99	-- <i>Other:</i>			
	--- <i>Radio communication receivers:</i>			
8527 99 11	---- Radio pagers	u	12.5%	-
8527 99 12	---- Demodulators	u	12.5%	-
8527 99 19	---- Other	u	12.5%	-
8527 99 90	--- Other	u	12.5%	-";

(xvi) for heading 8528, sub-heading 8528 12, tariff items 8528 12 11 to 8528 12 99, sub-heading 8528 13, tariff items 8528 13 10, 8528 13 90, sub-heading 8528 21, tariff items 8528 21 10 to 8528 22 00, sub-heading 8528 30, tariff items 8528 30 10 to 8528 30 30 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—

"8528 MONITORS AND PROJECTORS,
NOT INCORPORATING
TELEVISION RECEPTION
APPARATUS; RECEPTION
APPARATUS FOR TELEVISION,
WHETHER OR NOT
INCORPORATING RADIO-
BROADCAST RECEIVERS OR
SOUND OR VIDEO RECORDING
OR REPRODUCING APPARATUS

- *Cathode-ray tube monitors :*

8528 41 00	--- Of a kind solely or principally used in an automatic data processing system of heading 8471	u	12.5%	-
8528 49 00	-- Other	u	12.5%	-
	- <i>Other monitors:</i>			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
8528 51 00	-- Of a kind solely or principally used in an automatic data processing system of heading 8471	u	12.5%	-
8528 59 00	-- Other - <i>Projectors:</i>	u	12.5%	-
8528 61 00	-- Of a kind solely or principally used in an automatic data processing system of heading 8471	u	12.5%	-
8528 69 00	-- Other - <i>Reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus:</i>	u	12.5%	-
8528 71 00	-- Not designed to incorporate a video display or screen	u	12.5%	-
8528 72	-- <i>Other, colour:</i>			
8528 72 11	--- Television set of screen size up to 36 cm	u	12.5%	-
8528 72 12	--- Television set of screen size exceeding 36 cm but not exceeding 54 cm	u	12.5%	-
8528 72 13	--- Television set of screen size exceeding 54 cm but not exceeding 68 cm	u	12.5%	-
8528 72 14	--- Television set of screen size exceeding 68 cm but not exceeding 74 cm	u	12.5%	-
8528 72 15	--- Television set of screen size exceeding 74 cm but not exceeding 87 cm	u	12.5%	-
8528 72 16	--- Television set of screen size exceeding 87 cm but not exceeding 105 cm	u	12.5%	-
8528 72 17	--- Television set of screen size exceeding 105 cm	u	12.5%	-
8528 72 18	--- Liquid crystal display television set of screen size below 63 cm	u	12.5%	-
8528 72 19	--- Other	u	12.5%	-
8528 73	-- <i>Other, black and white or other monochrome:</i>			
8528 73 10	-- Liquid crystal display television set of screen size below 25 cm	u	12.5%	-
8528 73 90	-- Other	u	12.5%	-";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	(xvii) in heading 8535, in the entry in column (2), for the word "PLUGS", the words "PLUGS AND OTHER CONNECTORS" shall be substituted;			
	(xviii) in heading 8536,—			
	(a) for the entry in column (2), the following entry shall be substituted, namely:—			
	"ELECTRICAL APPARATUS FOR SWITCHING OR PROTECTING ELECTRICAL CIRCUITS, OR FOR MAKING CONNECTIONS TO OR IN ELECTRICAL CIRCUITS (FOR EXAMPLE, SWITCHES, RELAYS, FUSES, SURGE SUPPRESSORS, PLUGS, SOCKETS, LAMP-HOLDERS AND OTHER CONNECTORS, JUNCTION BOXES), FOR A VOLTAGE NOT EXCEEDING 1,000 VOLTS; CONNECTORS FOR OPTICAL FIBRES, OPTICAL FIBRE BUNDLES OR CABLES.";			
	(b) after tariff item 8536 69 90 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—			
" 8536 70 00	- Connectors for optical fibres, optical fibre bundles or cables	kg.	12.5%	-";
	(xix) for heading 8542, sub-heading 8542 10, tariff items 8542 10 10 to 8542 21 00, sub-heading 8542 29, tariff items 8542 29 10 to 8542 90 00 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—			
"8542	ELECTRONIC INTEGRATED CIRCUITS			
	- <i>Electronic integrated circuits:</i>			
8542 31 00	-- Processors and controllers, whether or not combined with memories, converters, logic circuits, amplifiers, clock and timing circuits, or other circuits.	u	Free	-
8542 32 00	-- Memories	u	Free	-
8542 33 00	-- Amplifiers	u	Free	-
8542 39	-- <i>Other:</i>			
8542 39 10	-- Sim cards	u	Free	-
8542 39 20	-- Memory cards	u	Free	-
8542 39 90	-- Other	u	Free	-
8542 90 00	- Parts	kg.	Free	-";
	(xx) for heading 8543, tariff item 8543 11 00, sub-heading 8543 19, and tariff items 8543 19 10 to 8543 19 90 and the entries relating thereto, the following heading, sub-heading, and tariff items and entries shall be substituted, namely:—			
"8543	ELECTRICAL MACHINES AND APPARATUS HAVING INDIVIDUAL FUNCTIONS, NOT SPECIFIED OR INCLUDED ELSEWHERE IN THIS CHAPTER			
8543 10	- <i>Particle accelerators:</i>			
8543 10 10	-- Ion implanters for doping semiconductor material	u	Free	-
8543 10 20	-- Vane graff, cock-croft, Walton accelerators	u	12.5%	-
8543 10 30	-- Synchrocyclotrons, synchrotrons	u	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
8543 10 90	— Other including cyclotrons	u	12.5%	-";
	(xx) in heading 8543, for tariff items 8543 40 00, 8543 81 00, sub-heading 8543 89, tariff items 8543 89 10 to 8543 89 99 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—			
" 8543 70	- <i>Other machines and apparatus:</i>			
8543 70 11	— Proximity card and tags	u	Free	-
8543 70 12	— Metal detector	u	12.5%	-
8543 70 13	— Mine detector	u	12.5%	-
8543 70 19	— Other	u	12.5%	-
	— <i>Audio special effect equipment:</i>			
8543 70 21	— Digital reverberators	u	12.5%	-
8543 70 22	— Mixing system or consoles	u	12.5%	-
8543 70 29	— Other	u	12.5%	-
	— <i>Video special effect equipments:</i>			
8543 70 31	— Video mixing system or consoles	u	12.5%	-
8543 70 32	— Video effect system	u	12.5%	-
8543 70 33	— Digital layering machine	u	12.5%	-
8543 70 34	— Paint box	u	12.5%	-
8543 70 35	— Video typewriter	u	12.5%	-
8543 70 36	— Video matting machine	u	12.5%	-
8543 70 39	— Other	u	12.5%	-
	— <i>Edit control Unit:</i>			
8543 70 41	— Computerised editing system controlling more than three video editing machines	u	12.5%	-
8543 70 42	— Other video control unit	u	12.5%	-
8543 70 49	— Other	u	12.5%	-
8543 70 50	— Colour corrector	u	12.5%	-
	— <i>Amplifier:</i>			
8543 70 61	— Broadcast amplifier	u	12.5%	-
8543 70 62	— Limiting amplifier, video distribution amplifier and stabilizing amplifiers	u	12.5%	-
8543 70 69	— Other	u	12.5%	-
	— <i>Graphic equalizer and synthesized receivers:</i>			
8543 70 71	— Graphic equalizer	u	12.5%	-
8543 70 72	— Synthesised receivers	u	12.5%	-

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	— <i>Other:</i>			
8543 70 91	— RF (radio frequency) power amplifier and noise generators for communication jamming equipment, static and mobile or man-portable	u	12.5%	-
8543 70 92	— Equipment gadgets based on solar energy	u	12.5%	-
8543 70 93	— Professional beauty care equipment	u	12.5%	-
8543 70 94	— Audio visual stereo encoders	u	12.5%	-
8543 70 95	— Time code generator	u	12.5%	-
8543 70 99	— Other	u	12.5%	-";

(xxii) in the heading 8544, for tariff item 8544 30 00, sub-heading 8544 41, tariff items 8544 41 11 to 8544 41 90, sub-heading 8544 49, tariff items 8544 49 11 to 8544 49 90, sub-heading 8544 51, tariff items 8544 51 10 to 8544 51 90, sub-heading 8544 59, tariff items 8544 59 10 to 8544 59 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

"8544 30 00	- Ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	kg.	12.5%	-
	- <i>Other electric conductors, for a voltage not exceeding 1,000 V :</i>			
8544 42	- <i>Fitted with connectors:</i>			
8544 42 10	— Paper insulated	kg.	12.5%	-
8544 42 20	— Plastic insulated	kg.	12.5%	-
8544 42 30	— Rubber insulated	kg.	12.5%	-
8544 42 90	— Other	kg.	12.5%	-
8544 49	- <i>Other:</i>			
	- <i>Other electric conductors, for a voltage not exceeding 80 V :</i>			
	— <i>Telephone cables :</i>			
8544 49 11	— Dry core paper insulated	kg.	12.5%	-
8544 49 19	— Other	kg.	12.5%	-
8544 49 20	— Paper insulated	kg.	12.5%	-
8544 49 30	— Plastic insulated	kg.	12.5%	-
8544 49 40	— Rubber insulated	kg.	12.5%	-
8544 49 90	— Other	kg.	12.5%	-";

(73) in Section XVII, in Note 1, the figures "9501" shall be omitted;

(74) in Chapter 86, in heading 8606,—

(i) tariff item 8606 20 00 and the entries relating thereto shall be omitted;

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	(ii) in tariff item 8606 30 00, in the entry in column (2), the word and figures " or 8606 20" shall be omitted;			
	(75) in Chapter 87,—			
	(i) in Note 4, for the figures "9501", the figures "9503" shall be substituted;			
	(ii) in heading 8708, for tariff items 8708 29 00 to 8708 99 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—			
"8708 29 00	-- Other	kg.	12.5%	-
8708 30 00	- Brakes and servo-brakes; parts thereof	kg.	12.5%	-
8708 40 00	- Gear boxes and parts thereof	kg.	12.5%	-
8708 50 00	- Drive-axles with differential, whether or not provided with other transmission components, non-driving axles; parts thereof	kg.	12.5%	-
8708 70 00	- Road wheels and parts and accessories thereof	kg.	12.5%	-
8708 80 00	- Suspension systems and parts thereof (including shock absorbers)	kg.	12.5%	-
	- <i>Other parts and accessories:</i>			
8708 91 00	-- Radiators and parts thereof	kg.	12.5%	-
8708 92 00	-- Silencers (mufflers) and exhaust pipes; parts thereof	kg.	12.5%	-
8708 93 00	-- Clutches and parts thereof	kg.	12.5%	-
8708 94 00	-- Steering wheels, steering columns and steering boxes; parts thereof	kg.	12.5%	-
8708 95 00	-- Safety airbags with inflator system; parts thereof	kg.	12.5%	-
8708 99 00	- Other	kg.	12.5%	-";
	(76) in Chapter 88,—			
	(i) for heading 8801, tariff items 8801 10 00 to 8801 90 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—			
"8801	BALLOONS AND DIRIGIBLES, GLIDERS, HANG GLIDERS AND OTHER NON-POWERED AIRCRAFT			
8801 00	- <i>Balloons and dirigibles; gliders, hang gliders and other non-powered aircraft:</i>			
8801 00 10	-- Gliders and hang gliders	u	12.5%	-
8801 00 20	-- Balloons	u	12.5%	-
8801 00 90	-- Other	u	12.5%	-";

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
	(77) in Chapter 90, —			
	(i) in Note 1, —			
	(a) in clause (a), for the brackets, word and figures "(heading 4204)", the brackets, word and figures "(heading 4205)" shall be substituted;			
	(b) in clause (g), for the words, figures and bracket "(of heading 8481)", the following words, figures and brackets shall be substituted, namely:—			
	"of heading 8481; machines and apparatus (including apparatus for the projection or drawing of circuit patterns on sensitised semi-conductor materials) of heading 8486;"			
	(c) for clause (h), the following clause shall be substituted, namely:—			
	"(h) searchlights or spotlights of a kind used for cycles or motor vehicles (heading 8512); portable electric lamps of heading 8513; cinematographic sound recording, reproducing or re-recording apparatus (heading 8519); sound-heads (heading 8522); television cameras, digital cameras and video camera recorders (heading 8525); radar apparatus, radio navigational aid apparatus or radio remote control apparatus (heading 8526); connectors for optical fibres, optical fibre bundles or cables (heading 8536); numerical control apparatus of heading 8537; sealed beam lamp units of heading 8539; optical fibre cables of heading 8544;"			
	(ii) in Note 2, in clause (a), for the figures "8485", the figures "8487" shall be substituted;			
	(iii) for Note 3, the following Note shall be substituted, namely:—			
	"3. The provisions of Notes 3 and 4 to Section XVI apply also to this Chapter."			
	(iv) in heading 9006, tariff items 9006 20 00 and 9006 62 00 and the entries relating thereto shall be omitted;			
	(v) heading 9009, tariff items 9009 11 00 to 9009 99 00 and the entries relating thereto shall be omitted;			
	(vi) in heading 9010, —			
	(a) in the entry in column (2), the brackets and words "(INCLUDING APPARATUS FOR THE PROJECTION OR DRAWING OF CIRCUIT PATTERNS ON SENSITISED SEMI-CONDUCTOR MATERIALS)" shall be omitted;			
	(b) for tariff items 9010 10 00 to 9010 49 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—			
"9010 10 00	- Apparatus and equipment for automatically developing photographic (including cinematographic) film or paper in rolls or for automatically exposing developed film to rolls of photographic paper	u	12.5%	"-;
	(vii) in heading 9027, tariff item 9027 40 00 and the entries relating thereto shall be omitted;			
	(viii) in heading 9030, —			
	(a) for tariff items 9030 20 00, 9030 31 00, sub-heading 9030 39, tariff items 9030 39 10 to 9030 39 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—			

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
"9030 20 00	- Oscilloscopes and oscillographs - <i>Other instruments and apparatus, for measuring or checking voltage, current, resistance or power:</i>	u	12.5%	-
9030 31 00	-- Multimeters without a recording device	u	12.5%	-
9030 32 00	-- Multimeters with a recording device	u	12.5%	-
9030 33	-- <i>Other, without a recording device:</i>			
9030 33 10	--- Ammeters, volt meters and watt meters	u	12.5%	-
9030 33 20	--- Spectrum resistance meters	u	12.5%	-
9030 33 30	--- Capacitance meter	u	12.5%	-
9030 33 40	--- Frequency measuring apparatus	u	12.5%	-
9030 33 50	--- Megar meters	u	12.5%	-
9030 33 90	--- Other	u	12.5%	-
9030 39 00	-- Other, with a recording device	u	12.5%	-";

(b) in column (1), for tariff item "9030 83 00", the tariff item "9030 84 00" shall be substituted;

(ix) in heading 9031, tariff item 9031 30 00 and the entries relating thereto shall be omitted;

(78) in Chapter 91,—

(i) in heading 9101, tariff item 9101 12 00 and the entries relating thereto shall be omitted;

(ii) in heading 9106, tariff item 9106 20 00 and the entries relating thereto shall be omitted;

(79) in Chapter 92,—

(i) heading 9203, sub-heading 9203 00, tariff items 9203 00 10 and 9203 00 90 and the entries relating thereto shall be omitted;

(ii) heading 9204, tariff items 9204 10 00 and 9204 20 00 and the entries relating thereto shall be omitted;

(iii) in heading 9209, tariff items 9209 10 00, 9209 20 00 and 9209 93 00 and the entries relating thereto shall be omitted;

(80) in Chapter 93, in heading 9306, tariff item 9306 10 00 and the entries relating thereto shall be omitted;

(81) in Chapter 94,—

(i) in Note 3, for the brackets and letters "(a)" and "(b)", the brackets and letters "(A)" and "(B)" shall respectively be substituted;

(ii) in heading 9401, for tariff item 9401 50 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"- *Seats of cane, osier, bamboo or similar materials:*

9401 51 00	-- Of bamboo or rattan	u	12.5%	-
9401 59 00	-- Other	u	12.5%	-";

(iii) in heading 9403, for sub-heading 9403 80, tariff items 9403 80 10 and 9403 80 90 and the entries relating thereto, the following shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)

	" - Furniture of other materials, including cane, osier, bamboo or similar materials			
9403 81 00	- Of bamboo or rattan	u	12.5%	-
9403 89 00	- Other	u	12.5%	-";

(82) in Chapter 95,—

(i) in Note 1,—

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

"(a) Candles (heading 3406);";

(b) in clause (t), the word "or" occurring at the end shall be omitted ;

(c) in clause (u), for the brackets and words "(classified according to the constituent material).", the brackets and words "(Classified according to the constituent material); or" shall be substituted;

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

"(v) Tableware, kitchenware, toilet articles, carpets and other textile floor coverings, apparel, bed linen, table linen, toilet linen, kitchen linen and similar articles having a utilitarian function (classified according to their constituent material).";

(ii) for Note 4, the following Notes shall be substituted, namely:—

"4. Subject to the provisions of Note 1, heading 9503 applies, *inter alia*, to articles of this heading combined with one or more items, which cannot be considered as sets under the terms of rule 3 (b) of the General rules for Interpretation of this schedule, and which, if presented separately, would be classified in other headings, provided the articles are put up together for retail sale and the combinations have the essential character of toys.

5. Heading 9503 does not cover articles which, on account of their design, shape or constituent material, are identifiable as intended exclusively for animals, for example, "pet toys" (classification in their own appropriate heading).";

(iii) headings 9501, sub-heading 9501 00, tariff items 9501 00 10 and 9501 00 90 and the entries relating thereto shall be omitted;

(iv) heading 9502, sub-heading 9502 10, tariff items 9502 10 10 to 9502 99 00 and the entries relating thereto shall be omitted;

(v) for heading 9503, tariff items 9503 10 00 to 9503 41 00, sub-heading 9503 49, tariff items 9503 49 10 to 9503 49 90, sub-heading 9503 50, tariff items 9503 50 10, 9503 50 90, sub-heading 9503 60, tariff items 9503 60 10, 9503 60 90, sub-heading 9503 70, tariff items 9503 70 10, 9503 70 90, sub-heading 9503 80, tariff items 9503 80 10 and 9503 80 90; sub-heading 9503 90, tariff items 9503 90 10 to 9503 90 90 and the entries relating thereto the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

'9503 TRICYCLES, SCOOTERS, PEDAL
CARS AND SIMILAR WHEELED TOYS;
DOLLS' CARRIAGES; DOLLS; OTHER
TOYS; REDUCED-SIZE ("SCALE")
MODELS AND SIMILAR
RECREATIONAL MODELS, WORKING
OR NOT; PUZZLES OF ALL KINDS

Tariff Item	Description of goods	Unit	Rate of duty	
			Standard	Preferential
(1)	(2)	(3)	(4)	(5)
9503 00	- <i>Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carriages; dolls; other toys; reduced-size ("scale") models and similar recreational models, working or not; puzzles of all kinds:</i>			
9503 00 10	-- Of wood	u	12.5%	-
9503 00 20	-- Of metal	u	12.5%	-
9503 00 30	-- Of plastics	u	12.5%	-
9503 00 90	-- Other	u	12.5%	-";

(vi) in heading 9504,—

(a) for tariff item 9504 20 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—

"9504 20 00	- Articles and accessories for billiards of all kinds	u	12.5%	-";
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(b) for sub-heading 9504 30, tariff items 9504 30 10 to 9504 30 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"9504 30 10	- Other games, operated by coins, bank notes, bank cards, tokens or by other means of payment, other than bowling alley equipment	u	12.5%	-
9504 30 20	-- Carom board, with or without coins and strikers	u	12.5%	-
9504 30 90	-- Other	u	12.5%	-";

(83) in Chapter 96, for heading 9614, tariff item 9614 20 00, sub-heading 9614 90, tariff items 9614 90 10 to 9614 90 90 and the entries relating thereto, the following shall be substituted, namely:—

"9614 00 00	SMOKING PIPES (INCLUDING PIPE BOWLS) AND CIGAR OR CIGARETTE HOLDERS AND PARTS THEREOF	u	12.5%	-";
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(84) in Chapter 97, in Note 4, for the brackets and letters "(a)" and "(b)", the brackets and letters "(A)" and "(B)" shall respectively be substituted.

THE FIFTH SCHEDULE

(See section 66)

PART I

In the Third Schedule to the Central Excise Act,—

(1) after S. No. 71 and the entries relating thereto, the following S.No., heading and entries shall be inserted, namely:—

S. No.	Heading, sub-heading or tariff item	Description of goods
(1)	(2)	(3)
"71A.	8443	Fascimile machines";

(2) after S.No.76 and the entries relating thereto, the following S. No., heading and entries shall be inserted, namely:—

(1)	(2)	(3)
"76A.	8508	Vacuum Cleaners with self contained electric motor";

(3) against S.No. 77, for the entry in column (3), the following entry shall be substituted, namely:—

"Electro-mechanical domestic appliances with self contained electric motor, other than vacuum cleaners of heading 8508";

(4) against S.No. 81, in the entry in column (3), the words " ; facsimile machines" shall be omitted;

(5) against S.No. 84, for the entry in column (3), the following entry shall be substituted, namely:—

"Unrecorded audio cassettes; recorded or unrecorded video cassettes; recorded or unrecorded magnetic discs";

(6) against S. Nos. 85, 86, 87 and 88, the entries in columns (2) and (3) shall be omitted;

(7) for S. No. 89 and the entries relating thereto, the following S. No., heading and entries shall be substituted, namely:—

(1)	(2)	(3)
"89	8525 or 8517	Cellular or mobile phones
89A.	8527	Pagers";

PART II

In the Third Schedule to the Central Excise Act, after S. No. 99 and the entries relating thereto, the following entries shall be inserted, namely:—

(1)	(2)	(3)
"100.	Any heading	Parts, components and assemblies of automobiles
101.	3808 30 40	Plant-growth regulator
102.	9603 21 00	Toothbrush".

THE SIXTH SCHEDULE

[See section 67(a)]

In the First Schedule to the Central Excise Tariff Act,—

(1) in Chapter 16, for the entry in column (4) occurring against all the tariff items, the entry "Nil" shall be substituted;

(2) in Chapter 19,—

(i) in tariff items 1902 11 00, 1902 19 00, 1902 20 10, 1902 20 90, 1902 30 10 and 1902 30 90, for the entry in column (4) occurring against each of them, the entry "Nil" shall be substituted;

(ii) in tariff items 1905 31 00, 1905 32 19, 1905 90 10 and 1905 90 20, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(3) in Chapter 21,—

(i) in tariff item 2105 00 00, for the entry in column (4), the entry "Nil" shall be substituted;

(ii) in tariff item 2106 90 20, for the entry in column (4), the entry "37.5%" shall be substituted;

(4) in Chapter 24,—

(i) for the entry in column (4) occurring against all the tariff items of heading 2401, the entry "42%" shall be substituted;

(ii) in tariff item 2402 20 10, for the entry in column (4), the entry "Rs.125 per thousand" shall be substituted;

(iii) in tariff item 2402 20 20, for the entry in column (4), the entry "Rs.415 per thousand" shall be substituted;

(iv) in tariff item 2402 20 30, for the entry in column (4), the entry "Rs.620 per thousand" shall be substituted;

(v) in tariff item 2402 20 40, for the entry in column (4), the entry "Rs.1,005 per thousand" shall be substituted;

(vi) in tariff item 2402 20 50, for the entry in column (4), the entry "Rs.1,340 per thousand" shall be substituted;

(vii) in tariff item 2402 20 90, for the entry in column (4), the entry "Rs.1,645 per thousand" shall be substituted;

(viii) in tariff item 2403 10 10, for the entry in column (4), the entry "50%" shall be substituted;

(ix) in tariff item 2403 10 31, for the entry in column (4), the entry "Rs. 12 per thousand" shall be substituted;

(x) in tariff item 2403 10 39, for the entry in column (4), the entry "Rs. 30 per thousand" shall be substituted;

(xi) in tariff items 2403 91 00, 2403 99 10, 2403 99 20, 2403 99 30, 2403 99 40, 2403 99 50, 2403 99 60 and 2403 99 90, for the entry in column (4) occurring against each of them, the entry "50%" shall be substituted;

(5) in Chapter 25,—

(i) after Note 5, the following Note shall be inserted, namely:—

'6. In relation to products of headings 2515 and 2516, the process of cutting or sawing or sizing or polishing or any other process, for converting of stone blocks into slabs or tiles, shall amount to "manufacture".';

(ii) in tariff item 2503 00 10, for the entry in column (4), the entry "16%" shall be substituted;

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
(6) in Chapter 28,—			
(i) in heading 2812,—			
(a) for tariff item 2812 10 10 and the entries relating thereto, the following shall be substituted, namely:—			
"2812 10 10	— Phosgene (carbonyl chloride, carbonyl dichloride, carbon oxy-chloride, chloroformyl chloride)	kg.	16%";
(b) for tariff item 2812 10 20 and entries relating thereto, the following shall be substituted, namely:—			
"--- <i>Phosphorus trichloride and Phosphorus pentachloride:</i>			
2812 10 21	--- Phosphorus trichloride	kg.	16%
2812 10 22	--- Phosphorous pentachloride	kg.	16%";
(c) for tariff item 2812 10 40 and entries relating thereto, the following shall be substituted, namely:—			
"--- <i>Sulphur oxychloride, Sulphur monochloride, Sulphur dichloride and Thionyl chloride:</i>			
2812 10 41	--- Sulphur oxychloride	kg.	16%
2812 10 42	--- Sulphur monochloride	kg.	16%
2812 10 43	--- Sulphur dichloride	kg.	16%
2812 10 47	--- Thionyl chloride	kg.	16%";
(d) after tariff item 2812 10 50 and the entries relating thereto, the following shall be inserted, namely:—			
"2812 10 60	— Arsenous trichloride	kg.	16%";
(ii) in heading 2851, for tariff item 2851 00 90 and the entries relating thereto, the following shall be substituted, namely:—			
"--- <i>Other:</i>			
2851 00 91	--- Cyanogen chloride [(CN) Cl]	kg.	16%
2851 00 99	--- Other	kg.	16%";
(7) in Chapter 29,—			
(i) in heading 2903, for tariff item 2903 30 10 and the entries relating thereto, the following shall be substituted, namely:—			
"--- <i>Fluorinated derivatives:</i>			
2903 30 11	--- 1-Propene, 1, 1,3,3,3,- Pentafluoro-2-(trifluoromethyl) (PFIB)	kg.	16%
2903 30 19	--- Other	kg.	16%";
(ii) in heading 2904, after tariff item 2904 90 70 and the entries relating thereto, the following shall be inserted, namely:—			
"2904 90 80	— Chloropicrin (Trichloronitro-Methane)	kg.	16%";
(iii) in heading 2905, for tariff item 2905 19 00 and the entries relating thereto, the following shall be substituted, namely:—			
"2905 19	— <i>Other:</i>		
2905 19 10	--- 2-Butanol, 3, 3-dimethyl-	kg.	16%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
2905 19 90	— Other	kg.	16%";
(iv) in heading 2918, for tariff item 2918 19 00 and the entries relating thereto, the following shall be substituted, namely:—			
"2918 19	— Other:		
2918 19 10	— Benzeneacetic acid, alpha-hydroxy-alpha-phenyl-	kg.	16%
2918 19 90	— Other	kg.	16%";
(v) in heading 2920,—			
(a) for tariff item 2920 10 00 and the entries relating thereto, the following shall be substituted, namely:—			
"— Phosphorothioic acid, S [2-(diethylamino) ethyl] O,O- diethyl ester; and Thiophosphoric esters (phosphorothioates) and their salts; their halogenated, sulphonated, nitrated or nitrosated derivatives :			
2920 10 10	— Phosphorothioic acid, S [2-(diethylamino) ethyl] O,O-diethyl ester	kg.	16%
2920 10 20	— Thiophosphoric esters (phosphorothioates) and their salts; their halogenated, sulphonated, nitrated or nitrosated derivatives	kg.	16%";
(b) for tariff item 2920 90 90 and the entries relating thereto, the following shall be substituted, namely:—			
"--- Other :			
2920 90 41	--- Trimethyl Phosphite	kg.	16%
2920 90 42	--- Triethyl Phosphite	kg.	16%
2920 90 43	--- Dimethyl Phosphite	kg.	16%
2920 90 44	--- Diethyl Phosphite	kg.	16%
2920 90 45	--- O, O, Dimethyl Methyl Phosphonate	kg.	16%
2920 90 47	--- Phosphonic Acid, Methyl- compound with (aminoimino methyl) urea (1:1)	kg.	16%
2920 90 48	--- 1-Propanaminium N, N, N-trimethyl -3-[1-oxo-9-octadecenyl)amino]-,(Z)- methyl methylphosphonate	kg.	16%
2920 90 51	--- Phosphonic acid, [methyl-bis (5-ethyl-2-methyl-2-oxido-1, 3,2-dioxaphosphorinan-5-yl) methyl] ester	kg.	16%
2920 90 52	--- Phosphonic acid, [methyl- (5-ethyl-2-methyl-2-oxido-1,3,2 -dioxaphosphorinan-5-yl)methyl] ester	kg.	16%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
2920 90 53	--- Phosphonic acid, propyl-dimethyl ester	kg.	16%
2920 90 54	--- Phosphonous acid, methyl-diethyl ester	kg.	16%
2920 90 55	--- Phosphonic acid, ethyl-	kg.	16%
2920 90 56	--- Phosphonic acid, propyl-	kg.	16%
2920 90 57	--- Phosphinic acid, methyl-	kg.	16%
2920 90 58	--- Phosphonochloridic acid, methyl-, methyl ester	kg.	16%
2920 90 61	--- Phosphonothioic dichloride, ethyl-	kg.	16%
2920 90 62	--- Phosphonic acid, methyl-	kg.	16%
2920 90 63	--- Phosphonic acid, methyl-, dimethyl ester	kg.	16%
2920 90 64	--- Phosphonic dichloride, methyl-	kg.	16%
2920 90 65	--- Phosphonous dichloride, methyl-	kg.	16%
2920 90 66	--- Phosphonic acid, ethyl-, diethyl ester	kg.	16%
2920 90 99	--- Other	kg.	16%";

(vi) in heading 2921, for tariff item 2921 19 00 and the entries relating thereto, the following shall be substituted, namely:—

"2921 19	- Other :		
	--- 2-Chloro N,N-Di-isopropyl ethylamine and Ethanamine, 2-Chloro-N, N-dimethyl :		
2921 19 11	--- 2-Chloro N,N-Di-isopropyl ethylamine	kg.	16%
2921 19 14	--- Ethanamine, 2-Chloro-N, N-dimethyl	kg.	16%
2921 19 90	--- Other	kg.	16%";

(vii) in heading 2922,—

(a) for tariff items 2922 11 00 and 2922 12 00 and the entries relating thereto, the following shall be substituted, namely:—

"2922 11	- Monoethanolamine and its salts:		
	--- 2-Hydroxy N,N-Diisopropyl Ethylamine, N,N-Diethyl Amino ethyl Chloride Hydrochloride, Di-ethyl Amino ethanethiol. Hydrochloride, Di-Methyl Amino ethyl chloride Hydrochloride, Di-Methyl Amino ethanethiol, Di-Methyl Amino ethanethiol Hydrochloride:		
2922 11 11	--- 2-Hydroxy N,N-Diisopropyl Ethylamine	kg.	16%
2922 11 12	--- N,N-Diethyl Amino ethyl Chloride Hydrochloride	kg.	16%
2922 11 13	--- Di-ethyl Amino ethanethiol Hydrochloride	kg.	16%
2922 11 14	--- Di-Methyl Amino ethyl chloride Hydrochloride	kg.	16%
2922 11 15	--- Di-Methyl Amino ethanethiol	kg.	16%
2922 11 16	--- Di-Methyl Amino ethanethio Hydrochloride	kg.	16%
2922 11 90	--- Other	kg.	16%
2922 12	- Diethanolamine and its salts:		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	— <i>Ethyldiethanolamine and Methyldiethanolamine :</i>		
2922 12 11	— Ethyldiethanolamine	kg.	16%
2922 12 12	— Methyldiethanolamine	kg.	16%
2922 12 90	— Other	kg.	16%”;

(b) for tariff item 2922 19 00 and the entries relating thereto, the following shall be substituted, namely:—

“2922 19	— <i>Other :</i>		
2922 19 10	— Diethyl amino ethanethiol	kg.	16%
2922 19 20	— Ethanol, 2- [bis(1-methylethyl) amino]-	kg.	16%
2922 19 30	— Ethanethiol, 2-(diethylamino)-	kg.	16%
2922 19 90	— Other	kg.	16%”;

(viii) in heading 2930, for tariff item 2930 90 90 and the entries relating thereto, the following shall be substituted, namely:—

	“— <i>Other :</i>		
2930 90 91	— Ethanol, 2,2'-thiobis-	kg.	16%
2930 90 99	— Other	kg.	16%”;

(ix) in heading 2933, after tariff item 2933 39 20 and the entries relating thereto, the following shall be inserted, namely:—

“2933 39 30	— 1-Azabicyclo (2.2.2.) octan-3-ol	kg.	16%”;
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(x) in heading 2939, for tariff item 2939 29 00 and the entries relating thereto, the following shall be substituted, namely:—

“2939 29	— <i>Other :</i>		
2939 29 10	— Benzeneacetic acid, alpha -hydroxy-alpha-phenyl, 1- azabicyclo [2.2.2.]oct-3-yl ester	kg.	16%
2939 29 90	— Other	kg.	16%”.

(8) in Chapter 32, for Note 7, the following Note shall be substituted, namely:—

‘7. In relation to products of tariff items 3204 19 81, 3204 19 82, 3204 19 83, 3204 19 84, 3204 19 85, 3204 19 86, 3204 19 87, 3204 19 88, 3204 19 89, 3204 19 90 and products of heading 3206, labelling, re-labelling of containers and re-packing from bulk packs to retail packs or the adoption of any other treatment, to render the product marketable to the consumer, shall amount to “manufacture”.’;

(9) in Chapter 39, after Note 15, the following Note shall be inserted, namely:—

‘16. In relation to the products of headings 3920 and 3921, the process of metallization shall amount to “manufacture”.’;

(10) in Chapter 50, in tariff items 5004 00 90, 5005 00 21, 5005 00 22, 5006 00 31, 5006 00 32, 5006 00 33 and 5006 00 39, for the entry in column (4) occurring against each of them, the entry “8%” shall be substituted;

(11) in Chapter 51, for the entry in column (4) occurring against all the tariff items of headings 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112 and 5113, the entry “8%” shall be substituted;

(12) in Chapter 52, for the entry in column (4) occurring against all the tariff items of headings 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211 and 5212, the entry “8%” shall be substituted;

(13) in Chapter 53,—

(i) for the entry in column (4) occurring against all the tariff items of headings 5302 and 5304, the entry "8%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of heading 5305 (except tariff item 5305 90 10), the entry "8%" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of heading 5306, the entry "8%" shall be substituted;

(iv) in tariff items 5308 20 00, 5308 90 10 and 5308 90 90, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(v) for the entry in column (4) occurring against all the tariff items of headings 5309, 5310 and 5311, the entry "8%" shall be substituted;

(14) in Chapter 54,—

(i) for the entry in column (4) occurring against all the tariff items of headings 5401 and 5404, the entry "8%" shall be substituted;

(ii) in tariff item 5405 00 00, for the entry in column (4), the entry "8%" shall be substituted;

(iii) for the entry in column (4) occurring against all the tariff items of headings 5407 and 5408, the entry "8%" shall be substituted;

(15) in Chapter 55, for the entry in column (4) occurring against all the tariff items of headings 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515 and 5516, the entry "8%" shall be substituted;

(16) in Chapter 56, for the entry in column (4) occurring against all the tariff items (except tariff items 5601 10 00, 5601 22 00, 5607 10 10, 5607 10 90, 5608 11 10 and 5608 11 90), the entry "8%" shall be substituted;

(17) in Chapter 57, for the entry in column (4) occurring against all the tariff items, the entry "8%" shall be substituted;

(18) in Chapter 58, for the entry in column (4) occurring against all the tariff items (except tariff items 5804 30 00, 5805 00 10, 5805 00 20, 5805 00 90, 5807 10 10, 5807 10 20, 5807 10 90, 5807 90 10 and 5807 90 90), the entry "8%" shall be substituted;

(19) in Chapter 59, for the entry in column (4) occurring against all the tariff items (except tariff items 5902 10 10 and 5902 10 90), the entry "8%" shall be substituted;

(20) in Chapter 60, for the entry in column (4) occurring against all the tariff items, the entry "8%" shall be substituted;

(21) in Chapter 61, for the entry in column (4) occurring against all the tariff items, the entry "8%" shall be substituted;

(22) in Chapter 62, for the entry in column (4) occurring against all the tariff items, the entry "8%" shall be substituted;

(23) in Chapter 63, for the entry in column (4) occurring against all the tariff items (except tariff items 6309 00 00, 6310 10 10, 6310 10 20, 6310 10 30, 6310 10 90, 6310 90 10, 6310 90 20, 6310 90 30, 6310 90 40 and 6310 90 90), the entry "8%" shall be substituted;

(24) in Chapter 72, after Note 3, the following Note shall be inserted, namely:—

“4. In relation to the products of this Chapter, the process of drawing or redrawing a bar, rod, wire rod, round bar or any other similar article, into bright bar, shall amount to “manufacture”.”;

(25) in Chapter 73, in Note 5, for the figures and word “7304 and 7305”, the figures and word “7304, 7305 and 7306” shall be substituted;

(26) in Chapter 85, in tariff items 8524 31 11, 8524 31 19, 8524 40 11, 8524 40 19, 8524 91 11, 8524 91 12, 8524 91 13 and 8524 91 19, for the entry in column (4) occurring against each of them, the entry "8%" shall be substituted;

(27) in Chapter 87,—

(i) in tariff items 8702 10 11, 8702 10 12, 8702 10 19, 8702 90 11, 8702 90 12, 8702 90 13 and 8702 90 19, for the entry in column (4) occurring against each of them, the entry "24%" shall be substituted;

(ii) for the entry in column (4) occurring against all the tariff items of heading 8703, the entry "24%" shall be substituted;

(iii) in tariff items 8704 10 90, 8704 31 10, 8704 31 90, 8704 32 11, 8704 32 19, 8704 32 90, 8704 90 11, 8704 90 12, 8704 90 19 and 8704 90 90, for the entry in column (4) occurring against each of them, the entry "24%" shall be substituted;

(iv) in tariff items 8706 00 21 and 8706 00 39, for the entry in column (4) occurring against each of them, the entry "24%" shall be substituted;

(v) in tariff items 8706 00 43 and 8706 00 49, for the entry in column (4) occurring against each of them, the entry "24% + Rs.10,000 per chassis" shall be substituted.

THE SEVENTH SCHEDULE

[See section 67(b)]

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
In the First Schedule to the Central Excise Tariff Act,—			
(1) in Chapter 1, in heading 0105, for tariff items 0105 92 00 and 0105 93 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—			
"0105 94 00	-- Fowls of the species <i>Gallus domesticus</i>	u";	
(2) in Chapter 2,—			
(i) in heading 0208, tariff item 0208 20 00 and the entries relating thereto shall be omitted;			
(ii) in heading 0210, in the entry in column (2) appearing after tariff item 0210 20 00, for the words "meat and meat offal", the words "meat or meat offal" shall be substituted;			
(3) in Chapter 3,—			
(i) in heading 0301, after tariff item 0301 93 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—			
"0301 94 00	-- Bluefin tunas (<i>Thunnus thynnus</i>)	kg.	Nil
0301 95 00	-- Southern bluefin tunas (<i>Thunnus maccoyii</i>)	kg.	Nil";
(ii) in heading 0302, after tariff item 0302 66 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—			
"0302 67 00	-- Swordfish (<i>Xiphias gladius</i>)	kg.	Nil
0302 68 00	-- Toothfish (<i>Dissostichus spp.</i>)	kg.	Nil";
(iii) in heading 0303, for tariff items 0303 50 00 and 0303 60 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—			
"— Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>) and cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) excluding livers and roes :			
0303 51 00	-- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)	kg.	Nil
0303 52 00	-- Cod (<i>Gadus morhua</i> ; <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>)	kg.	Nil
- Swordfish (<i>Xiphias gladius</i>) and toothfish (<i>Dissostichus spp.</i>), excluding livers and roes:			
0303 61 00	-- Swordfish (<i>Xiphias gladius</i>)	kg.	Nil
0303 62 00	-- Toothfish (<i>Dissostichus spp.</i>)	kg.	Nil";
(iv) in heading 0304, for tariff item 0304 10 00, sub-heading 0304 20, tariff items 0304 20 10 to 0304 90 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—			
"— Fresh or chilled:			
0304 11 00	-- Swordfish (<i>Xiphias gladius</i>)	kg.	Nil
0304 12 00	-- Toothfish (<i>Dissostichus spp.</i>)	kg.	Nil
0304 19 00	-- Other	kg.	Nil
- Frozen fillets:			
0304 21 00	-- Swordfish (<i>Xiphias gladius</i>)	kg.	Nil
0304 22 00	-- Toothfish (<i>Dissostichus spp.</i>)	kg.	Nil
0304 29	-- Other :		
0304 29 10	--- Hilsa	kg.	Nil
0304 29 20	--- Shark	kg.	Nil
0304 29 30	--- Seer	kg.	Nil
0304 29 40	--- Tuna	kg.	Nil
0304 29 50	--- Cuttlefish	kg.	Nil
0304 29 90	--- Other	kg.	Nil

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	- Other :		
0304 91 00	-- Swordfish (<i>Xiphias gladius</i>)	kg.	Nil
0304 92 00	-- Toothfish (<i>Dissostichus spp.</i>)	kg.	Nil
0304 99 00	-- Other	kg.	Nil";

(4) in Chapter 4,—

(i) in Sub-heading Note 1, for the letters "i.e.", the words "that is" shall be substituted;

(ii) in tariff item 0406 40 00, for the entry in column (2), the following entry shall be substituted, namely:—

" - Blue-veined cheese and other cheese containing veins produced by *Penicillium roqueforti*";

(5) in Chapter 5,—

(i) tariff item 0503 00 00 and the entries relating thereto shall be omitted;

(ii) heading 0509, sub-heading 0509 00, tariff items 0509 00 10 and 0509 00 90 and the entries relating thereto shall be omitted;

(6) in Chapter 6, in heading 0603, for tariff item 0603 10 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

	"- Fresh :		
0603 11 00	-- Roses	kg.	
0603 12 00	-- Carnations	kg.	
0603 13 00	-- Orchids	kg.	
0603 14 00	-- Chrysanthemums	kg.	
0603 19 00	-- Other	kg.;	

(7) in Chapter 7,—

(i) in heading 0709, tariff items 0709 10 00 and 0709 52 00 and the entries relating thereto shall be omitted;

(ii) in heading 0711, tariff item 0711 30 00 and the entries relating thereto shall be omitted;

(8) in Chapter 8,—

(i) in Note 3, in clauses (a) and (b), for the letters "e.g." wherever they occur, the words "for example" shall be substituted;

(ii) in heading 0802, after tariff item 0802 50 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

"0802 60 00	- Macadamia nuts	kg.	Nil";
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(iii) in heading 0805, in tariff item 0805 40 00, for the entry in column (2), the entry "Grapefruit, including pomelos" shall be substituted;

(iv) in heading 0810, tariff item 0810 30 00 and the entries relating thereto shall be omitted;

(9) in Chapter 9,—

(i) in heading 0906, for sub-heading 0906 10, tariff items 0906 10 10 to 0906 10 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

	"- Neither crushed nor ground :		
0906 11	-- Cinnamon (<i>Cinnamomum zeylanicum Blume</i>):		
0906 11 10	--- Cinnamon bark	kg.	Nil
0906 11 20	--- Cinnamon tree flowers	kg.	Nil
0906 11 90	--- Other	kg.	Nil
0906 19	-- Other :		
0906 19 10	--- Cassia	kg.	Nil

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
0906 19 90	--- Other	kg.	Nil”;

(ii) in heading 0910, sub-heading 0910 40, tariff items 0910 40 10 to 0910 50 00 and the entries relating thereto shall be omitted;

(10) in Chapter 10, in Note 1, for the brackets and letters “(a)” and “(b)” wherever they occur, the brackets and letters “(A)” and “(B)” shall respectively be substituted;

(11) in Chapter 11, in heading 1102, tariff item 1102 30 00 and the entries relating thereto shall be omitted;

(12) in Chapter 12,—

(i) in heading 1207,—

(a) sub-heading 1207 10, tariff items 1207 10 10 and 1207 10 90 and the entries relating thereto shall be omitted;

(b) sub-heading 1207 30, tariff items 1207 30 10 and 1207 30 90 and the entries relating thereto shall be omitted;

(c) sub-heading 1207 60, tariff items 1207 60 10 and 1207 60 90 and the entries relating thereto shall be omitted;

(ii) in heading 1209, tariff item 1209 26 00 and the entries relating thereto shall be omitted;

(iii) in heading 1211, tariff item 1211 10 00 and the entries relating thereto shall be omitted;

(iv) in heading 1212,—

(a) sub-heading 1212 10, tariff items 1212 10 10 and 1212 10 90 and the entries relating thereto shall be omitted;

(b) sub-heading 1212 30, tariff items 1212 30 10 and 1212 30 90 and the entries relating thereto shall be omitted;

(13) in Chapter 13,—

(i) in heading 1301,—

(a) sub-heading 1301 10, tariff items 1301 10 10 to 1301 10 90 and the entries relating thereto shall be omitted;

(b) after tariff item 1301 90 49 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

1301 90 99	--- Other	kg.	16%”;
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(ii) in heading 1302, tariff item 1302 14 00 and the entries relating thereto shall be omitted;

(14) in Chapter 14,—

(i) for Notes 3 and 4, the following Note shall be substituted, namely:—

“3. Heading 1404 does not apply to wood wool (heading 4405) and prepared knots or tufts for broom or brush making (heading 9603).”;

(ii) tariff item 1402 00 00 and the entries relating thereto shall be omitted;

(iii) heading 1403, sub-heading 1403 00, tariff items 1403 00 10 and 1403 00 90 and the entries relating thereto shall be omitted;

(iv) in heading 1404, sub-heading 1404 10, tariff items 1404 10 11 to 1404 10 90 and the entries relating thereto shall be omitted;

(15) in Chapter 15, in heading 1515, tariff item 1515 40 00 and the entries relating thereto shall be omitted;

(16) in Chapter 19, in Note 3, for the word “coated”, the words “completely coated” shall be substituted;

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
(17) in Chapter 20,—			
(i) in Note 1, —			
(a) in clause (b), the word “or” occurring at the end shall be omitted;			
(b) for clause (c), the following clauses shall be substituted, namely:—			
“ (c) bakers’ wares and other products of heading 1905; or			
(d) homogenized composite food preparations of heading 2104.”;			
(ii) in heading 2005, for tariff item 2005 90 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—			
“- <i>Other vegetables and mixtures of vegetables</i> :			
2005 91 00	-- Bamboo shoots	kg.	16%
2005 99 00	-- Other	kg.	16%”;
(iii) in heading 2009, after tariff item 2009 19 00, for the entry in column (2), the following entry shall be substituted, namely:—			
“- <i>Grapefruit (including pomelo) juice</i> .”;			
(18) in Chapter 22, in Note 1, in clause (c), for the word and figures “heading 2851”, the word and figures “heading 2353” shall be substituted;			
(19) in Chapter 23,—			
(i) in heading 2302, sub-heading 2302 20, tariff items 2302 20 10 to 2302 20 90 and the entries relating thereto shall be omitted;			
(ii) in heading 2306, tariff item 2306 70 00 and the entries relating thereto shall be omitted;			
(20) in Chapter 25,—			
(i) in heading 2506, for tariff item 2506 10 20, sub-heading 2506 21, tariff items 2506 21 10 to 2506 29 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—			
“2506 10 20	--- In powder	kg.	Nil
2506 20	- <i>Quartzite</i> :		
2506 20 10	--- In lumps	kg.	Nil
2506 20 20	--- In powder	kg.	Nil
2506 20 90	--- Other	kg.	Nil”;
(ii) in heading 2508, sub-heading 2508 20, tariff items 2508 20 10 and 2508 20 90 and the entries relating thereto shall be omitted;			
(iii) for heading 2513, tariff items 2513 11 00 and 2513 19 00 and the entries relating thereto, the following heading, tariff item and entries shall be substituted, namely:—			
“2513	PUMICE STONE; EMERY; NATURAL CORUNDUM, NATURAL GARNET AND OTHER NATURAL ABRASIVES, WHETHER OR NOT HEAT-TREATED		
2513 10 00	- Pumice stone	kg.	Nil”;
(iv) in heading 2516, for tariff items 2516 12 00 to 2516 22 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—			
“2516 12 00	-- Merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape	kg.	Nil
2516 20 00	- Sandstone	kg.	Nil”;
(v) in heading 2524, for sub-heading 2524 00, tariff items 2524 00 11 to 2524 00 99 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted”;			
namely:—			
“2524 10 00	- Crocidolite	kg.	Nil

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
2524 90	- Other:		
	--- In rock form:		
2524 90 11	---- Chrysotile	kg.	Nil
2524 90 12	---- Amphibole	kg.	Nil
2524 90 13	---- Crysolite	kg.	Nil
2524 90 14	---- Amosite	kg.	Nil
2524 90 19	---- Other	kg.	Nil
	--- Fibre raw, beaten or washed or graded to length:		
2524 90 21	---- Chrysotile	kg.	Nil
2524 90 22	---- Amphibole	kg.	Nil
2524 90 23	---- Crysolite	kg.	Nil
2524 90 24	---- Amosite	kg.	Nil
2524 90 29	---- Other	kg.	Nil
	--- Flakes or powder :		
2524 90 31,	---- Chrysotile	kg.	Nil
2524 90 32	---- Amphibole	kg.	Nil
2524 90 33	---- Crysolite	kg.	Nil
2524 90 34	---- Amosite	kg.	Nil
2524 90 39	---- Other	kg.	Nil
	--- Other :		
2524 90 91	---- Waste	kg.	Nil
2524 90 99	---- Other	kg.	Nil;

(vi) in heading 2529,—

(a) in the entry in column (2), for the word "FELSPAR", the word "FELDSPAR" shall be substituted;

(b) in sub-heading 2529 10, in the entry in column (2), for the word "Felspar", the word "-Feldspar" shall be substituted;

(21) in Chapter 26,—

(i) in Note 3, for the word "ash" wherever it occurs, the words "slag, ash" shall be substituted;

(ii) in sub-heading Note 2, for the word "Ash", the words "Slag, ash" shall be substituted;

(iii) in heading 2620, in the entry in column (2), for the word "ASH", the words "SLAG, ASH" shall be substituted;

(22) in Chapter 27,—

(i) for Sub-heading Note 3, the following Sub-heading Note shall be substituted, namely:—

"3. For the purposes of tariff items 2707 10 00, 2707 20 00, 2707 30 00 and 2707 40 00, the terms "benzol (benzene)", "toluol (toluene)", "xylol (xylenes)" and "naphthalene" apply to products which contain more than 50% by weight of benzene, toluene, xylenes or naphthalene, respectively.;"

(ii) in heading 2707, tariff item 2707 60 00 and the entries relating thereto shall be omitted;

(23) in Section VI, in Note 1,—

(i) in paragraph (a), for the brackets and letter "(a)", the brackets and letter "(A)" shall be substituted;

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

"(B) Subject to paragraph (A) above, goods answering to a description in heading 2843, 2846 or 2852 are to be classified in those headings and in no other heading of this Section.;"

(24) in Chapter 28,—

(i) in Note 2,—

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	(a) for the words, brackets and figures "inorganic bases (heading 2838), organic products included in headings 2843 to 2846", the words, brackets and figures "inorganic bases (heading 2842), organic products included in headings 2843 to 2846 and 2852" shall be substituted;		
	(b) in clause (e), for the word and figures "heading 2851", the word and figures "heading 2853" shall be substituted;		
	(ii) in heading 2811, tariff item 2811 23 00 and the entries relating thereto shall be omitted;		
	(iii) in heading 2824, tariff item 2824 20 00 and the entries relating thereto shall be omitted;		
	(iv) in heading 2826,—		
	(a) sub-heading 2826 11, tariff items 2826 11 10 and 2826 11 20 and the entries relating thereto shall be omitted;		
	(b) sub-heading 2826 20, tariff items 2826 20 10 and 2826 20 20 and the entries relating thereto shall be omitted;		
	(v) in heading 2827, tariff items 2827 33 00, 2827 34 00 and 2827 37 00 and the entries relating thereto shall be omitted;		
	(vi) in heading 2830, tariff items 2830 20 00 and 2830 30 00 and the entries relating thereto shall be omitted;		
	(vii) in heading 2833,—		
	(a) tariff item 2833 23 00 and the entries relating thereto shall be omitted;		
	(b) sub-heading 2833 26, tariff items 2833 26 10 and 2833 26 90 and the entries relating thereto shall be omitted;		
	(viii) in heading 2835, tariff items 2835 23 00 and the entries relating thereto shall be omitted;		
	(ix) in heading 2836, tariff items 2836 10 00 and 2836 70 00 and the entries relating thereto shall be omitted;		
	(x) heading 2838, sub-heading 2838 00, tariff items 2838 00 10 to 2838 00 30 and the entries relating thereto shall be omitted;		
	(xi) in heading 2839, tariff item 2839 20 00 and the entries relating thereto shall be omitted;		
	(xii) in heading 2841, sub-heading 2841 10, tariff items 2841 10 10, 2841 10 90, sub-heading 2841 20, tariff items 2841 20 10 and 2841 20 20 and the entries relating thereto shall be omitted;		
	(xiii) for heading 2851, sub-heading 2851 00, tariff items 2851 00 10 to 2851 00 90 and the entries relating thereto, the following heading, sub-heading and tariff items and the entries shall be substituted, namely:—		
"2852 00 00	COMPOUNDS, INORGANIC OR ORGANIC, OF MERCURY, EXCLUDING AMALGAMS	kg.	16%
2853	OTHER INORGANIC COMPOUNDS (INCLUDING DISTILLED OR CONDUCTIVITY WATER AND WATER OF SIMILAR PURITY); LIQUID AIR (WHETHER OR NOT RARE GASES HAVE BEEN REMOVED); COMPRESSED AIR; AMALGAMS, OTHER THAN AMALGAMS OF PRECIOUS METALS		
2853 00	<i>Other inorganic compounds (including distilled or conductivity water and water of similar purity); liquid air (whether or not rare gases have been removed); compressed air; amalgams, other than amalgams of precious metals :</i>		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
2853 00 10	--- Distilled or conductivity water and water of similar purity	kg.	16%
2853 00 20	--- Liquid air, whether or not any fraction of rare gases has been removed	kg.	16%
2853 00 30	--- Compressed air	kg.	Nil
2853 00 40	--- Amalgams, other than of precious metals	kg.	16%
	--- <i>Other:</i>		
2853 00 91	---- Cyanogen Chloride [(CN) Cl]	kg.	16%
2853 00 99	---- Other	kg.	16%;

(25) in Chapter 29,—

(i) in Note 5,—

(a) for brackets and letters “(a)”, “(b)”, “(c)”, “(d)” and “(e)”, the brackets and letters “(A)”, “(B)”, “(C)”, “(D)” and “(E)” shall respectively be substituted;

(b) in paragraph (C) as so re-numbered,

(A) for the brackets and letters “(A)” and “(B)”, the brackets and figures “(1)” and “(2)” shall respectively be substituted;

(B) after sub-paragraph (2) so re-numbered, the following sub-paragraph shall be inserted, namely:—

“(3) co-ordination compounds, other than products classifiable in Sub-Chapter XI or heading 2941, are to be classified in the heading which occurs last in numerical order in Chapter 29, among those appropriate to the fragments formed by “cleaving” of all metal bonds, other than metal-carbon bonds.”;

(ii) in Note 6, the word “, mercury” shall be omitted;

(iii) for Sub-Heading Note, the following Sub-Heading Notes shall be substituted, namely:—

“SUB-HEADING NOTES

1. Within any one heading of this Chapter, derivatives of a chemical compound (or group of chemical compounds) are to be classified in the same sub-heading as that compound (or group of compounds) provided that they are not more specially covered by any other sub-heading and that there is no residual sub-heading named “other” in the series of sub-headings concerned.

2. Note 3 to this Chapter shall not be applicable to the sub-headings of this Chapter.”;

(iv) in heading 2903,—

(a) in tariff item 2903 15 00, for the entry in column (2), the following entry shall be substituted, namely:—

“-- Ethylene dichloride (ISO) (1,2-dichloroethane)”;

(b) for sub-heading 2903 30, tariff items 2903 30 11 to 2903 30 30 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty
	“- Fluorinated, brominated or iodinated derivatives of acyclic hydrocarbons:		
2903 31 00	-- Ethylene dibromide (ISO) (1,2-dibromoethane)	kg.	16%
2903 39	-- <i>Other:</i>		
	--- <i>Fluorinated derivatives:</i>		
2903 39 11	---- 1-Propene, 1, 1, 3,3,3 pentafluoro - 2- (trifluoromethyl) (PFIB)	kg.	16%
2903 39 19	---- Other	kg.	16%
2903 39 20	--- Brominated derivatives	kg.	16%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
2903 39 30	--- Iodinated derivatives	kg.	16%
2903 39 90	--- Other	kg.	16%";

(c) for tariff item 2903 51 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"2903 51 00	-- 1,2,3,4,5,6- Hexachlorocyclohexane (HCH (ISO)), including lindane (ISO, INN)	kg.	16%
2903 52 00	-- Aldrin (ISO), chlordane (ISO) and heptachlor (ISO)	kg.	16%";

(d) for sub-heading 2903 62, tariff items 2903 62 10 to 2903 62 29 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

"2903 62	-- Hexachlorobenzene (ISO) and DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2, 2-bis (p-chlorophenyl) ethane):		
2903 62 10	--- Hexachlorobenzene (ISO)	kg.	16%
	--- DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2, 2-bis (p-chlorophenyl) ethane):		
2903 62 21	---- DDT - Technical 75 Wdp	kg.	16%
2903 62 29	---- Other	kg.	16%";

(v) in heading 2905, tariff item 2905 15 00 and the entries relating thereto shall be omitted;

(vi) in heading 2906, tariff item 2906 14 00 and the entries relating thereto shall be omitted;

(vii) in heading 2907, tariff item 2907 14 00 and the entries relating thereto shall be omitted;

(viii) in heading 2908, for tariff item 2908 10 00, sub-heading 2908 20, tariff items 2908 20 10 to 2908 20 29, sub-heading 2908 90, tariff items 2908 90 10 to 2908 90 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

-- Derivatives containing only halogen substituents and their salts:			
2908 11 00	-- Pentachlorophenol (ISO)	kg.	16%
2908 19 00	-- Other	kg.	16%
	- Other:		
2908 91 00	-- Dinoseb (ISO) and its salts	kg.	16%
2908 99	-- Other:		
2908 99 10	--- Para nitrophenol	kg.	16%
2908 99 20	--- Musk xylol	kg.	16%
2908 99 90	--- Other	kg.	16%";

(ix) in heading 2909, tariff item 2909 42 00 and the entries relating thereto shall be omitted;

(x) in heading 2910, after tariff item 2910 30 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

"2910 40 00	- Dieldrin (ISO, INN)	kg.	16%";
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(xi) in heading 2912, tariff item 2912 13 00 and the entries relating thereto shall be omitted;

(xii) in heading 2915,—

(a) tariff items 2915 22 00 and 2915 23 00 and the entries relating thereto shall be omitted;

(b) for tariff items 2915 34 00 and 2915 35 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—

"2915 36 00	-- Dinoseb (ISO) acetate	kg.	16%";
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(xiii) in heading 2916, after tariff item 2916 35 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
"2916 36 00	-- Binapacryl (ISO)	kg.	16%";
	(xiv) in heading 2917, tariff item 2917 31 00 and the entries relating thereto shall be omitted;		
	(xv) in heading 2918,—		
	(a) after tariff item 2918 16 90 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—		
"2918 18 00	-- Chlorobenzilate (ISO)	kg.	16%";
	(b) for tariff item 2918 90 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—		
	-- <i>Other:</i>		
2918 91 00	-- 2,4,5-T (ISO) (2,4,5-trichlorophenoxyacetic acid), its salts and esters	kg.	16%
2918 99 00	-- Other	kg.	16%";
	(xvi) for heading 2919, sub-heading 2919 00, tariff items 2919 00 10 to 2919 00 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—		
"2919	PHOSPHORIC ESTERS AND THEIR SALTS, INCLUDING LECTO PHOSPHATE; THEIR HALOGENATED, SULPHONATED, NITRATED OR NITROSATED DERIVATIVES		
2919 10 00	- Tris (2,3-dibromopropyl) phosphate	kg.	16%
2919 90	- <i>Other:</i>		
2919 90 10	--- Glycerophosphoric acid	kg.	16%
2919 90 20	--- Calcium glycerophosphate	kg.	16%
2919 90 30	--- Iron glycerophosphate	kg.	16%
2919 90 40	--- Sodium glycerophosphate	kg.	16%
2919 90 50	--- Tricresyl phosphate	kg.	16%
2919 90 90	--- Other	kg.	16%";
	(xvii) for heading 2920, tariff items 2920 10 10 and 2920 10 20 and the entries relating thereto, the following heading, sub-heading, tariff items and the entries shall be substituted, namely:—		
"2920	ESTERS OF OTHER INORGANIC ACIDS OF NON-METALS (EXCLUDING ESTERS OF HYDROGEN ALLIEDS) AND THEIR SALTS; THEIR HELOGENATED, SULPHONATED, NITRATED OR NITROSATED DERIVATIVES		
	- <i>Thiophosphoric esters (phosphorothioates) and their salts; their halogenated, sulphonated, nitrated or nitrosated derivatives :</i>		
2920 11 00	-- Parathion (ISO) and parathion-methyl (ISO) (methylparathion)	kg.	16%
2920 19	-- <i>Other :</i>		
2920 19 10	--- Phosphorothioic acid, S[2-(diethylamino) ethyl] O,O-diethyl ester	kg.	16%
2920 19 20	--- Thiophosphoric ester (phosphorothioates) and their salts, their halogenated, sulphonated, nitrated or nitrosated derivatives	kg.	16%
2920 19 90	--- Other	kg.	16%";
	(xviii) in heading 2921, tariff item 2921 12 00 and the entries relating thereto shall be omitted;		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	(xix) in heading 2922, sub-heading 2922 22, tariff items 2922 22 10 to 2922 22 90 and the entries relating thereto shall be omitted;		
	(xx) in heading 2924, after tariff item 2924 11 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—		
" 2924 12 00	-- Fluoroacetamide (ISO), monocrotophos (ISO) and phosphamidon (ISO)	kg.	16%";
	(xxi) in heading 2925, for sub-heading 2925 20, tariff items 2925 20 10 and 2925 20 90 and the entries relating thereto, the following sub-heading, tariff items and the entries shall be substituted, namely:—		
	"— <i>Imines and their derivatives; salts thereof:</i>		
2925 21 00	-- Chlordimeform (ISO)	kg.	16%
2925 29	-- <i>Other:</i>		
2925 29 10	--- Guanidine nitrate	kg.	16%
2925 29 90	--- Other	kg.	16%";
	(xxii) in heading 2930,—		
	(a) tariff item 2930 10 00 and the entries relating thereto shall be omitted;		
	(b) after tariff item 2930 40 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—		
"2930 50 00	- Captafol (ISO) and methamidophos (ISO)	kg.	16%";
	(xxiii) in heading 2936, tariff item 2936 10 00 and the entries relating thereto shall be omitted;		
	(xxiv) in heading 2939, for tariff item 2939 19 00, sub-heading 2939 21, tariff items 2939 21 10 to 2939 29 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—		
"2939 19 00	-- Other	kg.	16%
2939 20	- <i>Alkaloid of cinchona and their derivatives; salts thereof:</i>		
2939 20 10	--- Quinine alkaloids	kg.	16%
2939 20 20	--- Quinine hydrochloride	kg.	16%
2939 20 30	--- Quinine sulphate	kg.	16%
2939 20 40	--- Chloroquine phosphate	kg.	16%
2939 20 50	--- Benzeneacetic acid, alpha -hydroxy-alpha-phenyl, 1-azabicyclo[2.2.2.]oct-3-yl ester	kg.	16%
2939 20 90	--- Other	kg.	16%";
	(26) in Chapter 30,—		
	(i) in Note 4,—		
	(a) in clause (a), for the words "suture materials", the words "suture materials (including sterile absorbable surgical or dental yarns)" shall be substituted;		
	(b) in clause (c), after the word "haemostatics", the following words shall be inserted, namely:—		
	"sterile surgical or dental adhesion barriers, whether or not absorbable;"		
	(c) after clause (j), the following clause shall be inserted, namely: —		
	"(k) appliances identifiable for ostomy use, that is, colostomy, ileostomy and urostomy pouches cut to shape and their adhesive wafers or faceplates.";		
	(ii) in heading 3001, sub-heading 3001 10, tariff items 3001 10 10 to 3001 10 99 and the entries relating thereto shall be omitted;		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

(iii) in heading 3004, in tariff item 3004 32 00, in column (2), for the word "and", the word "or" shall be substituted;

(iv) in heading 3006,—

(a) for sub-heading 3006 10, tariff items 3006 10 10 and 3006 10 20 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

3006 10	- Sterile surgical catgut, similar sterile suture materials (including sterile absorbable surgical or dental yarns) and sterile tissue adhesives for surgical wound closure; sterile laminaria and sterile laminaria tents; sterile absorbable surgical or dental haemostatics; sterile surgical or dental adhesion barriers, whether or not absorbable :		
3006 10 10	--- Sterile, surgical catgut and similar sterile suture materials (including sterile absorbable surgical or dental yarns) and sterile tissue adhesives for wound closure	kg.	16%
3006 10 20	--- Sterile laminaria and sterile laminaria tents, sterile absorbable surgical or dental haemostatics, sterile surgical or dental adhesion barriers, whether or not absorbable	kg.	16%;

(b) for tariff item 3006 80 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

	- Other:		
3006 91 00	-- Appliances identifiable for ostomy use	kg.	16%
3006 92 00	-- Waste pharmaceuticals	kg.;	

(27) in Chapter 31,—

(i) in Note 1, in clause (b), for the brackets and letter "(A)" wherever they occur, the brackets and letter "(a)" shall be substituted;

(ii) in Note 2, for the brackets and letters "(A)", "(B)", "(C)" and "(D)" wherever they occur, the brackets and letters "(a)", "(b)", "(c)" and "(d)" shall respectively be substituted;

(iii) in Note 3, for the brackets and letters "(A)", "(B)" and "(C)" wherever they occur, the brackets and letters "(a)", "(b)" and "(c)", shall respectively be substituted;

(iv) in Note 4, for the brackets and letters "(A)" and "(B)" wherever they occur, the brackets and letters "(a)" and "(b)" shall respectively be substituted;

(v) in heading 3102, tariff item 3102 70 00 and the entries relating thereto shall be omitted;

(vi) in heading 3103, tariff item 3103 20 00 and the entries relating thereto shall be omitted;

(vii) in heading 3104, tariff item 3104 10 00 and the entries relating thereto shall be omitted;

(28) in Chapter 32, in heading 3206, tariff items 3206 30 00 and 3206 43 00 and the entries relating thereto shall be omitted;

(29) in Chapter 33,—

(i) in heading 3301,—

(a) tariff items 3301 11 00, 3301 14 00 and 3301 21 00 and the entries relating thereto shall be omitted;

(b) sub-heading 3301 22, tariff items 3301 22 10 and 3301 22 90 and the entries relating thereto shall be omitted;

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

(c) tariff items 3301 23 00 and 3301 26 00 and the entries relating thereto shall be omitted;

(30) in Chapter 34,—

(i) in Note 5,—

(a) for the brackets and letters “(A)”, “(B)” and “(C)” wherever they occur, the brackets and letters “(a)”, “(b)” and “(c)” shall respectively be substituted;

(b) for the brackets and letters “(a)”, “(b)”, “(c)” and “(d)” wherever they occur, the brackets and figures “(i)”, “(ii)”, “(iii)” and “(iv)” shall respectively be substituted;

(ii) in heading 3404, tariff item 3404 10 00 and the entries relating thereto shall be omitted;

(31) in Chapter 37,—

(i) in heading 3702, tariff item 3702 20 00 and the entries relating thereto shall be omitted;

(ii) in heading 3705, tariff item 3705 20 00 and the entries relating thereto shall be omitted;

(32) in Chapter 38,—

(i) in Note 1, in clause (c), for the word “ash”, the words “slag, ash” shall be substituted;

(ii) for Sub-heading Note, the following Sub-heading Notes shall be substituted, namely:—

“SUB-HEADING NOTES

1. Sub-heading 3808 50 covers only goods of heading 3808, containing one or more of the following substances: aldrin (ISO); binapacryl (ISO); camphechlor (ISO) (toxaphene); captafol (ISO); chlordane (ISO); chlordimeform (ISO); chlorobenzilate (ISO); DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane); dieldrin (ISO, INN), dinoseb (ISO), its salts or its esters; 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); phosphamidon (ISO); 2,4,5-T (ISO) (2,4,5-trichlorophenoxyacetic acid), its salts or its esters.

2. For the purposes of tariff items 3825 41 00 and 3825 49 00, “waste organic solvents” are wastes containing mainly organic solvents, not fit for further use as presented as primary products, whether or not intended for recovery of the solvents.”;

(iii) in heading 3805, tariff item 3805 20 00 and the entries relating thereto shall be omitted;

(iv) in heading 3808, for sub-heading 3808 10, tariff items 3808 10 11 to 3808 10 99, sub-heading 3808 20, tariff items 3808 20 10 to 3808 20 90, sub-heading 3808 30, tariff items 3808 30 10 to 3808 40 00, sub-heading 3808 90, tariff items 3808 90 10 and 3808 90 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

“3808 50

- Goods specified in Sub-heading Note 1 to this Chapter, namely:—

aldrin (ISO); binapacryl (ISO); camphechlor (ISO) (toxaphene); captafol (ISO); chlordane (ISO); chlordimeform (ISO); chlorobenzilate (ISO); DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane); dieldrin (ISO, INN), dinoseb (ISO), its salts or its esters; 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

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	<i>compounds; methamidophos (ISO); monocrotophos (ISO); oxirane (ethylene oxide); parathion (ISO); parathion-methyl (ISO) (methyl-parathion); pentachlorophenol (ISO); phosphamidon (ISO); 2,4,5-T (ISO) (2,4,5-trichlorophenoxyacetic acid), its salts or its esters:</i>		
3808 50 00	- Aldrin (ISO); binapacryl (ISO); camphechlor (ISO) (toxaphene); captafol (ISO); chlordane (ISO); chlordimeform (ISO); chlorobenzilate (ISO); DDT (ISO) (clofenotane (INN), 1,1,1-trichloro-2,2- bis(p-chlorphenyl)ethane); dieldrin (ISO, INN), dinoseb (ISO), its salts or its esters; ethylene dibromide (ISO) (1,2-dibromoethane); ethylene dichloride (ISO) (1,2-dichloroethane); fluoroacetamide (ISO); heptachlor (ISO); hexachlorobenzene (ISO); 1,2,3,4,5,6 - exachlorocyclohexane (HCH (ISO)), including lindane (ISO, INN); mercury compounds; methamidophos (ISO); monocrotophos (ISO); oxirane (ethylene oxide); parathion (ISO); parathion-methyl (ISO) (methyl-parathion); pentachlorophenol (ISO); phosphamidon (ISO); 2,4,5-T (ISO) (2,4,5-trichlorophenoxyacetic acid), its salts or its esters	kg.	16%
	- <i>Other:</i>		
3808 91	-- <i>Insecticides:</i>		
3808 91 11	---- Aluminium phosphite (for example phostoxin)	kg.	16%
3808 91 12	---- Calcium cyanide	kg.	16%
3808 91 13	---- D.D.V.P. (Dimethyl-dichloro-vinyl-phosphate)	kg.	16%
3808 91 21	---- Diagonal	kg.	16%
3808 91 22	---- Methyl bromide	kg.	16%
3808 91 23	---- Dimethoate, technical grade	kg.	16%
3808 91 24	---- Melathion	kg.	16%
3808 91 31	---- Endosulphan, technical grade	kg.	16%
3808 91 32	---- Quinal phos	kg.	16%
3808 91 33	---- Isoproturon	kg.	16%
3808 91 34	---- Fenthion	kg.	16%
3808 91 35	---- Cipermethrin, technical grade	kg.	16%
3808 91 36	---- Allethrin	kg.	16%
3808 91 37	---- Synthetic pyrethrum	kg.	16%
	-- <i>Other:</i>		
3808 91 91	---- Repellants for insects such as flies, mosquito	kg.	16%
3808 91 92	---- Paper impregnated or coated with insecticides such as D.D.T. coated paper	kg.	16%
3808 91 99	---- Other	kg.	16%
3808 92	-- <i>Fungicides:</i>		
3808 92 10	--- Maneb	kg.	16%
3808 92 20	--- Sodium penta chlorophenate (santrobrite)	kg.	16%
3808 92 30	--- Thiram (tetramethyl thiuram disulphide)	kg.	16%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
3808 92 40	--- Zineb	kg.	16%
3808 92 50	--- Copper oxychloride	kg.	16%
3808 92 90	--- Other	kg.	16%
3808 93	-- <i>Herbicides, anti-sprouting products and plant-growth regulators:</i>		
3808 93 10	--- Chloromethyl phenoxy acetic acid (M.C.P.A)	kg.	16%
3808 93 20	--- 2:4 Dichloro phenoxy acetic acid and its esters	kg.	16%
3808 93 30	--- Gibberellic acid	kg.	16%
3808 93 40	--- Plant growth regulators	kg.	16%
3808 93 50	--- Weedicides and weed killing agents	kg.	16%
3808 93 90	--- Other	kg.	16%
3808 94 00	-- Disinfectants	kg.	16%
3808 99	-- <i>Other:</i>		
3808 99 10	--- Pesticides, not elsewhere specified or included	kg.	16%
3808 99 90	--- Other	kg.	16%";

(v) in tariff item 3821 00 00, for the entry in column (2), the following entry shall be substituted, namely:—

"PREPARED CULTURE MEDIA FOR
DEVELOPMENT OR MAINTENANCE OF
MICRO-ORGANISMS (INCLUDING VIRUSES
AND THE LIKE) OR OF PLANT, HUMAN OR
ANIMAL CELLS";

(vi) in heading 3824,—

(a) sub-heading 3824 20, tariff items 3824 20 10 to 3824 20 90 and the entries relating thereto shall be omitted;

(b) for tariff item 3824 60 90, sub-heading 3824 71, tariff items 3824 71 10, 3824 71 90, sub-heading 3824 79, tariff items 3824 79 10 and 3824 79 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"3824 60 90	--- Other	kg.	16%
	- <i>Mixtures containing halogenated derivatives of methane, ethane or propane:</i>		
3824 71 00	-- Containing chlorofluorocarbons (CFCs), whether or not containing hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs)	kg.	16%
3824 72 00	-- Containing bromochlorodifluoromethane, bromotrifluoromethane or dibromotetrafluoroethanes	kg.	16%
3824 73 00	-- Containing hydrobromofluorocarbons (HBFCs)	kg.	16%
3824 74 00	-- Containing hydrochlorofluorocarbons (HCFCs), whether or not containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs)	kg.	16%
3824 75 00	-- Containing carbon tetrachloride	kg.	16%
3824 76 00	-- Containing 1,1,1-trichloroethane (methyl chloroform)	kg.	16%
3824 77 00	-- Containing bromomethane (methyl bromide) or bromochloromethane	kg.	16%
3824 78 00	-- Containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs)	kg.	16%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
3824 79 00	or hydrochlorofluorocarbons (HCFCs) -- Other - Mixtures and preparations containing oxirane (ethylene oxide), polybrominated biphenyls (PBBs), polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or tris (2,3-dibromopropyl) phosphate:	kg.	16%
3824 81 00	-- Containing oxirane (ethylene oxide)	kg.	16%
3824 82 00	-- Containing polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)	kg.	16%
3824 83 00	-- Containing tris (2,3-dibromopropyl) phosphate	kg.	16%";

(33) in Chapter 39—

(i) for Note 2, the following Note shall be substituted, namely:—

"2. This Chapter does not cover:

- (a) lubricating preparations of heading 2710 or 3403;
- (b) waxes of heading 2712 or 3404;
- (c) separate chemically defined organic compounds (Chapter 29);
- (d) heparin or its salts (heading 3001);
- (e) solutions (other than collodions) consisting of any of the products specified in headings 3901 to 3913 in volatile organic solvents when the weight of the solvent exceeds 50% of the weight of the solution (heading 3208); stamping foils of heading 3212;
- (f) organic surface-active agents or preparation of heading 3402;
- (g) run gums or ester gums (heading 3806);
- (h) prepared additives for mineral oils (including gasoline) or for other liquids used for the same purposes as mineral oils (heading 3811);
- (i) prepared hydraulic fluids based on polyglycols, silicones or other polymers of Chapter 39 (heading 3819);
- (k) diagnostic or laboratory reagents on a backing of plastics (heading 3822);
- (l) synthetic rubber, as defined for the purpose of Chapter 40, or articles thereof;
- (m) saddlery or harness (heading 4201) or trunks, suit-cases, hand-bags or other containers of heading 4202;
- (n) plaits, wickerwork or other articles of Chapter 46;
- (o) wall coverings of heading 4814;
- (p) goods of Section XI (textiles and textile articles);
- (q) articles of Section XII (for example, footwear, headgear, umbrellas, sun umbrellas, walking-sticks, whips, riding-crops or parts thereof);
- (r) imitation jewellery of heading 7117;
- (s) articles of Section XVI (machines and mechanical or electrical appliances);
- (t) parts of aircraft or vehicles of Section XVII;
- (u) articles of Chapter 90 (for example, optical elements, spectacle frames, drawing instruments);

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	(v) articles of Chapter 91 (for example, clock or watch cases);		
	(w) articles of Chapter 92 (for example, musical instruments or parts thereof);		
	(x) articles of Chapter 94 (for example, furniture, lamps and lighting fittings, illuminated signs, prefabricated buildings);		
	(y) articles of Chapter 95 (for example, toys, games, sports requisites); or		
	(z) articles of Chapter 96 (for example, brushes, buttons, slide fasteners, combs, mouth-pieces or stems for smoking pipes, cigarette-holders or the like, parts of vacuum flasks or the like, pens, propelling pencils);		
	(ii) in Sub-heading Note 1, in clause (a), in sub-clause (I), for the letters "e.g.", the words "for example" shall be substituted;		
	(iii) in heading 3907, after tariff item 3907 60 90 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—		
"3907 70 00	- Poly(lactic acid)	kg.	16%";
	(iv) in heading 3920, sub-heading 3920 72, tariff items 3920 72 10 to 3920 72 90 and the entries relating thereto shall be omitted;		
	(v) in heading 3924, in column (2), for the words "TOILET", the words "HYGIENIC OR TOILET" shall be substituted;		
	(34) in Chapter 40,—		
	(i) in Note 4, in clause (a), for the figure, brackets and letter "5(b)", the figure, brackets and letter "5(B)" shall be substituted;		
	(ii) in Note 5, for the brackets and letters "(a)" and "(b)" wherever they occur, the brackets and letters "(A)" and "(B)" shall respectively be substituted;		
	(iii) in heading 4010, sub-heading 4010 13, tariff items 4010 13 10 and 4010 13 90 and the entries relating thereto shall be omitted;		
	(35) in Chapter 41,—		
	(i) in Note 1, in clause (c), after the words "of gazelle," the words and brackets "of camels (including dromedaries)," shall be inserted;		
	(ii) in heading 4103, sub-heading 4103 10, tariff items 4103 10 10 to 4103 10 90 and the entries relating thereto shall be omitted;		
	(36) in Chapter 42,—		
	(i) heading 4204, sub-heading 4204 00, tariff items 4204 00 10 to 4204 00 99 and the entries relating thereto shall be omitted;		
	(ii) for heading 4206, sub-heading 4206 10, tariff items 4206 10 10 to 4206 90 00 and the entries relating thereto, the following heading, tariff items and entries shall be substituted, namely:—		
"4206	ARTICLES OF GUT (OTHER THAN SILK-WORM GUT), OF GOLDBEATER'S SKIN, OF BLADDERS OR OF TENDONS		
4206 00 10	--- For rackets	kg.	16%
4206 00 90	--- Other	kg.	16%";
	(37) in Chapter 43,—		
	(i) in heading 4301, tariff item 4301 70 00 and the entries relating thereto shall be omitted;		
	(ii) in heading 4302, tariff item 4302 13 00 and the entries relating thereto shall be omitted;		
	(38) in Chapter 44,—		
	(i) in Sub-heading Note,		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

(a) for the words and figures "sub-headings 4403 41 to 4403 49, 4407 24 to 4407 29, 4408 31 to 4408 39 and 4412 13 to 4412 99", the following words and figures shall be substituted, namely:—

"tariff item 4403 41 00, sub-heading 4403 49, tariff items 4407 21 00 to 4407 28 00, sub-headings 4407 29, 4408 31, 4408 39 and 4412 31";

(b) for the words "Teak, Tauari," the words "Tauari, Teak," shall be substituted;

(ii) in heading 4402, for sub-heading 4402 00, tariff items 4402 00 10 and 4402 00 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

"4402 10	- Wood charcoal (including shell or nut charcoal), whether or not agglomerated :		
4402 10 10	--- Of bamboo	mt.	
4402 90	- Other:		
4402 90 10	--- Of coconut shell	mt.	
4402 90 90	--- Other	mt.;"	

(iii) in heading 4407,—

(a) for tariff item 4407 24 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"4407 21 00	-- Mahogany (<i>Swietenia spp.</i>)	m ³	Nil
4407 22 00	-- Virola, Imbuia and balsa	m ³	Nil";

(b) after tariff item 4407 26 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—

"4407 27 00	-- Sapelli	m ³	Nil
4407 28 00	-- Iroko	m ³	Nil";

(c) after tariff item 4407 92 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—

"4407 93 00	-- Of maple (<i>Acer spp.</i>)	m ³	Nil
4407 94 00	-- Of cherry (<i>Prunus spp.</i>)	m ³	Nil
4407 95 00	-- Of ash (<i>Fraxinus spp.</i>)	m ³	Nil";

(iv) in heading 4408, in the entry in column (2), for the words "FOR OTHER SIMILAR LAMINATED WOOD", the words "FOR SIMILAR LAMINATED WOOD" shall be substituted;

(v) in heading 4409, for sub-heading 4409 20, tariff items 4409 20 10 to 4409 20 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

	"- Non-coniferous :		
4409 21 00	-- Of bamboo	kg.	16%
4409 29	-- Other:		
4409 29 10	--- Planed, tongued, grooved, rebated, chamfered, V-jointed, and the like but not further moulded	kg.	16%
4409 29 20	--- Beadings and mouldings (including moulded skirting and other moulded boards)	kg.	16%
4409 29 90	--- Other	kg.	16%";

(vi) for heading 4410, tariff items 4410 21 00, 4410 29 00, sub-heading 4410 31, tariff items 4410 31 10 to 4410 31 90, sub-heading 4410 32, tariff items 4410 32 10 to 4410 32 90, sub-heading 4410 33, tariff items 4410 33 10 to 4410 33 90, sub-heading 4410 39, tariff items 4410 39 10 to 4410 39 90, sub-heading 4410 90, tariff items 4410 90 10 to 4410 90 99 and the

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—		
4410	PARTICLE BOARD, ORIENTED STRAND BOARD (OSB) AND SIMILAR BOARD (FOR EXAMPLE, WAFERBOARD) OF WOOD OR OTHER LIGNEOUS MATERIALS, WHETHER OR NOT AGGLOMERATED WITH RESINS OR OTHER ORGANIC BINDING SUBSTANCES		
	- <i>Of wood:</i>		
4410 11	-- <i>Particle board:</i>		
4410 11 10	--- Plain particle boards	kg.	16%
4410 11 20	--- Insulation board and hardboard	kg.	16%
4410 11 30	--- Veneered particle board, not having decorative veneers on any face	kg.	16%
4410 11 90	--- Others	kg.	16%
4410 12	-- <i>Oriented strand board (OSB):</i>		
4410 12 10	--- Unworked or not further worked than sanded	kg.	16%
4410 12 90	--- Other	kg.	16%
4410 19 00	-- Other	kg.	16%
4410 90	- <i>Other:</i>		
4410 90 10	--- Plain particle board	kg.	16%
4410 90 20	--- Insulation board and hard board	kg.	16%
4410 90 30	--- Veneered particle board, not having decorative veneers on any face	kg.	16%
4410 90 90	--- Other	kg.	16%";
	(vii) for heading 4411, sub-heading 4411 11, tariff items 4411 11 10, 4411 11 90, sub-heading 4411 19, tariff items 4411 19 10, 4411 19 90, sub-heading 4411 21, tariff items 4411 21 10, 4411 21 90, sub-heading 4411 29, tariff items 4411 29 10, 4411 29 90, sub-heading 4411 31, tariff items 4411 31 10, 4411 31 90, sub-heading 4411 39, tariff items 4411 39 10, 4411 39 90, sub-heading 4411 91, tariff items 4411 91 10 to 4411 91 90, sub-heading 4411 99, tariff items 4411 99 10 to 4411 99 90 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—		
4411	FIBRE BOARD OF WOOD OR OTHER LIGNEOUS MATERIALS, WHETHER OR NOT BONDED WITH RESINS OR OTHER ORGANIC SUBSTANCES		
	- <i>Medium density fibre board (MDF):</i>		
4411 12 00	-- Of a thickness not exceeding 5 mm	kg.	16%
4411 13 00	-- Of a thickness exceeding 5 mm but not exceeding 9 mm	kg.	16%
4411 14 00	-- Of a thickness exceeding 9 mm	kg.	16%
	- <i>Other:</i>		
4411 92	-- <i>Of a density exceeding 0.8 gm/cm³:</i>		
	--- <i>Not mechanically worked or surface covered:</i>		
4411 92 11	---- Hardboard	kg.	16%
4411 92 19	---- Other	kg.	16%
	--- <i>Other:</i>		
4411 92 21	---- Hardboard	kg.	16%
4411 92 29	---- Other	kg.	16%
4411 93	-- <i>Of a density exceeding 0.5 gm/cm³ but not exceeding 0.8 gm/cm³:</i>		
	--- <i>Not mechanically worked or surface covered:</i>		
4411 93 11	---- Insulation board	kg.	16%
4411 93 19	---- Other	kg.	16%
	--- <i>Other:</i>		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
4411 93 21	---- Insulation board	kg.	16%
4411 93 29	---- Other	kg.	16%
4411 94	-- <i>Of a density not exceeding 0.5 gm/cm³: --- Not mechanically worked or surface covered:</i>		
4411 94 11	---- Insulation board	kg.	16%
4411 94 19	---- Other --- <i>Other:</i>	kg.	16%
44 11 94 21	---- Insulation board	kg.	16%
44 11 94 29	---- Other	kg.	16%";
(viii) for heading 4412, sub-heading 4412 13, tariff items 4412 13 10 to 4412 13 90, sub-heading 4412 14, tariff items 4412 14 10 to 4412 14 90, sub-heading 4412 19, tariff items 4412 19 10 to 4412 19 90, sub-heading 4412 22, tariff items 4412 22 10 to 4412 22 90, sub-heading 4412 23, tariff items 4412 23 10 to 4412 23 90, sub-heading 4412 29, tariff items 4412 29 10 to 4412 29 90, sub-heading 4412 92, tariff items 4412 92 10 to 4412 92 90, sub-heading 4412 93, tariff items 4412 93 10 to 4412 93 90, sub-heading 4412 99, tariff items 4412 99 10 to 4412 99 90 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely: —			
"4412	PLYWOOD, VENEERED PANELS AND SIMILAR LAMINATED WOOD		
4412 10 00	- Of bamboo - <i>Other plywood, consisting solely of sheets of wood (other than bamboo), each ply not exceeding 6 mm thickness:</i>	m ³	16%
4412 31	-- <i>With at least one outer ply of tropical wood specified in Sub-heading</i> Note 1 to this Chapter, namely:— Abura, Acajou, d'Afrique, Afrormosia, Ako, Alan, Andiroba, Aningre, Avodire, Azobe, Balau, Balsa, Bossè clair, Bosse fonce, Cativo, Cedro, Dabema, Dark red Meranti, Dibetou, Doussie, Framire, Freijo, Fromager, Fuma, Geronggang, Ilomba, Imbuia, Ipe, Iroko, Jaboty, Jelutong, Jequitiba, Jongkong, Kapur, Kempas, Keruing, Kosipo, Kotibe, Koto, Light red Meranti, Limba, Louro, Macaranduba, Mahogany, Makore, Mandioqueira, Mansonia, Mengkulang, Meranti Bakau, Merawan, Merbau, Merpauh, Mersawa, Moabi, Niangon, Nyatoh, Obeche, Okoume, Onzabili, Orey, Ovengkol, Ozigo, Padauk, Paldao, Palissandre de Guatemala, Palissandre de para, Palissandre de Rio, Palissandre de Rose, Pau Amarelo, Pau Marfim, Pulai, Punah, Quaruba, Ramin, Sapelli, Saqui-Saqui, Sepetir, Sipo, Sucupira, Suren, Tauari, Teak, Tiama, Tola, Virola, White Lauan, White Meranti, White Seraya, Yellow Meranti:		
4412 31 10	--- Decorative plywood	m ³	16%
4412 31 20	--- Tea chest panels or shooks, packed in sets	m ³	16%
4412 31 30	--- Other tea chest panels	m ³	16%
4412 31 40	--- Marine and aircraft plywood	m ³	16%
4412 31 50	--- Cuttings and trimmings of plywood of width not exceeding 5cm	m ³	16%
4412 31 90	--- Other	m ³	16%
4412 32	-- <i>Other, with at least one outer ply of non-coniferous wood:</i>		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
4412 32 10	--- Decorative plywood	m ³	16%
4412 32 20	--- Tea chest panels or shooks, packed in sets	m ³	16%
4412 32 30	--- Marine and aircraft plywood	m ³	16%
4412 32 40	--- Cuttings and trimmings of plywood of width not exceeding 5cm	m ³	16%
4412 32 90	--- Other	m ³	16%
4412 39	-- <i>Other:</i>		
4412 39 10	--- Decorative plywood	m ³	16%
4412 39 20	--- Tea chest panels or shooks, packed in sets	m ³	16%
4412 39 30	--- Marine and aircraft plywood	m ³	16%
4412 39 40	--- Cuttings and trimmings of plywood of width not exceeding 5cm	m ³	16%
4412 39 90	--- Other	m ³	16%
	- <i>Other:</i>		
4412 94 00	-- Blockboard, laminboard and battenboard	m ³	16%
4412 99	-- <i>Other:</i>		
4412 99 10	--- Decorative plywood	m ³	16%
4412 99 20	--- Tea chest panel or shooks, packed in sets	m ³	16%
4412 99 30	--- Marine and aircraft plywood	m ³	16%
4412 99 40	--- Cuttings and trimmings of plywood of width not exceeding 5cm	m ³	16%
4412 99 90	--- Other	m ³	16%";

(ix) in heading 4418,—

(a) in the entry in column (2), for the words "PARQUET PANELS", the words "FLOORING PANELS" shall be substituted;

(b) tariff item 4418 30 00 and the entries relating thereto shall be omitted;

(c) after tariff item 4418 50 00 and the entries relating thereto, the following tariff items and entries shall be inserted, namely:—

"4418 60 00	- Posts and beams	kg.	16%
	- <i>Assembled flooring panels:</i>		
4418 71 00	-- For mosaic floors	kg.	16%
4418 72 00	-- Other, multilayer	kg.	16%
4418 79 00	-- Other	kg.	16%";

(39) in Chapter 46,—

(i) in Note 1, for the word "bamboos", the words "bamboos, rattans," shall be substituted;

(ii) in heading 4601, for sub-heading 4601 20, tariff items 4601 20 10 to 4601 91 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

“- *Mats, matting and screens of vegetable materials:*

4601 21 00	-- Of bamboo	kg.	Nil
4601 22 00	-- Of rattan	kg.	Nil
4601 29 00	-- Other	kg.	Nil
4601 92 00	-- Of bamboo	kg.	Nil
4601 93 00	-- Of rattan	kg.	Nil
4601 94 00	-- Of other vegetable materials	kg.	Nil";

(iii) in heading 4602, for sub-heading 4602 10, tariff items 4602 10 11 to 4602 10 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

“- *Of vegetable material:*

4602 11 00	-- Of bamboo	kg.	Nil
4602 12 00	-- Of rattan	kg.	Nil
4602 19	-- <i>Other:</i>		
	--- <i>Of palm leaves:</i>		
4602 19 11	---- Basket	kg.	Nil

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

4602 19 19	--- Other	kg.	Nil
4602 19 90	--- Other	kg.	Nil”;

(40) in Chapter 47, in heading 4706, after tariff item 4706 20 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

“4706 30 00	- Other, of bamboo	kg.	Nil”;
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(41) in Chapter 48,—

(i) in Note 2, in clause (n), for the brackets, word and figures “(Section XV)”, the brackets, words and figures “(generally Section XIV or XV)” shall be substituted;

(ii) in Note 9,—

(a) in clause (a), in sub-clause (i), for the letters “e.g.”, the words “for example” shall be substituted;

(b) in the paragraph beginning with word “Products” and ending with the word and figures “heading 4815.”, for the figures “4815”, the figures “4823” shall be substituted;

(iii) in heading 4802, tariff item 4802 30 00 and the entries relating thereto shall be omitted;

(iv) in heading 4809, sub-heading 4809 10, tariff items 4809 10 10 and 4809 10 90 and the entries relating thereto shall be omitted;

(v) in heading 4814, tariff item 4814 30 00 and the entries relating thereto shall be omitted;

(vi) tariff item 4815 00 00 and the entries relating thereto shall be omitted;

(vii) in heading 4816, tariff items 4816 10 00 and 4816 30 00 and the entries relating thereto shall be omitted;

(viii) for heading 4823, tariff items 4823 12 00 and 4823 19 00 and the entries relating thereto, the following heading and entries shall be substituted, namely:—

“4823	OTHER PAPER, PAPERBOARD, CELLULOSE WADDING AND WEBS OF CELLULOSE FIBERS, CUT TO SIZE OR SHAPE; OTHER ARTICLES OF PAPER PULP, PAPER, PAPERBOARD, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBERS”;
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(ix) in heading 4823, for tariff item 4823 60 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

	“- Trays, dishes, plates, cups and the like, of paper or paperboard:		
4823 61 00	-- Of bamboo	kg.	16%
4823 69 00	-- Other	kg.	16%”;

(42) in Section XI,—

(i) in the Note 1,—

(a) in clause (a), for the word and figures “heading 0503”, the word and figures “heading 0511” shall be substituted;

(b) in clause (e), the brackets and words “(for example, wadding, gauze, bandages and similar articles for medical, surgical, dental or veterinary purposes, sterile surgical suture materials)” shall be omitted;

(ii) for Note 13, the following Notes shall be substituted, namely:—

“13. For the purposes of this Section and, where applicable, throughout this Schedule, the expression “elastomeric yarn” means filament yarn, including monofilament, of synthetic textile material, other than textured yarn, which does not break on being extended to three times its original length and which returns, after being extended to twice its original length,

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	within a period of five minutes, to a length not greater than one and a half times its original length.		
	14. Unless the context otherwise requires, textile garments of different headings are to be classified in their own headings even if put up in sets for retail sale. For the purposes of this Note, the expression "textile garments" means garments of headings 6101 to 6114 and headings 6201 to 6211."		
	(iii) in Sub-heading Note 1,—		
	(a) clause (a) shall be omitted;		
	(b) clauses (b) to (k) shall be renumbered as clauses (a) to (ij);		
	(c) in clause (h) so re-numbered, for the words, brackets and letters "definitions at (e) to (ij)", the words, brackets and letters "definitions at (d) to (h)" shall be substituted;		
	(43) in Chapter 50, in heading 5003, sub-heading 5003 10, tariff items 5003 10 10 to 5003 10 90, sub-heading 5003 90, tariff items 5003 90 10 to 5003 90 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—		
"5003 00	- <i>Silk waste (including cocoons unsuitable for reeling, yarn waste and garneted stock):</i>		
5003 00 10	--- Mulberry silk waste	kg.	Nil
5003 00 20	--- Tussar silk waste	kg	Nil
5003 00 30	--- Eri waste	kg	Nil
5003 00 40	--- Munga waste	kg.	Nil
5003 00 90	--- Other	kg.	Nil";
	(44) in Chapter 51, in Note 1,—		
	(a) in clause (b), for the word "camel", the words and brackets "camel (including dromedary)" shall be substituted;		
	(b) in clause (c), for the word and figures "heading 0503", the word and figures "heading 0511" shall be substituted;		
	(45) in Chapter 52,—		
	(i) in heading 5208, sub-heading 5208 53, tariff items 5208 53 10 to 5208 53 90 and the entries relating thereto shall be omitted;		
	(ii) in heading 5210,—		
	(a) sub-heading 5210 12, tariff items 5210 12 10 and 5210 12 90 and the entries relating thereto shall be omitted;		
	(b) sub-heading 5210 22, tariff items 5210 22 11 to 5210 22 29 and the entries relating thereto shall be omitted;		
	(c) sub-heading 5210 42, tariff items 5210 42 10 to 5210 42 90 and the entries relating thereto shall be omitted;		
	(d) sub-heading 5210 52, tariff items 5210 52 10 to 5210 52 90 and the entries relating thereto shall be omitted;		
	(iii) in heading 5211, for tariff item 5211 19 00, sub-heading 5211 21, tariff items 5211 21 10 to 5211 21 90, sub-heading 5211 22, tariff items 5211 22 10 to 5211 22 90, sub-heading 5211 29, tariff items 5211 29 10 to 5211 29 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—		
"5211 19 00	-- Other fabrics	m ²	8%
5211 20	- <i>Bleached:</i>		
5211 20 10	--- Shirting fabrics	m ²	8%
5211 20 20	--- Canvas (including duck) of carded or combed yarn	m ²	8%
5211 20 30	--- Flannelette	m ²	8%
5211 20 40	--- Saree	m ²	8%
5211 20 50	--- Crepe fabrics including Crepe checks	m ²	8%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
5211 20 60	--- Twill fabrics	m ²	8%
	--- <i>Other:</i>		
5211 20 91	---- Zari bordered sari	m ²	8%
5211 20 92	---- Dedsuti, dosuti, cerettonnes and osamburge	m ²	8%
5211 20 99	---- Other	m ²	8%";

(46) in Chapter 53,—

(i) heading 5304, sub-heading 5304 10, tariff items 5304 10 10 to 5304 90 00 and the entries relating thereto shall be omitted;

(ii) for heading 5305, sub-heading 5305 11, tariff items 5305 11 10 to 5305 29 00, sub-heading 5305 90, tariff items 5305 90 10 and 5305 90 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

"5305	COCONUT, ABACA (MANILA HEMP OR MUSA TEXTILIS NEE), RAMIE AND OTHER VEGETABLE TEXTILE FIBRES, NOT ELSEWHERE SPECIFIED OR INCLUDED, RAW OR PROCESSED BUT NOT SPUN; TOW, NOILS AND WASTE OF THESE FIBRES (INCLUDING YARN WASTE AND GARNETED STOCK)		
5305 00	<i>Coconut, abaca (Manila hemp or Musa textilis Nee), ramie and other vegetable textile fibres, not elsewhere specified or included, raw or processed but not spun; tow, noils and waste of these fibres (including yarn waste and garneted stock):</i>		
5305 00 10	--- Coir bristles fibre	kg.	8%
5305 00 20	--- Coir mattress fibre	kg.	8%
5305 00 30	--- Curled or machine twisted coir fibre	kg.	8%
5305 00 40	--- Coir pith	kg.	8%
5305 00 50	--- Of Abaca	kg.	8%
5305 00 90	--- Of others	kg.	8%";

(47) in Chapter 54,—

(i) for the Chapter heading, the heading "*Man-made filaments; strip and the like of man-made textile materials*" shall be substituted;

(ii) for Note 1, the following Note shall be substituted, namely:—

"1. Throughout this Schedule, the term "man-made fibres" means staple fibres and filaments of organic polymers produced by manufacturing processes, either:

(a) by polymerisation of organic monomers to produce polymers such as polyamides, polyesters, polyolefins or polyurethanes, or by chemical modification of polymers produced by this process [for example, poly (vinyl alcohol) prepared by the hydrolysis of poly (vinyl acetate)]; or

(b) by dissolution or chemical treatment of natural organic polymers (for example, cellulose) to produce polymers such as cuprammonium rayon (cupro) or viscose rayon, or by chemical modification of natural organic polymers (for example, cellulose, casein and other proteins, or alginic acid), to produce polymers such as cellulose acetate or alginates.

The terms "synthetic" and "artificial", used in relation to fibres, mean: synthetic: fibres as defined at (a); artificial: fibres as defined at (b). Strip and the like of heading 5404 or 5405 are not considered to be man-made fibres.

The terms "man-made", "synthetic" and "artificial" shall have the same meanings when

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	used in relation to "textile materials.";		
	(iii) in heading 5402,—		
	(a) for sub-heading 5402 10, tariff items 5402 10 10 and 5402 10 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—		
	"– <i>High tenacity yarn of nylon or other polyamides:</i>		
5402 11 10	--- Of aramids	kg.	16%
5402 19	-- <i>Other:</i>		
5402 19 10	--- Nylon tyre yarn	kg.	16%
5402 19 90	--- Other	kg.	16%";
	(b) after tariff item 5402 33 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—		
"5402 34 00	-- Of polypropylene	kg.	16%";
	(c) for the tariff items 5402 41 00 to 5402 49 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—		
"5402 44 00	-- Elastomeric	kg.	16%
5402 45 00	-- Other, of nylon or other polyamides	kg.	16%
5402 46 00	-- Other, of polyesters, partially oriented	kg.	16%
5402 47 00	-- Other, of polyesters	kg.	16%
5402 48 00	-- Other, of polypropylene	kg.	16%
5402 49 00	-- Other	kg.	16%";
	(iv) in heading 5403, tariff item 5403 20 00 and the entries relating thereto shall be omitted;		
	(v) in heading 5404, for tariff item 5404 10 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—		
	"– <i>Monofilament:</i>		
5404 11 00	-- Elastomeric	kg.	16%
5404 12 00	-- Other, of polypropylene	kg.	16%
5404 19	- <i>Other:</i>		
5404 19 10	--- Catgut imitation of synthetic yarn, non-sterile	kg.	16%
5404 19 20	--- Strip and the like of synthetic fibre material	kg.	16%
5404 19 90	--- Other	kg.	16%";
	(vi) for heading 5406, tariff items 5406 10 00 and 5406 20 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—		
"5406	MAN-MADE FILAMENT YARN (OTHER THAN SEWING THREAD), PUT UP FOR RETAIL SALE		
5406 00	- <i>Man-made filament yarn (other than sewing thread), put up for retail sale:</i>		
5406 00 10	--- Synthetic filament yarn	kg.	16%
5406 00 20	--- Artificial filament yarn	kg.	16%";
	(48) in Chapter 55,—		
	(i) in heading 5501, after tariff item 5501 30 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—		
"5501 40 00	- of polypropylene	kg.	16%";
	(ii) in heading 5503, for tariff item 5503 10 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—		
	"– <i>Of nylon or other polyamides:</i>		
5503 11 00	-- Of aramids	kg.	16%
5503 19 00	-- Other	kg.	16%";
	(iii) in heading 5513, tariff items 5513 22 00, 5513 32 00, 5513 33 00, 5513 42 00 and		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
5513 43 00 and the entries relating thereto shall be omitted;			
(iv) in heading 5514,—			
(a) sub-heading 5514 13, tariff items 5514 13 10 and 5514 13 20 and the entries relating thereto shall be omitted;			
(b) for tariff items 5514 29 00 to 5514 39 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—			
“5514 29 00	-- Other woven fabrics	m ²	8%
5514 30	- <i>Of yarns of different colours:</i>		
5514 30 11	---- Of polyester staple fibres, plain weave	m ²	8%
5514 30 12	---- 3-thread or 4-thread twill, including cross twill of polyester staple fibres	m ²	8%
5514 30 13	---- Other woven fabrics of polyester staple fibres	m ²	8%
5514 30 19	---- Other woven fabrics	m ²	8%”;
(v) in heading 5515, sub-heading 5515 92, tariff items 5515 92 10 to 5515 92 90 and the entries relating thereto shall be omitted;			
(49) in Chapter 56,—			
(i) in Note 1, in clause (e), for the brackets, word and figures “(Section XV)”, the brackets, word and figures “(generally Section XIV or XV)” shall be substituted;			
(ii) in heading 5604, sub-heading 5604 20, tariff items 5604 20 10 and 5604 20 90 and the entries relating thereto shall be omitted;			
(iii) in heading 5607, sub-heading 5607 10, tariff items 5607 10 10 and 5607 10 90 and the entries relating thereto shall be omitted;			
(50) in Chapter 57, in heading 5702, for tariff item 5702 49 90, sub-heading 5702 51, tariff items 5702 51 10 to 5702 51 40, sub-heading 5702 52, tariff items 5702 52 10 to 5702 52 90, sub-heading 5702 59, tariff items 5702 59 10 to 5702 59 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—			
“5702 49 90	--- Other	m ²	8%
5702 50	- <i>Other, not of pile construction, not made up:</i>		
	--- <i>Of man-made textile materials:</i>		
5702 50 21	---- Carpets, Carpeting and rugs	m ²	8%
5702 50 22	---- Mats and matting	m ²	8%
5702 50 29	---- Other	m ²	8%
	--- <i>Of other textiles materials:</i>		
5702 50 31	---- Carpets and other floor coverings, of cotton other than durries	m ²	8%
5702 50 32	---- Carpets and other floor coverings, of silk	m ²	8%
5702 50 33	---- Place mat and other similar goods	m ²	8%
5702 50 39	---- Other	m ²	8%”;
(51) in Chapter 58, in heading 5803, sub-heading 5803 10, tariff items 5803 10 10 to 5803 10 90, sub-heading 5803 90, tariff items 5803 90 10 to 5803 90 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—			
“5803 00	- <i>Gauze, other than narrow fabrics of heading 5806:</i>		
	--- <i>Of cotton:</i>		
5803 00 11	---- Unbleached	m ²	8%
5803 00 12	---- Bleached	m ²	8%
5803 00 13	---- Piece dyed	m ²	8%
5803 00 14	---- Yarn dyed	m ²	8%
5803 00 15	---- printed	m ²	8%
5803 00 19	---- other	m ²	8%
	--- <i>Of other textile materials:</i>		
5803 00 91	---- Of silk or silk waste	m ²	8%
5803 00 92	---- Of synthetic fibre	m ²	8%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
5803 00 93	---- Of artificial fibre	m ²	8%
5803 00 99	---- Other	m ²	8%";

(52) in Chapter 59, in the Note 5, in clause (h), for the brackets, word and figures "(Section XV)", the brackets, words and figures "(generally Section XIV or XV)" shall be substituted;

(53) in Chapter 60, in heading 6005, tariff item 6005 10 00 and the entries relating thereto shall be omitted;

(54) in Chapter 61,—

(i) in heading 6101, sub-heading 6101 10, tariff items 6101 10 10 to 6101 10 90 and the entries relating thereto shall be omitted;

(ii) for heading 6103, tariff items 6103 11 00, 6103 12 00, sub-heading 6103 19, tariff items 6103 19 10 to 6103 21 00 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

"6103	MEN'S OR BOYS' SUITS, ENSEMBLES, JACKETS, BLAZERS, TROUSERS, BIB AND BRACE OVERALLS, BREECHES AND SHORTS (OTHER THAN SWIM WEAR) KNITTED OR CROCHETED		
6103 10	- Suits:		
6103 10 10	--- Of silk	u	8%
6103 10 20	--- Of cotton	u	8%
6103 10 30	--- Of artificial fibres	u	8%
6103 10 90	--- Other	u	8%";

(iii) in heading 6104, tariff items 6104 11 00, 6104 12 00 and 6104 21 00 and the entries relating thereto shall be omitted;

(iv) in heading 6107, sub-heading 6107 92, tariff items 6107 92 10 and 6107 92 20 and the entries relating thereto shall be omitted;

(v) in heading 6111, tariff item 6111 10 00 and the entries relating thereto shall be omitted;

(vi) in heading 6114, tariff item 6114 10 00 and the entries relating thereto shall be omitted;

(vii) for heading 6115, tariff items 6115 11 00, 6115 12 00, sub-heading 6115 19, tariff items 6115 19 10 to 6115 19 90, sub-heading 6115 20, tariff items 6115 20 10 to 6115 93 00 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—

"6115	PANTY HOSE, TIGHTS, STOCKINGS, SOCKS AND OTHER HOSIERY, INCLUDING GRADUATED COMPRESSION HOSIERY (FOR EXAMPLE, STOCKINGS FOR VARICOSE VEINS) AND FOOTWEAR WITHOUT APPLIED SOLES, KNITTED OR CROCHETED		
6115 10 00	- Graduated compression hosiery (for example, stockings for varicose veins)	u	8%
6115 21	- Other panty hose and tights:		
6115 21 00	-- Of synthetic fibres, measuring per single yarn less than 67 decitex	u	8%
6115 22 00	-- Of synthetic fibres, measuring per single yarn 67 decitex or more	u	8%
6115 29	-- Of other textile materials:		
6115 29 10	---- Of silk	u	8%
6115 29 20	---- Of wool or fine animal hair	u	8%
6115 29 30	---- Of artificial fibres	u	8%
6115 29 90	---- Other	u	8%
6115 30 00	- Other women's full-length or knee-length hosiery, measuring per	u	8%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	single yarn less than 67 decitex		
6115 94 00	-- Of wool or fine animal hair	pa	8%
6115 95 00	-- Of cotton	pa	8%
6115 96 00	-- Of synthetic fibres	pa	8%";

(viii) in heading 6117, sub-heading 6117 20, tariff items 6117 20 10 to 6117 20 90 and the entries relating thereto shall be omitted;

(55) in Chapter 62,—

(i) in heading 6203, tariff item 6203 21 00 and the entries relating thereto shall be omitted;

(ii) in heading 6205, tariff item 6205 10 00 and the entries relating thereto shall be omitted;

(iii) in heading 6207, tariff item 6207 92 00 and the entries relating thereto shall be omitted;

(iv) in heading 6209, tariff item 6209 10 00 and the entries relating thereto shall be omitted;

(v) in heading 6211, tariff item 6211 31 00 and the entries relating thereto shall be omitted;

(vi) in heading 6213, tariff item 6213 10 00 and the entries relating thereto shall be omitted;

(56) in Chapter 63,—

(i) in heading 6302, tariff items 6302 52 00 and 6302 92 00 and the entries relating thereto shall be omitted;

(ii) in heading 6303, tariff item 6303 11 00 and the entries relating thereto shall be omitted;

(iii) in heading 6306,—

(a) tariff items 6306 11 00 and 6306 21 00 and the entries relating thereto shall be omitted;

(b) for tariff items 6306 29 90, 6306 31 00, sub-heading 6306 39, tariff items 6306 39 10 to 6306 49 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"6306 29 90	--- Other	kg.	8%
6306 30 00	- Sails	kg.	8%
6306 40 00	- Pneumatic mattresses	u	8%";

(57) in Chapter 64,—

(i) in heading 6401, sub-heading 6401 91, tariff items 6401 91 10 and 6401 91 90 and the entries relating thereto shall be omitted;

(ii) in heading 6402, sub-heading 6402 30, tariff items 6402 30 10 and 6402 30 90 and the entries relating thereto shall be omitted;

(iii) in heading 6403, tariff item 6403 30 00 and the entries relating thereto shall be omitted;

(58) in Chapter 65,—

(i) tariff item 6503 00 00 and the entries relating thereto shall be omitted;

(ii) in heading 6506, tariff item 6506 92 00 and the entries relating thereto shall be omitted;

(59) in Chapter 66, in heading 6603, sub-heading 6603 10, tariff items 6603 10 10 and 6603 10 90 and the entries relating thereto shall be omitted;

(60) in Chapter 68,—

(i) in heading 6802, tariff item 6802 22 00 and the entries relating thereto shall be omitted;

(ii) in heading 6811, for tariff item 6811 10 00, sub-heading 6811 20, tariff items 6811 20 10 to 6811 20 90, sub-heading 6811 30, tariff items 6811 30 10 to 6811 90 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
"6811 40	- <i>Containing asbestos:</i>		
6811 40 10	--- Asbestos - cement sheets	kg.	16%
6811 40 20	--- Asbestos - cement tiles	kg.	16%
6811 40 90	--- Other	kg.	16%
	- <i>Not containing asbestos:</i>		
6811 81 00	-- Corrugated sheets	kg.	16%
6811 82 00	-- Other sheets, panels, tiles and similar articles	kg.	16%
6811 83 00	-- Tubes, pipes and tube or pipe fittings	kg.	16%
6811 89 00	-- Other articles	kg.	16%";

(iii) in heading 6812, for tariff item 6812 50 00, sub-heading 6812 60, tariff items 6812 60 11 to 6812 70 00, sub-heading 6812 90, tariff items 6812 90 11 to 6812 90 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

"6812 80 00	- Of crocidolite	kg.	16%
	- <i>Other:</i>		
6812 91 00	-- Clothing, clothing accessories, footwear and headgear	kg.	16%
6812 92	-- Paper, millboard and felt:		
	--- Millboard:		
6812 92 11	---- Asbestos	kg.	16%
6812 92 19	---- Other	kg.	16%
6812 92 90	--- Other	kg.	16%
6812 93 00	-- Compressed asbestos fibre jointing, in sheets or rolls	kg.	16%
6812 99	-- <i>Other:</i>		
	--- <i>Lagging compounds:</i>		
6812 99 11	---- Asbestos	kg.	16%
6812 99 19	---- Other	kg.	16%
	--- <i>Asbestos packing joints and gaskets:</i>		
6812 99 21	---- Packing joints	kg.	16%
6812 99 22	---- Gaskets	kg.	16%
6812 99 90	--- Other	kg.	16%";

(iv) in heading 6813, for tariff item 6813 10 00, sub-heading 6813 90, tariff items 6813 90 10 and 6813 90 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

"6813 20	-- <i>Containing asbestos:</i>		
6813 20 10	--- Brake lining and pads	kg.	16%
6813 20 90	--- Asbestos friction materials	kg.	16%
	-- <i>Not containing asbestos:</i>		
6813 81 00	-- Brake linings and pads	kg.	16%
6813 89 00	-- Other	kg.	16%";

(61) in Chapter 70,—

(i) in sub-heading Note, for the word and figures "sub-headings 7013 21, 7013 31", the words and figures "tariff items 7013 22 00, 7013 33 00, 7013 41 00" shall be substituted;

(ii) tariff item 7012 00 00 and the entries relating thereto shall be omitted;

(iii) for heading 7013, tariff items 7013 10 00 to 7013 39 00, sub-heading 7013 91, tariff items 7013 91 10, 7013 91 90, sub-heading 7013 99, tariff items 7013 99 10 and 7013 99 90 and the entries relating thereto, the following heading, tariff items and entries shall be substituted, namely:—

"7013	GLASSWARE OF A KIND USED FOR TABLE, KITCHEN, TOILET, OFFICE, INDOOR DECORATION OR SIMILAR PURPOSES (OTHER THAN THAT OF HEADING 7010 OR 7018)
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Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
7013 10 00	- Of glass-ceramics - <i>Stemware drinking glasses, other than of glass-ceramics:</i>	kg.	16%
7013 22 00	-- Of lead crystal	kg.	16%
7013 28 00	-- Other - <i>Other drinking glasses, other than of glass-ceramics:</i>	kg.	16%
7013 33 00	-- Of lead crystal	kg.	16%
7013 37 00	-- Other - <i>Glassware of a kind used for table (other than drinking glasses) or kitchen purposes, other than of glass-ceramics :</i>	kg.	16%
7013 41 00	-- Of lead crystal	kg.	16%
7013 42 00	--- Of glass having a linear coefficient of expansion not exceeding 5×10^{-6} per Kelvin within a temperature range of 0 °C to 300 °C	kg.	16%
7013 49 00	-- Other - <i>Other glassware :</i>	kg.	16%
7013 91 00	-- Of lead crystal	kg.	16%
7013 99 00	-- Other	kg.	16%";

(62) in Chapter 71,—

(i) in Note 2, for the brackets and letters "(a)" and "(b)" wherever they occur, the brackets and letters "(A)" and "(B)" shall respectively be substituted;

(ii) in Note 4, for the brackets and letters "(a)", "(b)" and "(c)", except "2(b)", the brackets and letters "(A)", "(B)" and "(C)" shall respectively be substituted;

(iii) for Note 9, the following Note shall be substituted, namely:—

"9. For the purposes of heading 7113, the expression "articles of jewellery" means:

(a) any small objects of personal adornment (for example, rings, bracelets, necklaces, brooches, ear-rings, watch-chains, fobs, pendants, tie-pins, cuff-links, dress-studs, religious or other medals and insignia); and

(b) articles of personal use of a kind normally carried in the pocket, in the handbag or on the person (for example, cigar or cigarette cases, snuff boxes, cachou or pill boxes, powder boxes, chain purses or prayer beads).

These articles may be combined or set, for example, with natural or cultured pearls, precious or semi-precious stones, synthetic or reconstructed precious or semi-precious stones, tortoise shell, mother-of-pearl, ivory, natural or reconstituted amber, jet or coral."

(iv) in Sub-heading Note 2, for figure, brackets and letter "4(b)", the figure, brackets and letter "4(B)" shall be substituted;

(63) in Chapter 72,—

(i) in heading 7225, sub-heading 7225 20, tariff items 7225 20 11 to 7225 20 29 and the entries relating thereto shall be omitted;

(ii) in heading 7226, tariff items 7226 93 00 and 7226 94 00 and the entries relating thereto shall be omitted;

(iii) in heading 7229, tariff item 7229 10 00 and the entries relating thereto shall be omitted;

(64) in Chapter 73,—

(i) in heading 7304, for sub-heading 7304 10, tariff items 7304 10 11 to 7304 10 29, sub-heading 7304 21, tariff items 7304 21 10, 7304 21 90, sub-heading 7304 29, tariff items 7304 29 10, 7304 29 90, sub-heading 7304 31, tariff items 7304 31 11 to 7304 31 39, sub-heading

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
7304 39, tariff items 7304 39 11 to 7304 49 00, sub-heading 7304 51, tariff items 7304 51 10 to 7304 51 30, sub-heading 7304 59, tariff items 7304 59 10 to 7304 90 00 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—			
“- <i>Line pipe of a kind used for oil and gas pipelines:</i>			
-- <i>Of stainless steel:</i>			
7304 11	--- Tubes and pipes	kg.	16%
7304 11 10	---- Blanks for tubes and pipes	kg.	16%
7304 11 20	---- Other	kg.	16%
7304 11 90	---- Other	kg.	16%
7304 19	--- <i>Other:</i>		
7304 19 10	---- Tubes and pipes	kg.	16%
7304 19 20	---- Blanks for tubes and pipes	kg.	16%
7304 19 90	---- Other	kg.	16%
- <i>Casing, tubing and drill pipe, of a kind used in drilling for oil or gas:</i>			
7304 22 00	-- Drill pipe of stainless steel	kg.	16%
7304 23	-- <i>Other drill pipe:</i>		
7304 23 10	--- Of iron	kg.	16%
7304 23 90	--- Other	kg.	16%
7304 24 00	-- Other, of stainless steel	kg.	16%
7304 29	-- <i>Other:</i>		
7304 29 10	--- Of iron	kg.	16%
7304 29 90	--- Other	kg.	16%
- <i>Other, of circular cross-section, of iron or non-alloy steel:</i>			
7304 31	-- <i>Cold-drawn or cold-rolled (cold-reduced):</i>		
--- <i>Up to 114.3 mm outer diameter:</i>			
7304 31 11	---- Of iron	kg.	16%
7304 31 19	---- Other	kg.	16%
--- <i>Above 114.3 mm but up to 219.1 mm outer diameter:</i>			
7304 31 21	---- Of iron	kg.	16%
7304 31 29	---- Other	kg.	16%
--- <i>Above 219.1 mm diameter:</i>			
7304 31 31	---- Of iron	kg.	16%
7304 31 39	---- Other	kg.	16%
7304 39	-- <i>Other:</i>		
--- <i>Up to 114.3 mm outer diameter:</i>			
7304 39 11	---- Of iron	kg.	16%
7304 39 19	---- Other	kg.	16%
--- <i>Above 114.3 mm but up to 219.1 mm outer diameter:</i>			
7304 39 21	---- Of iron	kg.	16%
7304 39 29	---- Other	kg.	16%
--- <i>Above 219.1 mm diameter:</i>			
7304 39 31	---- Of iron	kg.	16%
7304 39 39	---- Other	kg.	16%
- <i>Other, of circular cross-section, of stainless steel:</i>			
7304 41 00	-- Cold-drawn or cold-rolled (cold-reduced)	kg.	16%
7304 49 00	-- Other	kg.	16%
- <i>Other, of circular cross-section, of other alloy steel:</i>			

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
7304 51	-- Cold-drawn or cold-rolled (cold-reduced):		
7304 51 10	--- Up to 114.3 mm diameter	kg.	16%
7304 51 20	--- Above 114.3 mm but up to 219.1 mm outer diameter	kg.	16%
7304 51 30	--- Above 219.1 mm outer diameter	kg.	16%
7304 59	-- Other:		
7304 59 10	--- Up to 114.3 mm diameter	kg.	16%
7304 59 20	--- Above 114.3 mm but up to 219.1 mm outer diameter	kg.	16%
7304 59 30	--- Above 219.1 mm outer diameter	kg.	16%
7304 90 00	- Other	kg.	16%";

(ii) in heading 7306, for sub-heading 7306 10, tariff items 7306 10 11 to 7306 10 29, sub-heading 7306 20, tariff items 7306 20 10 to 7306 20 90, sub-heading 7306 30, tariff items 7306 30 10 to 7306 50 00, sub-heading 7306 60, tariff items 7306 60 10 and 7306 60 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

	-- Line pipe of a kind used for oil or gas pipeline:		
7306 11 00	-- Welded, of stainless steel	kg.	16%
7306 19	-- Other:		
	--- Galvanized pipes :		
7306 19 11	---- Of iron	kg.	16%
7306 19 19	---- Other	kg.	16%
	--- Non-galvanized pipes:		
7306 19 21	---- Of iron	kg.	16%
7306 19 29	---- Other	kg.	16%
	- Casing and tubing of a kind used in drilling for oil or gas:		
7306 21 00	-- Welded, of stainless steel	kg.	16%
7306 29	-- Other:		
7306 29 11	---- Of iron	kg.	16%
7306 29 19	---- Other	kg.	16%
7306 30	- Other, welded, of circular cross-section, of iron or non-alloy steel:		
7306 30 10	--- Of iron	kg.	16%
7306 30 90	--- Other	kg.	16%
7306 40 00	- Other, welded, of circular cross-section, of stainless steel	kg.	16%
7306 50 00	- Other, welded, of circular cross-section, of other alloy steel	kg.	16%
	- Other, welded, of non-circular cross-section:		
7306 61 00	-- Of square or rectangular cross-section	kg.	16%
7306 69 00	-- Of other non-circular cross-section	kg.	16%
7306 90	- Other:		
	-- ERW precision tubes:		
7306 90 11	---- Of iron	kg.	16%
7306 90 19	---- Other	kg.	16%
7306 90 90	--- Other	kg.	16%";

(iii) in heading 7314, tariff item 7314 13 00 and the entries relating thereto shall be omitted;

(iv) in heading 7319, sub-heading 7319 10, tariff items 7319 10 10 to 7319 10 90 and the entries relating thereto shall be omitted;

(v) in heading 7321, for sub-heading 7321 13, tariff items 7321 13 10 to 7321 13 90, sub-heading 7321 83, tariff item 7321 83 10 and 7321 83 90 and the entries relating thereto, the

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	following sub-headings, tariff items and entries shall be substituted, namely:—		
“7321 19	-- Other, including appliances for solid fuel:		
7321 19 10	--- Cookers and kitchen stoves	u	16%
7321 19 90	--- Other stoves and appliances	u	16%
7321 89	-- Other, including appliances for solid fuel:		
7321 89 10	--- Clay tandoor (oven with iron or steel body and earthen grates)	kg.	16%
7321 89 90	--- Other	kg.	16%”;

(65) in Chapter 74,—

(i) in Note 1, in clause (f), the paragraph beginning with the words “In the case of” and ending with the words “exceeds 6 mm” shall be omitted.

(ii) in heading 7401, for tariff items 7401 10 00 and 7401 20 00 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

7401 00	- Copper Mattes; Cement copper (precipitated copper):		
7401 00 10	--- Copper mattes	kg.	16%
7401 00 90	--- Cement copper (precipitated copper)	kg.	16%”;

(iii) in heading 7403, sub-heading 7403 23, tariff items 7403 23 10 and 7403 23 20 and the entries relating thereto shall be omitted;

(iv) in heading 7407, sub-heading 7407 22, tariff items 7407 22 10 and 7407 22 20 and the entries relating thereto shall be omitted;

(v) heading 7414, sub-heading 7414 20; tariff items 7414 20 10 to 7414 20 90, sub-heading 7414 90, tariff items 7414 90 10 to 7414 90 90 and the entries relating thereto shall be omitted;

(vi) tariff item 7416 00 00 and the entries relating thereto shall be omitted;

(vii) heading 7417, sub-heading 7417 00, tariff items 7417 00 11 to 7417 00 99 and the entries relating thereto shall be omitted;

(66) in Chapter 78,—

(i) heading 7803, sub-heading 7803 00, tariff items 7803 00 11 to 7803 00 30 and the entries relating thereto shall be omitted;

(ii) heading 7805, sub-heading 7805 00, tariff items 7805 00 10 and 7805 00 20 and the entries relating thereto shall be omitted;

(67) in Chapter 79, heading 7906, sub-heading 7906 00, tariff items 7906 00 10 and 7906 00 20 and the entries relating thereto shall be omitted;

(68) in Chapter 80,—

(i) in Note 1, in clause (d), the paragraph beginning with the words and figures “Headings 8004” and ending with the words “other headings” shall be omitted;

(ii) heading 8004, sub-heading 8004 00, tariff items 8004 00 10 and 8004 00 90 and the entries relating thereto shall be omitted;

(iii) tariff item 8005 00 00 and the entries relating thereto shall be omitted;

(iv) heading 8006, sub-heading 8006 00, tariff items 8006 00 10 and 8006 00 20 and the entries relating thereto shall be omitted;

(69) in Chapter 81,—

(i) in heading 8101, sub-heading 8101 95, tariff items 8101 95 10 and 8101 95 90 and the entries relating thereto shall be omitted;

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	(ii) in heading 8112, sub-heading 8112 30, tariff items 8112 30 10 to 8112 30 90, sub-heading 8112 40, tariff items 8112 40 10 to 8112 40 90 and the entries relating thereto shall be omitted;		
	(70) in Chapter 83, in tariff item 8311 90 00, in the entry in column (2), the words "including parts" shall be omitted;		
	(71) in Section XVI,—		
	(i) in Note 1, in clause (b), for the word and figures "heading 4204", the word and figures "heading 4205" shall be substituted;		
	(ii) in Note 2, in clauses (a) and (c), for the figures "8485", the figures "8487" shall be substituted;		
	(72) in Chapter 84,—		
	(i) in Note 1, for clauses (e) and (f), the following clauses shall be substituted, namely:—		
	“(e) vacuum cleaners of heading 8508;		
	(f) electro-mechanical domestic appliances of heading 8509; digital cameras of heading 8525; or		
	(g) hand-operated mechanical floor sweepers, not motorised (heading 9603);		
	(ii) in Note 2,—		
	(a) for the portion beginning with the words "Subject to" and ending with the words "not the latter.", the following shall be substituted, namely:—		
	“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 other of the headings 8425 to 8480 is to be classified under the appropriate heading of the headings 8401 to 8424 or under the heading 8486, as the case may be, and not under the headings 8425 to 8480.”		
	(b) for the brackets, words and figures "(Heading 8443 or 8471)", the brackets, word and figures "(heading 8443)" shall be substituted;		
	(iii) for Note 5, the following Note shall be substituted, namely:—		
	“5. (A) For the purposes of heading 8471, the expression "automatic data processing machine" means machine capable of:		
	(i) storing the processing programme or programmes and at least the data immediately necessary for the execution of the programme;		
	(ii) being freely programmed in accordance with the requirements of the user;		
	(iii) performing arithmetical computations specified by the user; and		
	(iv) executing, without human intervention, a processing programme which requires them to modify their execution, by logical decision during the processing run.		
	(B) Automatic data processing machines may be in the form of systems consisting of a variable number of separate units.		
	(C) Subject to paragraphs (D) and (E), a unit is to be regarded as being part of an automatic data processing system if it meets all of the following conditions:		
	(i) it is of a kind solely or principally used in an automatic data processing system;		
	(ii) it is connectable to the central processing unit either directly or through one or more other units; and		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

(iii) it is able to accept or deliver data in a form (codes or signals) which can be used by the system.

Separately presented units of an automatic data processing machine are to be classified in heading 8471.

However, keyboards, X-Y co-ordinate input devices and disk storage units which satisfy the conditions of (ii) and (iii) above, are in all cases to be classified as units of heading 8471.

(D) Heading 8471 does not cover the following when presented separately, even if they meet all of the conditions set forth in paragraph (C):

(i) printers, copying machines, facsimile machines, whether or not combined;

(ii) apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network);

(iii) loudspeakers and microphones;

(iv) television cameras, digital cameras and video camera recorders;

(v) monitors and projectors, not incorporating television reception apparatus.

(E) Machines incorporating or working in conjunction with an automatic data processing machine and performing a specific function other than data processing are to be classified in the headings appropriate to their respective functions or, failing that, in residual headings.”;

(iv) after Note 8, the following Note shall be inserted, namely:—

“9. (A) Clauses (a) and (b) of Note 8 to Chapter 85 shall also apply respectively to the expressions “semi-conductor devices” and “electronic integrated circuits”, used in this Note and in the heading 8486. However, for the purposes of this Note and heading 8486, the expression “semi-conductor devices” also covers photosensitive semiconductor devices and light emitting diodes.

(B) For the purposes of this Note and heading 8486, the expression “manufacture of flat panel displays” covers the fabrication of substrates into a flat panel. It does not cover the manufacture of glass or the assembly of printed circuit boards or other electronic components onto the flat panel. The expression “flat panel display” does not cover cathode ray tube technology.

(C) Heading 8486 also includes machines and apparatus solely or principally of a kind used for:

(i) the manufacture or repair of masks and reticles;

(ii) assembling semi-conductor devices or electronic integrated circuits; and

(iii) lifting, handling, loading or unloading of boules, wafers, semi-conductor devices, electronic integrated circuits and flat panel displays.

(D) Subject to Note 1 to Section XVI and Note 1 to Chapter 84, machines and apparatus answering to the description in heading 8486 are to be classified in that heading and in no other heading of this Schedule.”;

(v) in sub-heading Note 1, for the figure, brackets and letter “5(B)”, the figure, brackets and letter “5(C)” shall be substituted;

(vi) in heading 8418,—

(a) tariff item 8418 22 00 and the entries relating thereto shall be omitted;

(b) in tariff item 8418 50 00, for the entry in column (2), the following entry shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

“ Other furniture (chests, cabinets, display counters, showcases and the like) for storage and display incorporating refrigerating or freezing equipment”;

(c) in tariff item 8418 61 00, for the entry in column (2), the following entry shall be substituted, namely:—

“Heat pumps other than air-conditioning machines of heading 8415”;

(vii) in heading 8425, tariff item 8425 20 00 and the entries relating thereto shall be omitted;

(viii) in heading 8428, sub-heading 8428 50, tariff items 8428 50 10 to 8428 50 90 and the entries relating thereto shall be omitted;

(ix) in heading 8442,—

(a) for the entry in column (2), the following entry shall be substituted, namely:—

“MACHINERY, APPARATUS AND EQUIPMENT (OTHER THAN THE MACHINE TOOLS OF HEADINGS 8456 TO 8465) FOR PREPARING OR MAKING PLATES, PRINTING COMPONENTS; PLATES, CYLINDERS AND OTHER PRINTING COMPONENTS; PLATES, CYLINDERS AND LITHOGRAPHIC STONES, PREPARED FOR PRINTING PURPOSES (FOR EXAMPLE, PLANED, GRAINED OR POLISHED)”;

(b) tariff item 8442 10 00, sub-heading 8442 20, tariff items 8442 20 10 to 8442 20 90 and the entries relating thereto shall be omitted;

(c) in sub-heading 8442 30, in the entry in column (2), for the words “Other machinery”, the word “Machinery” shall be substituted;

(d) for sub-heading 8442 50, tariff items 8442 50 10 to 8442 50 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

“8442 50	—	Plates, cylinders and other printing components; plates, cylinders and lithographic stones, prepared for printing purposes (for example, planed, grained or polished):		
8442 50 10	---	Plates and cylinders	kg.	16%
8442 50 20	---	Lithographic plates	kg.	16%
	---	Plate, cylinder and lithographic stones prepared for printing purposes:		
8442 50 31	----	Plate and cylinder for textile printing machine	kg.	16%
8442 50 39	----	Other	kg.	16%
8442 50 40	----	Highly polished copper sheets for making blocks	kg.	16%
8442 50 50	----	Highly polished zinc sheets for making process blocks	kg.	16%
8442 50 90	----	Other	kg.	16%”;

(x) for heading 8443, tariff items 8443 11 00 to 8443 51 00, sub-heading 8443 59, tariff items 8443 59 10 to 8443 59 90, sub-heading 8443 60, tariff items 8443 60 10 to 8443 60 90, sub-heading 8443 90, tariff items 8443 90 10 and 8443 90 90 and the entries relating thereto, the following headings, sub-headings tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
"8443	PRINTING MACHINERY USED FOR PRINTING BY MEANS OF PLATES, CYLINDERS AND OTHER PRINTING COMPONENTS OF HEADING 8442; OTHER PRINTERS, COPYING MACHINES AND FACSIMILE MACHINES, WHETHER OR NOT COMBINED; PARTS AND ACCESSORIES THEREOF <i>Printing machinery used for printing by means of plates, cylinders and other printing components of heading 8442 :</i>		
8443 11 00	-- Offset printing machinery, reel-fed	u	16%
8443 12 00	-- Offset printing machinery, sheet-fed, office type (using sheets with one side not exceeding 22 cm and the other side not exceeding 36 cm in the unfolded state)	u	16%
8443 13 00	-- Other offset printing machinery	u	16%
8443 14 00	-- Letterpress printing machinery, reel fed, excluding flexographic printing	u	16%
8443 15 00	-- Letterpress printing machinery, other than reel fed, excluding flexographic printing	u	16%
8443 16 00	-- Flexographic printing machinery	u	16%
8443 17 00	-- Gravure printing machinery	u	16%
8443 19 00	-- Other - <i>Other printers, copying machines and facsimile machines, whether or not combined:</i>	u	16%
8443 31 00	-- Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network	u	16%
8443 32 00	-- Other, capable of connecting to an automatic data processing machine or to a net work	u	16%
8443 39	-- <i>Other :</i>		
8443 39 10	--- Flat bed printing presses	u	16%
8443 39 20	--- Platen printing presses	u	16%
8443 39 30	--- Proof presses --- <i>Machinery for printing repetitive word or design or colour :</i>	u	16%
8443 39 41	---- On cotton textile	u	16%
8443 39 49	---- Other - <i>Machines for uses ancillary to printing:</i>	u	16%
8443 39 51	---- Automatic feeders and sheet delivering machine	u	16%
8443 39 52	---- Serial numbering machines	u	16%
8443 39 53	---- Folders, guzmos perforators and staplers	u	16%
8443 39 59	---- Other - <i>Parts and accessories:</i>	u	16%
8443 91 00	-- Parts and accessories of printing	kg.	16%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

8443 99 00	machinery used for printing by means of plates, cylinders and other printing components of heading 8442 -- Other	kg.	16%";
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(xi) in heading 8448, sub-heading 8448 41, tariff items 8448 41 10 to 8448 41 90 and the entries relating thereto shall be omitted;

(xii) in heading 8456, for tariff items 8456 30 00, 8456 91 00, sub-heading 8456 99, tariff items 8456 99 10 and 8456 99 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely:—

"8456 30 00	- Operated by electro-discharge processes	u	16%
8456 90	- Other :		
8456 90 10	--- For dry etching pattern on semi-conductor materials	u	16%
8456 90 20	--- Electro chemical machines	u	16%
8456 90 90	--- Other	u	16%";

(xiii) for heading 8469, tariff items 8469 11 00, 8469 12 00, sub-heading 8469 20, tariff items 8469 20 10, 8469 20 90, sub-heading 8469 30, tariff items 8469 30 10 and 8469 30 90 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—

"8469	TYPEWRITERS OTHER THAN PRINTERS OF HEADING 8443; WORD-PROCESSING MACHINES		
8469 00	-	<i>Typewriters other than printers of heading 8443; word-processing machines:</i>	
8469 00 10	---	u	16%
8469 00 20	---	u	16%
8469 00 30	---	u	Nil
8469 00 40	---	u	Nil
8469 00 90	---	u	16%";

(xiv) in heading 8470, sub-heading 8470 40, tariff items 8470 40 10 and 8470 40 20 and the entries relating thereto shall be omitted;

(xv) in heading 8471,—

(a) tariff item 8471 10 00 and the entries relating thereto shall be omitted;

(b) in sub-heading 8471 30 and after tariff item 8471 30 90, in the entry in column (2), the word "digital" wherever it occurs, shall be omitted;

(c) in tariff item 8471 50 00, in the entry in column (2), for the words "Digital processing", the word "Processing" shall be substituted;

(xvi) in heading 8472, tariff item 8472 20 00 and the entries relating thereto shall be omitted;

(xvii) for heading 8485, tariff items 8485 10 00 and 8485 90 00 and the entries relating thereto, the following headings, tariff items and entries shall be substituted, namely:—

"8486	MACHINES AND APPARATUS OF A KIND USED SOLELY OR PRINCIPALLY FOR THE MANUFACTURE OF SEMI-CONDUCTOR BOULES OR WAFERS, SEMI-CONDUCTOR DEVICES, ELECTRONIC INTEGRATED CIRCUITS OR FLAT PANEL DISPLAYS; MACHINES AND APPARATUS SPECIFIED IN NOTE 9(C) TO THIS CHAPTER; PARTS AND ACCESSORIES		
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Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
8486 10 00	- Machines and apparatus for the manufacture of boules or wafers	u	16%
8486 20 00	- Machines and apparatus for the manufacture of semi-conductor devices or of electronic integrated circuits	u	16%
8486 30 00	- Machines and apparatus for the manufacture of flat panel displays	u	16%
8486 40 00	- Machines and apparatus specified in Note 9(C) to this Chapter	u	16%
8486 90 00 8487	- Parts and accessories MACHINERY PARTS, NOT CONTAINING ELECTRICAL CONNECTORS, INSULATORS, COILS, CONTACTS OR NOT SPECIFIED OR INCLUDED ELSEWHERE IN THIS CHAPTER	kg.	16%
8487 10 00	- Ships' or boats' propellers and blades therefor	u	16%
8487 90 00	- Other	kg.	16%";

(72) in Chapter 85,—

(i) in Note 1,—

(a) in clause (b), the word "or" occurring at the end shall be omitted;

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

"(c) machines and apparatus of heading 8486;

(d) vacuum apparatus of a kind used in medical, surgical, dental or veterinary purposes (Chapter 90); or

(e) electrically heated furniture of Chapter 94.";

(ii) in Note 3, for clause (a), the following clause shall be substituted, namely:—

"(a) floor polishers, food grinders and mixers, and fruit or vegetable juice extractors, of any weight;"

(iii) for Notes 4,5,6,7 and 8, the following Notes shall be substituted, namely:—

"4. For the purposes of heading 8523:

(a) "Solid-state non-volatile storage devices" (for example, "flash memory cards" or "flash electronic storage cards") are storage devices with a connecting socket, comprising in the same housing one or more flash memories (for example, "FLASH E²PROM") in the form of integrated circuits mounted on a printed circuit board. They may include a controller in the form of an integrated circuit and discrete passive components, such as capacitors and resistors;

(b) The term "smart cards" means cards which have embedded in them one or more electronic integrated circuits [(a microprocessor, random access memory (RAM) or read-only memory (ROM)] in the form of chips. These cards may contain contacts, a magnetic stripe or an embedded antenna but do not contain any other active or passive circuit elements.

5. For the purposes of heading 8534, "printed circuits" are circuits obtained by forming on an insulating base, by any printing process (for example, embossing, plating up, etching) or by the "film circuit" technique, conductor elements, contacts or other printed components

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

(for example, inductances, resistors, capacitors) alone or interconnected according to a pre-established pattern, other than elements which can produce, rectify, modulate or amplify an electrical signal (for example, semi-conductor elements).

The expression "printed circuits" does not cover circuits combined with elements other than those obtained during the printing process, nor does it cover individual, discreet resistors, capacitors or inductances. Printed circuits may, however, be fitted with non printed connecting elements.

Thin- or thick-film circuits comprising passive and active elements obtained during the same technological process are to be classified in heading 8542.

6. For the purpose of heading 8536, "connectors for optical fibres, optical fibre bundles or cables" means connectors that simply mechanically align optical fibres end to end in a digital line system. They perform no other function, such as the amplification, regeneration or modification of a signal.

7. Heading 8537 does not include cordless infrared devices for the remote control of television receivers or other electrical equipment (heading 8543).

8. For the purposes of headings 8541 and 8542:

(a) "Diodes, transistors and similar semi-conductor devices" are semi-conductor devices the operation of which depends on variations in resistivity on the application of an electric field;

(b) "Electronic integrated circuits" are:

(i) Monolithic integrated circuits in which the circuit elements (diodes, transistors, resistors, capacitors, inductances, etc.) are created in the mass essentially and on the surface of a semi-conductor or compound semi-conductor material (for example, doped silicon, gallium arsenide, silicon germanium, indium phosphide) and are inseparably associated;

(ii) Hybrid integrated circuits in which passive elements (resistors, capacitors, inductances, etc.), obtained by thin- or thick-film technology, and active elements (diodes, transistors, monolithic integrated circuits, etc.), obtained by semi-conductor technology, are combined to all intents and purposes indivisibly, by interconnections or interconnecting cables, on a single insulating substrate (glass, ceramic, etc.). These circuits may also include discrete components;

(iii) Multi chip integrated circuits consisting of two or more interconnected monolithic integrated circuits combined to all intents and purposes indivisibly, whether or not on one or more insulating substrates, with or without lead frames, but with no other active or passive circuit elements.

For the classification of the articles defined in this Note, headings 8541 and 8542 shall take precedence over any other heading in this Schedule, except in the case of heading 8523, which might cover them by reference to, in particular, their function.

9. For the purposes of heading 8548, "spent primary cells, 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.

10. For the purposes of heading 8523 "recording" of sound or other phenomena shall amount to manufacture.

(iv) for Sub-heading Notes, the following Sub-heading Note shall be substituted, namely:—

"SUB-HEADING NOTE

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.;"

(v) in supplementary note, for the figures "8524", the figures "8523" shall be substituted;

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	(vi) in heading 8505, tariff item 8505 30 00 and entries relating thereto shall be omitted;		
	(vii) after tariff item 8507 90 90, the following heading, tariff items and entries shall be inserted, namely:—		
“8508	VACUUM CLEANERS		
	- <i>With self-contained electric motor:</i>		
8508 11 00	-- Of a power not exceeding 1,500 W and having a dust bag or other receptacle capacity not exceeding 20 l	u	.6%
8508 19 00	-- Other	u	16%
8508 60 00	- Other vacuum cleaners	u	16%
8508 70 00	- Parts	kg.	16%”;
	(viii) in heading 8509,—		
	(a) for the entry in column (2), the following entry shall be substituted, namely:—		
	“Electro-mechanical domestic appliances, with self-contained electric motor, other than vacuum cleaners of heading 8508”;		
	(b) tariff items 8509 10 00 to 8509 30 00 and the entries relating thereto shall be omitted;		
	(ix) for heading 8517, sub-heading 8517 11, tariff items 8517 11 10, 8517 11 90, sub-heading 8517 19, tariff items 8517 19 11 to 8517 30 00, sub-heading 8517 50, tariff items 8517 50 10 to 8517 50 99, sub-heading 8517 80, tariff items 8517 80 10 to 8517 80 90, sub-heading 8517 90, tariff items 8517 90 10 and 8517 90 90 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—		
“8517	TELEPHONE SETS, INCLUDING TELEPHONES FOR CELLULAR NETWORKS OR FOR OTHER WIRELESS NETWORKS; OTHER APPARATUS FOR THE TRANSMISSION OR RECEPTION OF VOICE, IMAGES OR OTHER DATA, INCLUDING APPARATUS FOR COMMUNICATION IN A WIRED OR WIRELESS NETWORK (SUCH AS A LOCAL OR WIDE AREA NETWORK), OTHER THAN TRANSMISSION OR RECEPTION APPARATUS OF HEADING 8443, 8525, 8527 OR 8528		
	- <i>Telephone sets, including telephones for cellular networks or for other wireless networks:</i>		
8517 11	-- <i>Line telephone sets with cordless handsets:</i>		
8517 11 10	--- Push button type	u	16%
8517 11 90	--- Other	u	16%
8517 12	-- <i>Telephones for cellular networks or for other wireless networks:</i>		
8517 12 10	--- Push button type	u	16%
8517 12 90	--- Other	u	16%
8517 18	-- <i>Other:</i>		
8517 18 10	--- Push button type	u	16%
8517 18 90	--- Other	u	16%
	- <i>Other apparatus for transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless</i>		

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	<i>network</i> (such as a local or wide area network):		
8517 61 00	-- Base stations	u	16%
8517 62	-- Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus:		
8517 62 10	--- PLCC equipment	u	16%
8517 62 20	--- Voice frequency telegraphy	u	16%
8517 62 30	--- Modems (modulators-demodulators)	u	16%
8517 62 40	--- High bit rate digital subscriber line system (HDSL)	u	16%
8517 62 50	--- Digital loop carrier system (DLC)	u	16%
8517 62 60	--- Synchronous digital hierarchy system (SDH)	u	16%
8517 62 70	--- Multiplexers, statistical multiplexers	u	16%
8517 62 90	--- Other	u	16%
8517 69	-- Other:		
8517 69 10	--- ISDN System	u	16%
8517 69 20	--- ISDN terminal adaptor	u	16%
8517 69 30	--- Routers	u	16%
8517 69 40	--- X 25 Pads	u	16%
8517 69 50	--- Subscriber end equipment	u	16%
8517 69 60	--- Set top boxes for gaining access to internet	u	16%
8517 69 70	--- Attachments for telephones	u	16%
8517 69 90	--- Other	u	16%
8517 70	- Parts:		
8517 70 10	--- Populated, loaded or stuffed printed circuit boards	kg.	16%
8517 70 90	--- Other	kg.	16%";

(x) for heading 8519, tariff items 8519 10 00 to 8519 93 00, sub-heading 8519 99, tariff items 8519 99 10 to 8519 99 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

"8519			
SOUND RECORDING OR REPRODUCING APPARATUS			
8519 20 00	- Apparatus operated by coins, banknotes, bank cards, tokens or by other means of payment	u	16%
8519 30 00	- Turntables (record-decks)	u	16%
8519 50 00	- Telephone answering machines	u	16%
	- Other apparatus :		
8519 81 00	-- Using magnetic, optical or semi-conductor media	u	16%
8519 89	-- Other:		
8519 89 10	--- Audio Compact disc player	u	16%
8519 89 20	--- Compact disc changer including mini disc player or laser disc player	u	16%
8519 89 30	--- Time Code recorder	u	16%
8519 89 40	--- MP-3 player	u	16%
8519 89 90	--- Other	u	16%";

(xi) heading 8520, tariff items 8520 10 00 to 8520 32 00, sub-heading 8520 33, tariff items 8520 33 10, 8520 33 90, sub-heading 8520 39, tariff items 8520 39 10, 8520 39 90, sub-heading 8520 90, tariff items 8520 90 10 and 8520 90 90 and the entries relating thereto shall be omitted;

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	(xii) for heading 8523, sub-heading 8523 11, tariff items 8523 11 11 to 8523 11 29, sub-heading 8523 12, tariff items 8523 12 11 to 8523 12 29, sub-heading 8523 13, tariff items 8523 13 11 to 8523 13 29, sub-heading 8523 20, tariff items 8523 20 10 to 8523 30 00, sub-heading 8523 90, tariff items 8523 90 10 to 8523 90 90 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely: —		
"8523	DISCS, TAPES, SOLID-STATE NON-VOLATILE STORAGE DEVICES, "SMART CARDS" AND OTHER MEDIA FOR THE RECORDING OF SOUND OR OF OTHER PHENOMENA, WHETHER OR NOT RECORDED, INCLUDING MATRICES AND MASTERS PRODUCTION OF DISCS, BUT EXCLUDING PRODUCTS OF CHAPTER 37		
	- <i>Magnetic media</i> :		
8523 21 00	-- Cards incorporating a magnetic stripe	u	16%
8523 29	-- <i>Other</i> :		
8523 29 10	--- Audio cassettes	u	16%
8523 29 20	--- Video cassettes	u	16%
8523 29 30	--- Video magnetic tape including those in hubs and reels, rolls, pancakes and jumbo rolls	u	16%
8523 29 40	--- ¾" and 1" video cassettes	u	16%
8523 29 50	--- ½" video cassettes suitable to work with betacam, betacam SP/M II and VHS type VCR	u	16%
8523 29 60	--- Other video cassettes and tapes	u	16%
8523 29 70	--- ¾" and 1" video cassettes		
8523 29 70	--- All kinds of Magnetic discs	u	16%
8523 29 80	--- Cartridge tape	u	16%
8523 29 90	--- Other	u	16%
8523 40	- <i>Optical media</i> :		
8523 40 10	--- Matrices for production of records; prepared record blanks	u	16%
8523 40 20	--- Cartridge Tape	u	16%
8523 40 30	--- ½" Video cassette suitable to work with digital VCR	u	16%
8523 40 40	--- Compact disc (Audio)	u	16%
8523 40 50	--- Compact disc (video)	u	16%
8523 40 60	--- Blank master discs (that is, substrate) for producing stamper for compact disc	u	16%
8523 40 70	--- Stamper for CD audio, CD video and CD – ROM	u	16%
8523 40 80	--- Digital video disc	u	16%
8523 40 90	--- Other	u	16%
	- <i>Semi-conductor media</i> :		
8523 51 00	-- Solid-state non-volatile storage devices	u	16%
8523 52 00	-- Smart cards	u	16%
8523 59 00	-- Other	u	16%
8523 80	-- <i>Other</i> :		
8523 80 10	--- Gramophone records	u	16%
8523 80 20	--- Information technology software	u	8%
8523 80 30	--- Audio-visual news or audio visual views	u	16%
8523 80 40	--- Children's video films	u	16%
8523 80 50	--- Video tapes of educational nature	u	16%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
8523 80 60	--- 2- D / 3D computer graphics	u	16%
8523 80 90	--- Other	u	16%";
	(xiii) heading 8524, sub-heading 8524 10, tariff items 8524 10 10, 8524 10 90, sub-heading 8524 31, tariff items 8524 31 11 to 8524 31 90, sub-heading 8524 32, tariff items 8524 32 10, 8524 32 90, sub-heading 8524 39, tariff items 8524 39 10 to 8524 39 90, sub-heading 8524 40, tariff items 8524 40 11 to 8524 40 90, sub-heading 8524 51, tariff items 8524 51 11 to 8524 51 90, sub-heading 8524 52, tariff items 8524 52 11 to 8524 52 90, sub-heading 8524 53, tariff items 8524 53 11 to 8524 60 00, sub-heading 8524 91, tariff items 8524 91 11 to 8524 91 90, sub-heading 8524 99, tariff items 8524 99 10 to 8524 99 99 and the entries relating thereto shall be omitted;		
	(xiv) for heading 8525, sub-heading 8525 10, tariff items 8525 10 10 to 8525 10 90, sub-heading 8525 20, tariff items 8525 20 11 to 8525 40 00 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—		
" 8525	TRANSMISSION APPARATUS FOR RADIO BROADCASTING OR TELEVISION, WHETHER OR NOT IN CORPORATING RECEPTION APPARATUS OR SOUND RECORDING OR REPRODUCING APPARATUS; TELEVISION CAMERAS, DIGITAL CAMERAS AND VIDEO CAMERA RECORDERS		
8525 50	- <i>Transmission apparatus:</i>		
8525 50 10	--- Radio broadcast transmitter	u	16%
8525 50 20	--- TV broadcast transmitter	u	16%
8525 50 30	--- Broadcast equipment sub-system	u	16%
8525 50 40	--- Communication jamming equipment	u	16%
8525 50 50	--- Wireless microphone	u	16%
8525 50 90	--- Other	u	16%
8525 60	- <i>Transmission apparatus incorporating reception apparatus:</i>		
	--- <i>Two way radio communication equipment:</i>		
8525 60 11	---- Walkie talkie set	u	16%
8525 60 12	---- Marine radio communication equipment	u	16%
8525 60 13	---- Amateur radio equipment	u	16%
8525 60 19	---- Other	u	16%
	--- <i>Other:</i>		
8525 60 91	---- VSAT terminals	u	16%
8525 60 92	---- Other satellite communication equipment	u	16%
8525 60 99	---- Other	u	16%
8525 80	- <i>Television cameras, digital cameras and video camera recorders:</i>		
8525 80 10	--- Television Cameras	u	16%
8525 80 20	--- Digital cameras	u	16%
8525 80 30	--- Video camera recorders	u	16%
8525 80 90	--- Other	u	16%";

(xv) for heading 8527, tariff items 8527 12 00 to 8527 39 00, sub-heading 8527 90, tariff items 8527 90 11 to 8527 90 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

" 8527 RECEPTION APPARATUS FOR RADIO-BROADCASTING, WHETHER OR NOT COMBINED, IN THE SAME HOUSING, WITH SOUND RECORDING

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	OR REPRODUCING APPARATUS OR A CLOCK		
	- <i>Radio-broadcast receivers capable of operating without an external source of power :</i>		
8527 12 00	-- Pocket-size radio cassette-players	u	16%
8527 13 00	-- Other apparatus combined with sound recording or reproducing apparatus	u	16%
8527 19 00	-- Other	u	16%
	- <i>Radio-broadcast receivers not capable of operating without an external source of power, of a kind used in motor vehicles :</i>		
8527 21 00	-- Combined with sound recording or reproducing apparatus	u	16%
8527 29 00	-- Other	u	16%
	- <i>Other:</i>		
8527 91 00	-- Combined with sound recording or reproducing apparatus	u	16%
8527 92 00	-- Not combined with sound recording or reproducing apparatus but combined with a clock	u	16%
8527 99	-- <i>Other:</i>		
	--- <i>Radio communication receivers:</i>		
8527 99 11	---- Radio pagers	u	16%
8527 99 12	---- Demodulators	u	16%
8527 99 19	---- Other	u	16%
8527 99 90	---- Other	u	16%";

(xvi) for heading 8528, sub-heading 8528 12, tariff items 8528 12 11 to 8528 12 99, sub-heading 8528 13, tariff items 8528 13 10, 8528 13 90, sub heading 8528 21, tariff items 8528 21 10 to 8528 22 00, sub-heading 8528 30, tariff items 8528 30 10 to 8528 30 30 and the entries relating thereto, the following heading, sub-headings, tariff items and entries shall be substituted, namely:—

"8528	MONITORS AND PROJECTORS, NOT INCORPORATING TELEVISION RECEPTION APPARATUS; RECEPTION APPARATUS FOR TELEVISION, WHETHER OR NOT INCORPORATING RADIO-BROADCAST RECEIVER OR SOUND OR VIDEO RECORDING OR REPRODUCING APPARATUS		
	- <i>Cathode-ray tube monitors :</i>		
8528 41 00	-- Of a kind solely or principally used in an automatic data processing system of heading 8471	u	16% or Rs. 34,000/- per set whichever is higher
8528 49 00	-- Other	u	16% or Rs. 34,000/- per set whichever is higher
	- <i>Other monitors :</i>		
8528 51 00	-- Of a kind solely or principally used in an automatic data processing system of heading 8471	u	16% or Rs. 34,000/- per set whichever is higher

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
8528 59 00	-- Other	u	16% or Rs. 34,000/- per set whichever is higher
	- <i>Projectors :</i>		
8528 61 00	-- Of a kind solely or principally used in an automatic data processing system of heading 8471	u	16% or Rs. 34,000/- per set whichever is higher
8528 69 00	-- Other	u	16% or Rs. 34,000/- per set whichever is higher
	- <i>Reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus:</i>		
8528 71 00	-- Not designed to incorporate a video display or screen	u	16% or Rs. 34,000/- per set whichever is higher
8528 72	-- <i>Other, colour:</i>		
8528 72 11	---- Television set of screen size upto 36 cm	u	16% or Rs. 34,000/- per set whichever is higher
8528 72 12	---- Television set of screen size exceeding 36 cm but not exceeding 54 cm	u	16% or Rs. 34,000/- per set whichever is higher
8528 72 13	---- Television set of screen size exceeding 54 cm but not exceeding 68 cm	u	16% or Rs. 34,000/- per set whichever is higher
8528 72 14	---- Television set of screen size exceeding 68 cm but not exceeding 74 cm	u	16% or Rs. 34,000/- per set whichever is higher
8528 72 15	---- Television set of screen size exceeding 74 cm but not exceeding 87 cm	u	16% or Rs. 34,000/- per set whichever is higher
8528 72 16	---- Television set of screen size exceeding 87 cm but not exceeding 105 cm	u	16% or Rs. 34,000/- per set whichever is higher
8528 72 17	---- Television set of screen size exceeding 105 cm	u	16% or Rs. 34,000/- per set whichever is higher
8528 72 18	---- Liquid crystal display television set of screen size below 63 cm	u	16% or Rs. 34,000/- per set whichever is higher
8528 72 19	---- Other	u	16% or Rs. 34,000/- per set whichever is higher
8528 73	-- <i>Other, black and white or other monochrome:</i>		
8528 73 10	--- Liquid crystal display television set of screen size below 25 cm	u	16% or Rs. 34,000/- per set whichever is higher
8528 73 90	--- Other	u	16% or Rs. 34,000/- per set whichever is higher

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

(xvii) in heading 8535, in the entry in column (2), for the word "PLUGS" the words "PLUGS AND OTHER CONNECTORS" shall be substituted;

(xviii) in heading 8536,—

(a) for the entry in column (2), the following entry shall be substituted, namely:—

"ELECTRICAL APPARATUS FOR SWITCHING OR PROTECTING ELECTRICAL CIRCUITS, OR FOR MAKING CONNECTIONS TO OR IN ELECTRICAL CIRCUITS (FOR EXAMPLE, SWITCHES, RELAYS, FUSES, SURGE SUPPRESSORS, PLUGS, SOCKETS, LAMP-HOLDERS AND OTHER CONNECTORS, JUNCTION BOXES), FOR A VOLTAGE NOT EXCEEDING 1,000 VOLTS; CONNECTORS FOR OPTICAL FIBRES, OPTICAL FIBRE BUNDLES OR CABLES";

(b) after tariff item 8536 69 90 and the entries relating thereto, the following tariff item and entries shall be inserted, namely:—

" 8536 70 00 - Connectors for optical fibres, kg. 16%";
optical fibre bundles or cables

(xix) for heading 8542, sub-heading 8542 10, tariff items 8542 10 10 to 8542 21 00, sub-heading 8542 29, tariff items 8542 29 10 to 8542 90 00 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

" 8542 ELECTRONIC INTEGRATED CIRCUITS
- *Electronic integrated circuits:*
8542 31 00 -- Processors and controllers, whether u 16%
or not combined with memories,
converters, logic circuits, amplifiers,
clock and timing circuits, or other circuits
8542 32 00 -- Memories u 16%
8542 33 00 -- Amplifiers u 16%
8542 39 -- *Other:*
8542 39 10 --- SIM cards u 16%
8542 39 20 --- Memory cards u 16%
8542 39 90 --- Other u 16%
8542 90 00 - Parts kg. 16%";

(xx) for heading 8543, tariff item 8543 11 00, sub-heading 8543 19, tariff items 8543 19 10 to 8543 19 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

"8543 ELECTRICAL MACHINES AND APPARATUS
HAVING INDIVIDUAL FUNCTIONS, NOT
SPECIFIED OR INCLUDED ELSEWHERE
IN THIS CHAPTER
8543 10 - *Particle accelerators:*
8543 10 10 --- Ion implanters for doping semi- u 16%
conductor material
8543 10 20 --- Vane graff, cock-croft, u 16%
Walton accelerators
8543 10 30 --- Synchrocyclotrons, synchrotrons u 16%
8543 10 90 --- Other including cyclotrons u 16%";

(xxi) in heading 8543, for tariff items 8543 40 00, 8543 81 00, sub-heading 8543 89, tariff items 8543 89 10 to 8543 89 99 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
" 8543 70	- <i>Other machines and apparatus:</i>		
8543 70 11	---- Proximity card and tags	u	16%
8543 70 12	---- Metal detector	u	16%
8543 70 13	---- Mine detector	u	16%
8543 70 19	---- Other	u	16%
	--- <i>Audio special effect equipment:</i>		
8543 70 21	---- Digital reverberators	u	16%
8543 70 22	---- Mixing system or consoles	u	16%
8543 70 29	---- Other	u	16%
	--- <i>Video special effect equipments:</i>		
8543 70 31	---- Video mixing system or consoles	u	16%
8543 70 32	---- Video effect system	u	16%
8543 70 33	---- Digital layering machine	u	16%
8543 70 34	---- Paint box	u	16%
8543 70 35	---- Video typewriter	u	16%
8543 70 36	---- Video matting machine	u	16%
8543 70 39	---- Other	u	16%
	--- <i>Edit control Unit:</i>		
8543 70 41	---- Computerised editing system controlling more than three video editing machines	u	16%
8543 70 42	---- Other video control unit	u	16%
8543 70 49	---- Other	u	16%
8543 70 50	--- Colour corrector	u	16%
	--- <i>Amplifier:</i>		
8543 70 61	---- Broadcast amplifier	u	16%
8543 70 62	---- Limiting amplifier, video distribution amplifier and stabilizing amplifiers	u	16%
8543 70 69	---- Other	u	16%
	--- <i>Graphic equalizer and synthesized receivers :</i>		
8543 70 71	---- Graphic equalizer	u	16%
8543 70 72	---- Synthesised receivers	u	16%
	--- <i>Other:</i>		
8543 70 91	---- RF(radio frequency) power amplifier and noise generators for communication jamming equipment, static and mobile or man-portable	u	16%
8543 70 92	---- Equipment gadgets based on solar energy	u	16%
8543 70 93	---- Professional beauty care equipment	u	16%
8543 70 94	---- Audio visual stereo encoders	u	16%
8543 70 95	---- Time code generator	u	16%
8543 70 99	---- Other	u	16%";
(xxii) in heading 8544, for tariff item 8544 30 00, sub-heading 8544 41, tariff items 8544 41 11 to 8544 41 90, sub-heading 8544 49, tariff items 8544 49 11 to 8544 49 90, sub-heading 8544 51, tariff items 8544 51 10 to 8544 51 90, sub-heading 8544 59, tariff items 8544 59 10 to 8544 59 90 and the entries relating thereto, the following sub-headings, tariff items and entries shall be substituted, namely: —			
"8544 30 00	- Ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	kg.	16%
	- <i>Other electric conductors, for a voltage not exceeding 1,000 V :</i>		
8544 42	-- <i>Fitted with connectors :</i>		
8544 42 10	--- Paper insulated	kg.	16%
8544 42 20	--- Plastic insulated	kg.	16%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
8544 42 30	--- Rubber insulated	kg.	16%
8544 42 90	--- Other	kg.	16%
	- <i>Other electric conductors, for a voltage not exceeding 80 V :</i>		
8544 49	-- <i>Other :</i>		
	--- <i>Telephone cables :</i>		
8544 49 11	---- Dry core paper insulated	kg.	16%
8544 49 19	---- Other	kg.	16%
8544 49 20	--- Paper insulated	kg.	16%
8544 49 30	--- Plastic insulated	kg.	16%
8544 49 40	--- Rubber insulated	kg.	16%
8544 49 90	--- Other	kg.	16%";

(73) in Section XVII, in the Note 1, the figures "9501" shall be omitted;

(74) in Chapter 86, in heading 8606,—

(i) tariff item 8606 20 00 and the entries relating thereto shall be omitted;

(ii) in tariff item 8606 30 00, in the entry in column (2), the word and figures "or 8606 20" shall be omitted;

(75) in Chapter 87,—

(i) in Note 4, for the figures "9501", the figures "9503" shall be substituted;

(ii) in heading 8708, for tariff items 8708 29 00 to 8708 99 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

"8708 29 00	-- Other	kg.	16%
8708 30 00	- Brakes and servo-brakes; parts thereof	kg.	16%
8708 40 00	- Gear boxes and parts thereof	kg.	16%
8708 50 00	- Drive-axles with differential, whether or not provided with other transmission components, and non-driving axles; parts thereof	kg.	16%
8708 70 00	- Road wheels and parts and accessories thereof	kg.	16%
8708 80 00	- Suspension systems and parts thereof (including shock absorbers)	kg.	16%
	-- <i>Other parts and accessories :</i>		
8708 91 00	-- Radiators and parts thereof	kg.	16%
8708 92 00	-- Silencers (mufflers) and exhaust pipes; parts thereof	kg.	16%
8708 93 00	-- Clutches and parts thereof	kg.	16%
8708 94 00	-- Steering wheels, steering columns and steering boxes; parts thereof	kg.	16%
8708 95 00	-- Safety airbags with inflator system; parts thereof	kg.	16%
8708 99 00	-- Other	kg.	16%";

(76) in Chapter 88, for heading 8801, tariff items 8801 10 00 to 8801 90 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

"8801	BALLOONS AND DIRIGIBLES; GLIDERS, HANG GLIDERS AND OTHER NON-POWERED AIRCRAFT		
8801 00	- <i>Balloons and dirigibles; gliders, hang gliders and other non-powered aircraft:</i>		
8801 00 10	--- Gliders and hang gliders	u	Nil
8801 00 20	--- Balloons	u	Nil
8801 00 90	--- Other	u	Nil";

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
(77) in Chapter 90,—			
(i) in Note 1,—			
(a) in clause (a), for the brackets, word and figures “(heading 4204)”, the brackets, word and figures “(heading 4205)” shall be substituted;			
(b) in clause (g), for the words, figures and bracket “(of heading 8481)”, the following words, figures and brackets shall be substituted, namely:—			
“of heading 8481; machines and apparatus (including apparatus for the projection or drawing of circuits patterns on sensitised semiconductors materials) of heading 8486;”;			
(c) for clause (h), the following clause shall be substituted, namely:—			
“(h) searchlights or spotlights of a kind used for cycles or motor vehicles (heading 8512); portable electric lamps of heading 8513; cinematographic sound recording, reproducing or re-recording apparatus (heading 8519); sound-heads (heading 8522); television cameras, digital cameras and video camera recorders (heading 8525); radar apparatus, radio navigational aid apparatus or radio remote control apparatus (heading 8526); connectors for optical fibres, optical fibre bundles or cables (heading 8536); numerical control apparatus of heading 8537; sealed beam lamp units of heading 8539; optical fibre cables of heading 8544;			
(ii) in Note 2, in clause (a), for the figures “8485”, the figures “8487” shall be substituted;			
(iii) for Note 3, the following Note shall be substituted, namely:—			
“3. The provisions of Notes 3 and 4 to Section XVI apply also to this Chapter.”;			
(iv) in heading 9006, tariff items 9006 20 00 and 9006 62 00 and the entries relating thereto shall be omitted;			
(v) heading 9009, tariff items 9009 11 00 to 9009 99 00 and the entries relating thereto shall be omitted;			
(vi) in heading 9010,—			
(a) in the entry in column (2), the brackets and words “(including apparatus for the projection or drawing of circuit patterns on sensitised semiconductor materials)” shall be omitted;			
(b) for tariff items 9010 10 00 to 9010 49 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—			
“9010 10 00	- Apparatus and equipment for automatically developing photographic (including cinematographic) film or paper in rolls or for automatically exposing developed film to rolls of photographic paper	u	16%”;
(vii) in heading 9027, tariff item 9027 40 00 and the entries relating thereto shall be omitted;			
(viii) in heading 9030,—			
(a) for tariff items 9030 20 00, 9030 31 00, sub-heading 9030 39, tariff items 9030 39 10 to 9030 39 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—			
“ 9030 20 00	- Oscilloscopes and oscillographs	u	16%
	- Other instruments and apparatus, for measuring or checking voltage, current, resistance or power:		
9030 31 00	-- Multimeters without a recording device	u	16%
9030 32 00	-- Multimeters with a recording device	u	16%
9030 33	-- Other, without a recording device:		
9030 33 10	--- Ammeters, volt meters and watt meters	u	16%

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
9030 33 20	--- Spectrum resistance meters	u	16%
9030 33 30	--- Capacitance meter	u	16%
9030 33 40	--- Frequency measuring apparatus	u	16%
9030 33 50	--- Megar meters	u	16%
9030 33 90	--- Other	u	16%
9030 39 00	-- Other, with a recording device	u	16%";

(b) in column (1), for tariff item "9030 83 00", the tariff item "9030 84 00" shall be substituted;

(ix) in heading 9031, tariff item 9031 30 00 and the entries relating thereto shall be omitted;

(78) in Chapter 91,—

(i) in heading 9101, tariff item 9101 12 00 and the entries relating thereto shall be omitted;

(ii) in heading 9106, tariff item 9106 20 00 and the entries relating thereto shall be omitted;

(79) in Chapter 92,—

(i) heading 9203, sub-heading 9203 00, tariff items 9203 00 10 and 9203 00 90 and the entries relating thereto shall be omitted;

(ii) heading 9204, tariff items 9204 10 00 and 9204 20 00 and the entries relating thereto shall be omitted;

(iii) in heading 9209, tariff items 9209 10 00, 9209 20 00 and 9209 93 00 and the entries relating thereto shall be omitted;

(80) in Chapter 93, in heading 9306, tariff item 9306 10 00 and the entries relating thereto shall be omitted;

(81) in Chapter 94,—

(i) in Note 3, for the brackets and letters "(a)" and "(b)", the brackets and letters "(A)" and "(B)" shall respectively be substituted;

(ii) in heading 9401, for tariff item 9401 50 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

	-- <i>Seats of cane, osier, bamboo or similar materials:</i>		
9401 51 00	-- Of bamboo or rattan	u	16%
9401 59 00	-- Other	u	16%";

(iii) in heading 9403, for sub-heading 9403 80, tariff items 9403 80 10 and 9403 80 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

	-- <i>Furniture of other materials, including cane, osier, bamboo or similar materials :</i>		
9403 81 00	-- Of bamboo or rattan	u	16%
9403 89 00	-- Other	u	16%";

(82) in Chapter 95,—

(i) in Note 1,—

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

"(a) Candles (heading 3406);";

(b) in clause (t), the word "or" occurring at the end shall be omitted;

(c) in clause (u), for the brackets and words "(classified according to the constituent material).", the brackets and words "(classified according to the constituent material); or" shall be substituted;

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

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)

“(v) Tableware, kitchenware, toilet articles, carpets and other textile floor coverings, apparel, bed linen, table linen, toilet linen, kitchen linen and similar articles having a utilitarian function (classified according to their constituent material).”;

(ii) for Note 4, the following Notes shall be substituted, namely:—

“4. Subject to the provisions of Note 1, heading 9503 applies, *inter alia*, to articles of this heading combined with one or more items, which cannot be considered as sets under rule 3 (b) of the General rules for the interpretation of this Schedule, and which, if presented separately, would be classified in other headings, provided the articles are put up together for retail sale and the combinations have essential character of toys.

5. Heading 9503 does not cover articles which, on account of their design, shape or constituent material, are identifiable as intended exclusively for animals, for example, “pet toys” (classification in their own appropriate heading).”;

(iii) heading 9501, sub-heading 9501 00, tariff items 9501 00 10 and 9501 00 90 and the entries relating thereto shall be omitted;

(iv) heading 9502, sub-heading 9502 10 and tariff items 9502 10 10 to 9502 99 00 and the entries relating thereto shall be omitted;

(v) for heading 9503, tariff items 9503 10 00 to 9503 41 00, sub-heading 9503 49, tariff items 9503 49 10 to 9503 49 90, sub-heading 9503 50, tariff items 9503 50 10, 9503 50 90, sub-heading 9503 60, tariff items 9503 60 10, 9503 60 90, sub-heading 9503 70, tariff items 9503 70 10, 9503 70 90, sub-heading 9503 80, tariff items 9503 80 10, 9503 80 90, sub-heading 9503 90, tariff items 9503 90 10 to 9503 90 90 and the entries relating thereto, the following heading, sub-heading, tariff items and entries shall be substituted, namely:—

“9503	TRICYCLES, SCOOTERS, PEDAL CARS AND SIMILAR WHEELED TOYS; DOLLS' CARRIAGES; DOLLS; OTHER TOYS; REDUCED-SIZE (“SCALE”) MODELS AND SIMILAR RECREATIONAL MODELS, WORKING OR NOT; PUZZLES OF ALL KINDS		
9503 00	- <i>Tricycles, scooters, pedal cars and similar wheeled toys; dolls'; other toys; reduced-size (“scale”) models and similar recreational models, working or not; puzzles of all kinds :</i>		
9503 00 10	--- Of wood	u	16%
9503 00 20	--- Of metal	u	16%
9503 00 30	--- Of plastics	u	16%
9503 00 90	--- Other	u	16%”;

(vi) in heading 9504,—

(a) for tariff item 9504 20 00 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—

“9504 20 00	- Articles and accessories for billiards of all kinds	u	16%”;
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(b) for sub-heading 9504 30, tariff items 9504 30 10 to 9504 30 90 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

“9504 30 00	- Other games, operated by coins, bank notes, bank cards, tokens or by other means of payment, other than bowling alley equipment	u	16%
9504 30 10	--- Carom board, with or without coins and strikers	u	16%
9504 30 90	--- Other	u	16%”;

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
	(83) in Chapter 96.—		
	(i) for heading 9614, tariff item 9614 20 00, sub-heading 9614 90, tariff items 9614 90 10 to 9614 90 90 and the entries relating thereto, the following tariff item and entries shall be substituted, namely:—		
*9614 00 00	SMOKING PIPES (INCLUDING PIPE BOWLS) AND CIGAR OR CIGARETTE HOLDERS, AND PARTS THEREOF	u	16%".

THE EIGHTH SCHEDULE

(See section 72)

In the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act,—

(1) sub-heading 5208 53, tariff items 5208 53 10, 5208 53 20 and 5208 53 90 and the entries relating thereto shall be omitted;

(2) sub-heading 5210 12, tariff items 5210 12 10 and 5210 12 90 and the entries relating thereto shall be omitted;

(3) sub-heading 5210 22, tariff items 5210 22 11 to 5210 22 29 and the entries relating thereto shall be omitted;

(4) sub-heading 5210 42, tariff items 5210 42 10 to 5210 42 90 and the entries relating thereto shall be omitted;

(5) sub-heading 5210 52, tariff items 5210 52 10 to 5210 52 90 and the entries relating thereto shall be omitted;

(6) in heading 5211, for tariff item 5211 19 00, sub-heading 5211 21, tariff items 5211 21 10 to 5211 21 90, sub-heading 5211 22, tariff items 5211 22 10 to 5211 22 90, sub-heading 5211 29, tariff items 5211 29 10 to 5211 29 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of Additional Duty
(1)	(2)	(3)	(4)
“5211 19 00	— Other fabrics	m ²	8%
5211 20	- - <i>Bleached:</i>		
5211 20 10	— Shirting fabrics	m ²	8%
5211 20 20	— Canvas (including duck) of carded or combed yarn	m ²	8%
5211 20 30	— Flannelette	m ²	8%
5211 20 40	— Saree	m ²	8%
5211 20 50	— Crepe fabrics including	m ²	8%
5211 20 60	— Twill fabrics	m ²	8%
	— <i>Other:</i>		
5211 20 91	— Zari bordered sari	m ²	8%
5211 20 92	— Dedsuti, dosuti, ceretones and osamburge	m ²	8%
5211 20 99	— Other	m ²	8%”;

(7) tariff items 5513 22 00, 5513 32 00, 5513 33 00, 5513 42 00, 5513 43 00 and the entries relating thereto shall be omitted;

(8) sub-heading 5514 13, tariff items 5514 13 10 and 5514 13 20 and the entries relating thereto shall be omitted;

(9) for tariff items 5514 29 00 to 5514 39 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

“5514 29 00	— Other woven fabrics	m ²	8%
5514 30	- - <i>Of yarns of different colours:</i>		
5514 30 11	— Of polyester staple fibres, plain weave	m ²	8%
5514 30 12	— 3-thread or 4- thread twill, including cross twill, of polyester, staple fibres	m ²	8%
5514 30 13	— Other woven fabrics of polyester staple fibres	m ²	8%
5514 30 19	— Other woven fabrics	m ²	8%”;

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
(10) sub-heading 5515 92, tariff items 5515 92 10 to 5515 92 90 and the entries relating thereto shall be omitted:			
(11) in heading 5803, for sub-heading 5803 10, tariff items 5803 10 10 to 5803 10 90, sub-heading 5803 90, tariff items 5803 90 10 to 5803 90 90 and the entries relating thereto, the following sub-heading, tariff items and entries shall be substituted, namely:—			
“5803 00	- Gauze, other than narrow fabrics of heading 5806 :		
	— Of cotton :		
5803 00 11	--- Unbleached	m ²	8%
5803 00 12	--- Bleached	m ²	8%
5803 00 13	--- Piece dyed	m ²	8%
5803 00 14	--- Yarn dyed	m ²	8%
5803 00 15	--- Printed	m ²	8%
5803 00 19	--- Other	m ²	8%
	— Of other textile materials:		
5803 00 91	--- Of silk or silk waste	m ²	8%
5803 00 92	--- Of synthetic fibre	m ²	8%
5803 00 93	--- Of artificial fibre	m ²	8%
5803 00 99	--- Other	m ²	8%

THE NINTH SCHEDULE

(See section 74)

In the Schedule to the Additional Duties of Excise (Textiles and Textile Articles) Act, for S. No. 4 and the entry relating thereto, the following S. No. and entry shall be substituted, namely:—

S.No.	Description of goods
"4.	Man-made filaments; strip and the like of man-made textile materials, that is to say, all goods falling within Chapter 54."

THE NINTH SCHEDULE

(See section 75)

In the Seventh Schedule to the Finance Act, 2001, for tariff items 5402 42 00 and 5402 43 00 and the entries relating thereto, the following tariff items and entries shall be substituted, namely:—

Tariff Item	Description of goods	Unit	Rate of duty
(1)	(2)	(3)	(4)
"5402 46 00	- Other, of polyesters partially oriented	kg.	1%
5402 47 00	- Other, of polyesters	kg.	1%

THE DELHI LAWS (SPECIAL PROVISIONS) ACT, 2006

No. 22 OF 2006

[19th May, 2006.]

An Act to make special provisions for the areas of Delhi for a period of one year and for matters connected therewith or incidental thereto.

WHEREAS phenomenal increase in the population owing to migration has put tremendous pressure on land and infrastructure in Delhi resulting in developments which are not in consonance with the Master Plan of Delhi 2001 and the building bye-laws;

AND WHEREAS keeping in view the perspective for the year 2021 and emerging new dimensions in urban development, the Central Government has proposed extensive modifications in the Master Plan of Delhi, which have been published and suggestions and objections have been received in respect thereof from the public, and the finalisation of the Master Plan 2021 is likely to take some more time;

AND WHEREAS the Central Government has constituted a Committee of Experts to look into the various aspects of unauthorised construction and misuse of premises and suggest a comprehensive strategy to deal with them;

AND WHEREAS a revised policy for relocation and rehabilitation of slum dwellers in Delhi is also under consideration of the Central Government;

AND WHEREAS a strategy is proposed to be prepared by the local authorities in Delhi in accordance with the National Policy for Urban Street Vendors;

AND WHEREAS action for violation of the provisions of the Master Plan, 2001 and building bye-laws, before a final view is taken in the matter by the Government, is causing avoidable hardship and irreparable loss to a large number of people;

AND WHEREAS some time is required for making orderly arrangements in terms of the proposed Master Plan 2021;

AND WHEREAS it is expedient to have a law to provide temporary relief to the people of Delhi against such action for a period of one year within which various policy issues referred to above are expected to be finalised.

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

1. (1) This Act may be called the Delhi Laws (Special Provisions) Act, 2006.

Short title,
extent and
duration.

(2) It extends to Delhi.

(3) It shall cease to have effect on the expiry of one year from the date of its commencement, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

10 of 1897.

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

Definitions.

(a) "building bye-laws" means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings;

66 of 1957.
Punjab Act
3 of 1911.

61 of 1957.

(b) "Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957;

66 of 1957.

(c) "encroachment" means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction; 66 of 1957.
44 of 1994.
61 of 1957.

(e) "Master Plan" means the Master Plan for Delhi 2001 notified under the Delhi Development Act, 1957;

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of Court orders or otherwise;

(h) "relevant law" means in case of—

(i) the Delhi Development Authority, the Delhi Development Act, 1957; 61 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and 66 of 1957.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994; 44 of 1994.

(i) "unauthorised development" means use of land or use of building or construction of building carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes encroachment.

(2) The words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994. 61 of 1957.
66 of 1957.
44 of 1994.

Enforcement
to be kept in
abeyance.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall within a period of one year of the coming into effect of this Act, take all possible measures to finalise norms, policy guidelines and feasible strategies to deal with the problem of unauthorised development with regard to the under-mentioned categories, namely:—

(a) mixed land use not conforming to the Master Plan;

(b) construction beyond sanctioned plans; and

(c) encroachment by slum and *Jhuggi-Jhompri* dwellers and hawkers and street vendors,

so that the development of Delhi takes place in a sustainable and planned manner.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo* as on the 1st day of January, 2006 shall be maintained in respect of the categories of unauthorised development mentioned in sub-section (1).

(3) All notices issued by any local authority for initiating action against the categories of unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken during the said period of one year.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the expiry of one year, withdraw the exemption by notification in the Official Gazette in respect of one or more of the categories of unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following categories of unauthorised development, namely:—

(a) any construction unauthorisedly started or continued on or after the 1st day of January, 2006;

(b) commencement of any commercial activity in residential areas in violation of the provisions of the Master Plan of Delhi 2001 on or after the 1st day of January, 2006;

(c) encroachment on public land except in those cases which are covered under clause (c) of sub-section (1) of section 3;

(d) removal of slums and *Jhuggi-Jhompri* dwellers and hawkers and street vendors, in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

The provisions of this Act not to apply in certain cases.

Power of Control Government to give directions.

THE COMPANIES (AMENDMENT) ACT, 2006

No. 23 OF 2006

[29th May, 2006.]

An Act further to amend the Companies Act, 1956.

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

Short title and commencement.

1. (1) This Act may be called the Companies (Amendment) Act, 2006.

(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.

Amendment of section 253.

2. In section 253 of the Companies Act, 1956 (hereinafter referred to as the principal Act), the following proviso shall be inserted, namely:—

“Provided that no company shall appoint or re-appoint any individual as director of the company unless he has been allotted a Director Identification Number under section 266B.”

Insertion of new sections 266A, 266B, 266C, 266D, 266E, 266F and 266G.

3. After section 266 of the principal Act, the following sections shall be inserted, namely:—

“Director Identification Number

Application for allotment of Director Identification Number.

266A. Every—

(a) individual, intending to be appointed as director of a company; or

(b) director of a company appointed before the commencement of the Companies (Amendment) Act, 2006,

shall make an application for allotment of Director Identification Number to the Central Government in such form, and manner (including electronic form) alongwith such fee, as may be prescribed:

Provided that every director, appointed before the commencement of the Companies (Amendment) Act, 2006, shall make, within sixty days of the commencement of the said Act, such application to the Central Government:

Provided further that every applicant, who has made an application under this section for allotment of a Director Identification Number, may be appointed as a director in a company, or, hold office as director in a company till such time such applicant has been allotted the Director Identification Number.

Allotment of Director Identification Number.

266B. The Central Government shall, within one month from the receipt of the application under section 266A, allot a Director Identification Number to an applicant, in such manner as may be prescribed.

Prohibition to obtain more than one Director Identification Number.

266C. No individual, who had already been allotted a Director Identification Number under section 266B, shall apply, obtain or possess another Director Identification Number.

*16-9-2006, vide Notification No. S.O. 1529 (E) dated 14-9-2006, for s. 4.

266D. Every existing director shall, within one month of the receipt of Director Identification Number from the Central Government, intimate his Director Identification Number to the company or all companies wherein he is a director.

Obligation of director to intimate Director Identification Number to concerned company or companies.

266E. (1) Every company shall, within one week of the receipt of intimation under section 266D, furnish the Director Identification Number of all its directors to the Registrar or any other officer or authority as may be specified by the Central Government.

Obligation of company to inform Director Identification Number to Registrar.

(2) Every intimation under sub-section (1) shall be furnished in such form and manner as may be prescribed.

266F. Every person or company, while furnishing any return, information or particulars as are required to be furnished under this Act, shall quote the Director Identification Number in such return, information or particulars in case such return, information or particulars relate to the director or contain any reference of the director.

Obligation to indicate Director Identification Number.

266G. If any individual or director, referred to in section 266A or section 266C or section 266D or a company referred to in section 266E, contravenes any of the provisions of those sections, every such individual or director or the company, as the case may be, who or which, is in default, shall be punishable with fine which may extend to five thousand rupees and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for every day after the first during which the contravention continues.

Penalty for contravention of provisions of section 266A or section 266C or section 266D or section 266E.

Explanation.—For the purposes of sections 266A, 266B, 266C, 266D, 266E and 266F, the Director Identification Number means an identification number which the Central Government may allot to any individual, intending to be appointed as director or to any existing directors of a company, for the purpose of his identification as such.”

4. After section 610A of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 610B, 610C, 610D and 610E.

“610 B. (1) Notwithstanding anything contained in this Act, and without prejudice to the provisions contained in section 6 of the Information Technology Act, 2000, the Central Government may, by notification in the Official Gazette, make rules so as to require from such date as may be specified in the rules, that—

Provisions relating to filing of applications, documents, inspection, etc., through electronic form.

(a) such applications, balance-sheet, prospectus, return, declaration, memorandum of association, articles of association, particulars of charges, or any other particulars or document as may be required to be filed or delivered under this Act or rules made thereunder, shall be filed through the electronic form and authenticated in such manner as may be specified in the rules;

(b) such document, notice, any communication or intimation, required to be served or delivered under this Act, shall be served or delivered under this Act through the electronic form and authenticated in such manner as may be specified in the rules;

(c) such applications, balance-sheet, prospectus, return, register, memorandum of association, articles of association, particulars of charges, or any other document and return filed under this Act or rules made thereunder shall be maintained by the Registrar in the electronic form and registered or

authenticated, as the case may be, in such manner as may be specified in the rules;

(d) such inspections of the memorandum of association, articles of association, register, index, balance-sheet, return or any other document maintained in the electronic form, which is otherwise available for such inspection under this Act or rules made thereunder, may be made by any person through the electronic form as may be specified in the rules;

(e) such fees, charges or other sums payable under this Act or rules made thereunder shall be paid through the electronic form and in such manner as may be specified in the rules;

(f) the Registrar shall, register change of registered office, alteration of memorandum of association or articles of association, prospectus, issue certificate of incorporation or certificate of commencement of business, register such document, issue such certificate, record notice, receive such communication as may be required to be registered or issued or recorded or received, as the case may be, under this Act or rules made thereunder or perform duties or discharge functions or exercise powers under this Act or rules made thereunder or do any act which is by this Act directed to be performed or discharged or exercised or done by the Registrar, by the electronic form, in such manner as may be specified in the rules.

(2) The Central Government may, by notification in the Official Gazette, frame a scheme to carry out the provisions specified under sub-section (1) through the electronic form:

Provided that the Central Government may appoint different dates in respect of different Registrar of Companies or Regional Directors from which such scheme shall come into force.

610C. (1) The Central Government may, by notification in the Official Gazette, direct that any of the provisions of this Act, so far as it is required for the purpose of electronic record specified under section 610B in the electronic form,—

(a) shall not apply, in relation to the matters specified under clauses (a) to (f) of sub-section (1) of section 610B, as may be specified in the notification; or

(b) shall apply, in relation to the matters specified under clauses (a) to (f) of sub-section (1) of section 610B only with such consequential exceptions, modifications or adoptions as may be specified in the notification:

Provided that no such notification which relates to imposition of fines or other pecuniary penalties or demand or payment of fees or contravention of any of the provisions of this Act or offence shall be issued under this sub-section.

(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.

610D. The Central Government may provide such value added services through the electronic form and levy such fees as may be prescribed.

Power to modify Act in relation to electronic records (including the manner and form in which electronic records shall be filed).

Providing of value added services through electronic form.

610E. All the provisions of the Information Technology Act, 2000 relating to the electronic records (including the manner and format in which the electronic records shall be filed), in so far as they are not inconsistent with this Act, shall apply, or in relation, to the records in electronic form under section 610B.”

Application
of provision
of Act 21 of
2000.

THE CESS LAWS (REPEALING AND AMENDING) ACT, 2006

No. 24 OF 2006

[1st June, 2006.]

An Act to repeal certain enactments and to amend certain other enactments relating to levy of cess on certain items.

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

Short title.

1. This Act may be called the Cess Laws (Repealing and Amending) Act, 2006.

Repeal of certain enactments.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Amendment of Act 26 of 1975.

3. The enactment specified in the Second Schedule is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Savings.

4. (1) The repeal or amendment by this Act of any enactment shall not—

(a) affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

(b) affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

(c) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

(d) revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

(2) The mention of particular matters in sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

10 of 1897

Collection and payment of arrears of duties.

5. Notwithstanding the repeal of the enactments specified in the First Schedule or the amendments in the enactment as specified in the Second Schedule, the proceeds of duties levied under the said enactments immediately preceding the date on which the Cess Laws (Repealing and Amending) Bill, 2006 receives the assent of the President,—

(i) if collected by the collecting agencies but not paid into the Reserve Bank of India; and

(ii) if not collected by the collecting agencies,

shall be paid or as the case may be, collected and paid into the Reserve Bank of India for being credited to the Consolidated Fund of India.

THE FIRST SCHEDULE

(See section 2)

Repeals

Year	No.	Short title	Extent of repeal
1	2	3	4
1942	7	The Coffee Act, 1942	Sections 11 and 13.
1972	13	The Marine Products Export Development Authority Act, 1972z	Sections 14 and 15.
1986	3	The Agricultural and Processed Food Products Export Cess Act, 1985	The whole.
1986	11	The Spices Cess Act, 1986	The whole.

THE SECOND SCHEDULE

(See section 3)

Amendments

Year	No.	Short title	Amendments
1	2	3	4
1975	26	The Tobacco Cess Act, 1975	(i) Section 4 shall be omitted. (ii) In section 5, for the words and figures "duties of excise and customs levied under sections 3 and 4 respectively", the words and figure "duty of excise levied under section 3" shall be substituted.

**THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)
AMENDING ACT, 2006**

No. 25 OF 2006

[2nd June, 2006.]

**An Act further to amend the Code of Criminal Procedure (Amendment)
Act, 2005.**

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

Short title.

1. This Act may be called the Code of Criminal Procedure (Amendment) Amending Act, 2006.

Amendment
of section 1
of Act 25 of
2005.

2. In the Code of Criminal Procedure (Amendment) Act, 2005, in section 1, in sub-section (2), after the words “by notification in the Official Gazette, appoint”, the words “; and different dates may be appointed for different provisions of this Act” shall be inserted.

THE RESERVE BANK OF INDIA (AMENDMENT) ACT, 2006

No. 26 OF 2006

[12th June, 2006.]

An Act further to amend the Reserve Bank of India Act, 1934.

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

1. (1) This Act may be called the Reserve Bank of India (Amendment) Act, 2006.

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.

2. In section 17 of the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act),—

Amendment of section 17.

(i) after clause (6), the following shall be inserted, namely:—

‘(6A) dealing in derivatives, and, with the approval of the Central Board, in any other financial instrument.

Explanation.—For the purposes of this clause, “derivative” means an instrument, to be settled at a future date, whose value is derived from change in one or a combination of more than one of the following underlyings, namely:—

(a) interest rate,

(b) price of securities of the Central Government or a State Government or of such securities of a local authority as may be specified in this behalf by the Central Government,

(c) price of foreign securities,

(d) foreign exchange rate,

(e) index of rates or prices,

(f) credit rating or credit index,

(g) price of gold or silver coins, or gold or silver bullion, or

(h) any other variable of similar nature;’

(ii) after clause (12A), the following shall be inserted, namely:—

‘(12AA) lending or borrowing of securities of the Central Government or a State Government or of such securities of a local authority as may be specified in this behalf by the Central Government or foreign securities;

(12AB) dealing in repo or reverse repo:

Provided that lending or borrowing of funds by way of repo or reverse repo shall not be subject to any limitation contained in this section.

Explanation.—For the purposes of this clause,—

(a) “repo” means an instrument for borrowing funds by selling securities of the Central Government or a State Government or of such securities of a local authority as may be specified in this behalf

*9-1-2007, vide Notification No. S.O. 21(E) dated 9-1-2007, for all sections except section 3.
1-4-2007, vide Notification No. S.O. 337 (E) dated 9-3-2007, for s. 3.

by the Central Government or foreign securities, with an agreement to repurchase the said securities on a mutually agreed future date at an agreed price which includes interest for the funds borrowed;

(b) "reverse repo" means an instrument for lending funds by purchasing securities of the Central Government or a State Government or of such securities of a local authority as may be specified in this behalf by the Central Government or foreign securities, with an agreement to resell the said securities on a mutually agreed future date at an agreed price which includes interest for the funds lent;'

Amendment
of section 42.

3. In section 42 of the principal Act,—

(i) in sub-section (1),—

(a) for the words, brackets and figure "three per cent. of the total of the demand and time liabilities in India of such bank as shown in the return referred to in sub-section (2)", the words, brackets and figure "such per cent. of the total of the demand and time liabilities in India of such bank as shown in the return referred to in sub-section (2), as the Bank may from time to time, having regard to the needs of securing the monetary stability in the country, notify in the Gazette of India" shall be substituted;

(b) the proviso shall be omitted;

(ii) sub-sections (1AA) and (1B) shall be omitted.

Insertion of
new Chapter
III D.

4. After Chapter IIIC of the principal Act, the following Chapter shall be inserted,

'CHAPTER IIID

REGULATION OF TRANSACTIONS IN DERIVATIVES, MONEY MARKET INSTRUMENTS, SECURITIES, ETC.

Definitions.

45U. For the purposes of this Chapter,—

(a) "derivative" means an instrument, to be settled at a future date, whose value is derived from change in interest rate, foreign exchange rate, credit rating or credit index, price of securities (also called "underlying"), or a combination of more than one of them and includes interest rate swaps, forward rate agreements, foreign currency swaps, foreign currency-rupee swaps, foreign currency options, foreign currency-rupee options or such other instruments as may be specified by the Bank from time to time;

(b) "money market instruments" include call or notice money, term money, repo, reverse repo, certificate of deposit, commercial usance bill, commercial paper and such other debt instrument of original or initial maturity up to one year as the Bank may specify from time to time;

(c) "repo" means an instrument for borrowing funds by selling securities with an agreement to repurchase the securities on a mutually agreed future date at an agreed price which includes interest for the funds borrowed;

(d) "reverse repo" means an instrument for lending funds by purchasing securities with an agreement to resell the securities on a mutually agreed future date at an agreed price which includes interest for the funds lent;

(e) "securities" means securities of the Central Government or a State Government or such securities of a local authority as may be specified in this behalf by the Central Government and, for the purposes of "repo" or "reverse repo", include corporate bonds and debentures.

2 of 1956. 45V. (1) Notwithstanding anything contained in the Securities Contracts (Regulation) Act, 1956 or any other law for the time being in force, transactions in such derivatives, as may be specified by the Bank from time to time, shall be valid, if at least one of the parties to the transaction is the Bank, a scheduled bank, or such other agency falling under the regulatory purview of the Bank under the Act, the Banking Regulation Act, 1949, the Foreign Exchange Management Act, 1999, or any other Act or instrument having the force of law, as may be specified by the Bank from time to time.

Transactions in derivatives.

10 of 1949. 42 of 1999. (2) Transactions in such derivatives, as had been specified by the Bank from time to time, shall be deemed always to have been valid, as if the provisions of sub-section (1) were in force at all material times.

45W. (1) The Bank may, in public interest, or to regulate the financial system of the country to its advantage, determine the policy relating to interest rates or interest rate products and give directions in that behalf to all agencies or any of them, dealing in securities, money market instruments, foreign exchange, derivatives, or other instruments of like nature as the Bank may specify from time to time:

Power to regulate transactions in derivatives, money market instruments, etc.

42 of 1956. Provided that the directions issued under this sub-section shall not relate to the procedure for execution or settlement of the trades in respect of the transactions mentioned therein, on the Stock Exchanges recognised under section 4 of the Securities Contracts (Regulation) Act, 1956.

(2) The Bank may, for the purpose of enabling it to regulate agencies referred to in sub-section (1), call for any information, statement or other particulars from them, or cause an inspection of such agencies to be made.

45X. It shall be the duty of every director or member or other body for the time being vested with the management of the affairs of the agencies referred to in section 45W to comply with the directions given by the Bank and to submit the information or statement or particulars called for under that section.

Duty to comply with directions and furnish information.

THE MICRO, SMALL AND MEDIUM ENTERPRISES DEVELOPMENT
ACT, 2006

ARRANGEMENT OF SECTIONS

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THE MICRO, SMALL AND MEDIUM ENTERPRISES DEVELOPMENT
ACT, 2006

No. 27 OF 2006

[16th June, 2006.]

An Act to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises and for matters connected therewith or incidental thereto.

WHEREAS a declaration as to expediency of control of certain industries by the Union was made under section 2 of the Industries (Development and Regulation) Act, 1951;

AND WHEREAS it is expedient to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises and for matters connected therewith or incidental thereto;

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Micro, Small and Medium Enterprises Development Act, 2006.

(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 such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

*02-10-2006, Vide Notification No. S.O. 1154(E) dated 18.07.2006.

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

Definitions.

(a) “Advisory Committee” means the committee constituted by the Central Government under sub-section (2) of section 7;

(b) “appointed day” means the day following immediately after the expiry of the period of fifteen days from the day of acceptance or the day of deemed acceptance of any goods or any services by a buyer from a supplier.

Explanation.—For the purposes of this clause,—

(i) “the day of acceptance” means,—

(a) the day of the actual delivery of goods or the rendering of services; or

(b) where any objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services, the day on which such objection is removed by the supplier;

(ii) “the day of deemed acceptance” means, where no objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services, the day of the actual delivery of goods or the rendering of services;

(c) “Board” means the National Board for Micro, Small and Medium Enterprises established under section 3;

(d) “buyer” means whoever buys any goods or receives any services from a supplier for consideration;

(e) “enterprise” means an industrial undertaking or a business concern or any other establishment, by whatever name called, engaged in the manufacture or production of goods, in any manner, pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 or engaged in providing or rendering of any service or services;

(f) “goods” means every kind of movable property other than actionable claims and money;

(g) “medium enterprise” means an enterprise classified as such under sub-clause (iii) of clause (a) or sub-clause (iii) of clause (b) of sub-section (1) of section 7;

(h) “micro enterprise” means an enterprise classified as such under sub-clause (i) of clause (a) or sub-clause (i) of clause (b) of sub-section (1) of section 7;

(i) “National Bank” means the National Bank for Agriculture and Rural Development established under section 3 of the National Bank for Agriculture and Rural Development Act, 1981;

(j) “notification” means a notification published in the Official Gazette;

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

(l) “Reserve Bank” means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934;

(m) “small enterprise” means an enterprise classified as such under sub-clause (ii) of clause (a) or sub-clause (ii) of clause (b) of sub-section (1) of section 7;

(n) “supplier” means a micro or small enterprise, which has filed a memorandum with the authority referred to in sub-section (1) of section 8, and includes,—

(i) the National Small Industries Corporation, being a company, registered under the Companies Act, 1956;

(ii) the Small Industries Development Corporation of a State or a Union territory, by whatever name called, being a company registered under the Companies Act, 1956;

1 of 1956.

(iii) any company, co-operative society, trust or a body, by whatever name called, registered or constituted under any law for the time being in force and engaged in selling goods produced by micro or small enterprises and rendering services which are provided by such enterprises;

(o) "Small Industries Bank" means the Small Industries Development Bank of India established under sub-section (1) of section 3 of the Small Industries Development Bank of India Act, 1989;

39 of 1989.

(p) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution.

CHAPTER II

NATIONAL BOARD FOR MICRO, SMALL AND MEDIUM ENTERPRISES

Establishment
of Board.

3. (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 Board to be known as the National Board for Micro, Small and Medium Enterprises.

(2) The head office of the Board shall be at Delhi.

(3) The Board shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises who shall be the *ex officio* Chairperson of the Board;

(b) the Minister of State or a Deputy Minister, if any, in the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises who shall be *ex officio* Vice-Chairperson of the Board, and where there is no such Minister of State or Deputy Minister, such person as may be appointed by the Central Government to be the Vice-Chairperson of the Board;

(c) six Ministers of the State Governments having administrative control of the departments of small scale industries or, as the case may be, micro, small and medium enterprises, to be appointed by the Central Government to represent such regions of the country as may be notified by the Central Government in this behalf, *ex officio*;

(d) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(e) the Administrator of a Union territory to be appointed by the Central Government, *ex officio*;

(f) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises, *ex officio*;

(g) four Secretaries to the Government of India, to represent the Ministries of the Central Government dealing with commerce and industry, finance, food processing industries, labour and planning to be appointed by the Central Government, *ex officio*;

(h) the Chairman of the Board of Directors of the National Bank, *ex officio*;

(i) the Chairman and managing director of the Board of Directors of the Small Industries Bank, *ex officio*;

(j) the Chairman, Indian Banks Association, *ex officio*;

(k) one officer of the Reserve Bank, not below the rank of an Executive Director, to be appointed by the Central Government to represent the Reserve Bank;

(l) twenty persons to represent the associations of micro, small and medium enterprises, including not less than three persons representing associations of women's enterprises and not less than three persons representing associations of micro enterprises, to be appointed by the Central Government;

(m) three persons of eminence, one each from the fields of economics, industry and science and technology, not less than one of whom shall be a woman, to be appointed by the Central Government;

(n) two representatives of Central Trade Union Organisations, to be appointed by the Central Government; and

(o) one officer not below the rank of Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises to be appointed by the Central Government, who shall be the Member-Secretary of the Board, *ex officio*.

(4) The term of office of the members of the Board, other than *ex officio* members of the Board, the manner of filling vacancies, and the procedure to be followed in the discharge of their functions by the members of the Board, shall be such as may be prescribed:

Provided that the term of office of an *ex officio* member of the Board shall continue so long as he holds the office by virtue of which he is such a member.

(5) 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 the Board;

or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

(6) The Board shall meet at least once in every three months in a year.

(7) The Board may associate with itself, in such manner and for such purposes as it may deem necessary, any person or persons whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated but shall not have the right to vote.

(8) Without prejudice to sub-section (7) the Chairperson of the Board shall, for not less than two of the meetings of the Board in a year, invite such Ministers of the State Governments having administrative control of the departments of small scale industries or, as the case may be, the micro, small and medium enterprises, or the Administrators of Union territories and representatives of such other associations of micro, small and medium enterprises, as he may deem necessary for carrying out the purposes of this Act.

(9) It is hereby declared that the office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

4. (1) The Central Government may remove a member of the Board from it, if he—

(a) is, or at any time has been, adjudged as insolvent; or

(b) is, or becomes, of unsound mind and stands so declared by a competent court; or

(c) refuses to act or becomes incapable of acting as a member of the Board; or

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

(e) has so abused, in the opinion of the Central Government, his position as a member of the Board as to render his continuance in the Board detrimental to the interests of the general public.

Removal of
member from
Board.

(2) Notwithstanding anything contained in sub-section (1), no member shall be removed from his office on the grounds specified in clauses (c) to (e) of that sub-section unless he has been given a reasonable opportunity of being heard in the matter.

Functions of Board.

5. The Board shall, subject to the general directions of the Central Government, perform all or any of the following functions, namely:—

(a) examine the factors affecting the promotion and development of micro, small and medium enterprises and review the policies and programmes of the Central Government in regard to facilitating the promotion and development and enhancing the competitiveness of such enterprises and the impact thereof on such enterprises;

(b) make recommendations on matters referred to in clause (a) or on any other matter referred to it by the Central Government which, in the opinion of that Government, is necessary or expedient for facilitating the promotion and development and enhancing the competitiveness of the micro, small and medium enterprises; and

(c) advise the Central Government on the use of the Fund or Funds constituted under section 12.

Powers and functions of Member-Secretary of Board.

6. Subject to other provisions of this Act, the Member-Secretary of the Board shall exercise such powers and perform such functions as may be prescribed.

CHAPTER III

CLASSIFICATION OF ENTERPRISES, ADVISORY COMMITTEE AND MEMORANDUM OF MICRO, SMALL AND MEDIUM ENTERPRISES

Classification of enterprises.

7. (1) Notwithstanding anything contained in section 11B of the Industries (Development and Regulation) Act, 1951, the Central Government may, for the purposes of this Act, by notification and having regard to the provisions of sub-sections (4) and (5), classify any class or classes of enterprises, whether proprietorship, Hindu undivided family, association of persons, co-operative society, partnership firm, company or undertaking, by whatever name called,—

65 of 1951.

(a) in the case of the enterprises engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951, as—

65 of 1951.

(i) a micro enterprise, where the investment in plant and machinery does not exceed twenty-five lakh rupees;

(ii) a small enterprise, where the investment in plant and machinery is more than twenty-five lakh rupees but does not exceed five crore rupees; or

(iii) a medium enterprise, where the investment in plant and machinery is more than five crore rupees but does not exceed ten crore rupees;

(b) in the case of the enterprises engaged in providing or rendering of services, as—

(i) a micro enterprise, where the investment in equipment does not exceed ten lakh rupees;

(ii) a small enterprise, where the investment in equipment is more than ten lakh rupees but does not exceed two crore rupees; or

(iii) a medium enterprise, where the investment in equipment is more than two crore rupees but does not exceed five crore rupees.

Explanation 1.—For the removal of doubts, it is hereby clarified that in calculating the investment in plant and machinery, the cost of pollution control, research and development,

industrial safety devices and such other items as may be specified, by notification, shall be excluded.

Explanation 2.—It is clarified that the provisions of section 29B of the Industries (Development and Regulation) Act, 1951, shall be applicable to the enterprises specified in sub-clauses (i) and (ii) of clause (a) of sub-section (1) of this section.

(2) The Central Government shall, by notification, constitute an Advisory Committee consisting of the following members, namely:—

(a) the Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the small and medium enterprises who shall be the Chairperson, *ex officio*;

(b) not more than five officers of the Central Government possessing necessary expertise in matters relating to micro, small and medium enterprises, members, *ex officio*;

(c) not more than three representatives of the State Governments, members, *ex officio*; and

(d) one representative each of the associations of micro, small and medium enterprises, members, *ex officio*.

(3) The Member-Secretary of the Board shall also be the *ex officio* Member-Secretary of the Advisory Committee.

(4) The Central Government shall, prior to classifying any class or classes of enterprises under sub-section (1), obtain the recommendations of the Advisory Committee.

(5) The Advisory Committee shall examine the matters referred to it by the Board in connection with any subject referred to in section 5 and furnish its recommendations to the Board.

(6) The Central Government may seek the advice of the Advisory Committee on any of the matters specified in section 9, 10, 11, 12 or 14 of Chapter IV.

(7) The State Government may seek advice of the Advisory Committee on any of the matters specified in the rules made under section 30.

(8) The Advisory Committee shall, after considering the following matters, communicate its recommendations or advice to the Central Government or, as the case may be, State Government or the Board, namely:—

(a) the level of employment in a class or classes of enterprises;

(b) the level of investments in plant and machinery or equipment in a class or classes of enterprises;

(c) the need of higher investment in plant and machinery or equipment for technological upgradation, employment generation and enhanced competitiveness of the class or classes of enterprises;

(d) the possibility of promoting and diffusing entrepreneurship in micro, small or medium enterprises; and

(e) the international standards for classification of small and medium enterprises.

(9) Notwithstanding anything contained in section 11B of the Industries (Development and Regulation) Act, 1951 and clause (h) of section 2 of the Khadi and Village Industries Commission Act, 1956, the Central Government may, while classifying any class or classes of enterprises under sub-section (1), vary, from time to time, the criterion of investment and also consider criteria or standards in respect of employment or turnover of the enterprises and include in such classification the micro or tiny enterprises or the village enterprises, as part of small enterprises.

Memorandum
of micro,
small and
medium
enterprises.

8. (1) Any person who intends to establish,—

(a) a micro or small enterprise, may, at his discretion; or

(b) a medium enterprise engaged in providing or rendering of services may, at his discretion; or

(c) a medium enterprise engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951,

65 of 19

shall file the memorandum of micro, small or, as the case may be, of medium enterprise with such authority as may be specified by the State Government under sub-section (4) or the Central Government under sub-section (3):

Provided that any person who, before the commencement of this Act, established—

(a) a small scale industry and obtained a registration certificate, may, at his discretion; and

(b) an industry engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951, having investment in plant and machinery of more than one crore rupees but not exceeding ten crore rupees and, in pursuance of the notification of the Government of India in the erstwhile Ministry of Industry (Department of Industrial Development) number S.O. 477(E), dated the 25th July, 1991 filed an Industrial Entrepreneur's Memorandum,

65 of 195

shall within one hundred and eighty days from the commencement of this Act, file the memorandum, in accordance with the provisions of this Act.

(2) The form of the memorandum, the procedure of its filing and other matters incidental thereto shall be such as may be notified by the Central Government after obtaining the recommendations of the Advisory Committee in this behalf.

(3) The authority with which the memorandum shall be filed by a medium enterprise shall be such as may be specified, by notification, by the Central Government.

(4) The State Government shall, by notification, specify the authority with which a micro or small enterprise may file the memorandum.

(5) The authorities specified under sub-sections (3) and (4) shall follow, for the purposes of this section, the procedure notified by the Central Government under sub-section (2).

CHAPTER IV

MEASURES FOR PROMOTION, DEVELOPMENT AND ENHANCEMENT OF COMPETITIVENESS OF MICRO, SMALL AND MEDIUM ENTERPRISES

Measures for
promotion
and
development.

9. The Central Government may, from time to time, for the purposes of facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises, particularly of the micro and small enterprises, by way of development of skill in the employees, management and entrepreneurs, provisioning for technological upgradation, marketing assistance or infrastructure facilities and cluster development of such enterprises with a view to strengthening backward and forward linkages, specify, by notification, such programmes, guidelines or instructions, as it may deem fit.

Credit
facilities.

10. The policies and practices in respect of credit to the micro, small and medium enterprises shall be progressive and such as may be specified in the guidelines or instructions issued by the Reserve Bank, from time to time, to ensure timely and smooth flow of credit to

such enterprises, minimise the incidence of sickness among and enhance the competitiveness of such enterprises.

11. For facilitating promotion and development of micro and small enterprises, the Central Government or the State Government may, by order notify from time to time, preference policies in respect of procurement of goods and services, produced and provided by micro and small enterprises, by its Ministries or departments, as the case may be, or its aided institutions and public sector enterprises.

Procurement preference policy.

12. There shall be constituted, by notification, one or more Funds to be called by such name as may be specified in the notification and there shall be credited thereto any grants made by the Central Government under section 13.

Funds.

13. The Central Government may, after due appropriation made by Parliament by law in this behalf, credit to the Fund or Funds by way of grants for the purposes of this Act, such sums of money as that Government may consider necessary to provide.

Grants by Central Government.

14. (1) The Central Government shall have the power to administer the Fund or Funds in such manner as may be prescribed.

Administration and utilisation of Fund or Funds.

(2) The Fund or Funds shall be utilised exclusively for the measures specified in sub-section (1) of section 9.

(3) The Central Government shall be responsible for the coordination and ensuring timely utilisation and release of sums in accordance with such criteria as may be prescribed.

CHAPTER V

DELAYED PAYMENTS TO MICRO AND SMALL ENTERPRISES

15. Where any supplier supplies any goods or renders any services to any buyer, the buyer shall make payment therefor on or before the date agreed upon between him and the supplier in writing or, where there is no agreement in this behalf, before the appointed day:

Liability of buyer to make payment.

Provided that in no case the period agreed upon between the supplier and the buyer in writing shall exceed forty-five days from the day of acceptance or the day of deemed acceptance.

16. Where any buyer fails to make payment of the amount to the supplier, as required under section 15, the buyer shall, notwithstanding anything contained in any agreement between the buyer and the supplier or in any law for the time being in force, be liable to pay compound interest with monthly rests to the supplier on that amount from the appointed day or, as the case may be, from the date immediately following the date agreed upon, at three times of the bank rate notified by the Reserve Bank.

Date from which and rate at which interest is payable.

17. For any goods supplied or services rendered by the supplier, the buyer shall be liable to pay the amount with interest thereon as provided under section 16.

Recovery of amount due.

18. (1) Notwithstanding anything contained in any other law for the time being in force, any party to a dispute may, with regard to any amount due under section 17, make a reference to the Micro and Small Enterprises Facilitation Council.

Reference to Micro and Small Enterprises Facilitation Council.

(2) On receipt of a reference under sub-section (1), the Council shall either itself conduct conciliation in the matter or seek the assistance of any institution or centre providing alternate dispute resolution services by making a reference to such an institution or centre, for conducting conciliation and the provisions of sections 65 to 81 of the Arbitration and Conciliation Act, 1996 shall apply to such a dispute as if the conciliation was initiated under Part III of that Act.

(3) Where the conciliation initiated under sub-section (2) is not successful and stands terminated without any settlement between the parties, the Council shall either itself take up the dispute for arbitration or refer it to any institution or centre providing alternate dispute resolution services for such arbitration and the provisions of the Arbitration and Conciliation Act, 1996 shall then apply to the dispute as if the arbitration was in pursuance of an arbitration agreement referred to in sub-section (1) of section 7 of that Act. 26 of 1996.

(4) Notwithstanding anything contained in any other law for the time being in force, the Micro and Small Enterprises Facilitation Council or the centre providing alternate dispute resolution services shall have jurisdiction to act as an Arbitrator or Conciliator under this section in a dispute between the supplier located within its jurisdiction and a buyer located anywhere in India.

(5) Every reference made under this section shall be decided within a period of ninety days from the date of making such a reference.

Application for setting aside decree, award or order.

19. No application for setting aside any decree, award or other order made either by the Council itself or by any institution or centre providing alternate dispute resolution services to which a reference is made by the Council, shall be entertained by any court unless the appellant (not being a supplier) has deposited with it seventy-five per cent. of the amount in terms of the decree, award or, as the case may be, the other order in the manner directed by such court:

Provided that pending disposal of the application to set aside the decree, award or order, the court shall order that such percentage of the amount deposited shall be paid to the supplier, as it considers reasonable under the circumstances of the case, subject to such conditions as it deems necessary to impose.

Establishment of Micro and Small Enterprises Facilitation Council.

20. The State Government shall, by notification, establish one or more Micro and Small Enterprises Facilitation Councils, at such places, exercising such jurisdiction and for such areas, as may be specified in the notification.

Composition of Micro and Small Enterprises Facilitation Council.

21. (1) The Micro and Small Enterprises Facilitation Council shall consist of not less than three but not more than five members to be appointed from amongst the following categories, namely:—

(i) Director of Industries, by whatever name called, or any other officer not below the rank of such Director, in the Department of the State Government having administrative control of the small scale industries or, as the case may be, micro, small and medium enterprises; and

(ii) one or more office-bearers or representatives of associations of micro or small industry or enterprises in the State; and

(iii) one or more representatives of banks and financial institutions lending to micro or small enterprises; or

(iv) one or more persons having special knowledge in the field of industry, finance, law, trade or commerce.

(2) The person appointed under clause (i) of sub-section (1) shall be the Chairperson of the Micro and Small Enterprises Facilitation Council.

(3) The composition of the Micro and Small Enterprises Facilitation Council, the manner of filling vacancies of its members and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed by the State Government.

Requirement to specify unpaid amount with interest in the annual statement of accounts.

22. Where any buyer is required to get his annual accounts audited under any law for the time being in force, such buyer shall furnish the following additional information in his annual statement of accounts, namely:—

(i) the principal amount and the interest due thereon (to be shown separately) remaining unpaid to any supplier as at the end of each accounting year;

(ii) the amount of interest paid by the buyer in terms of section 16, along with the amount of the payment made to the supplier beyond the appointed day during each accounting year;

(iii) the amount of interest due and payable for the period of delay in making payment (which have been paid but beyond the appointed day during the year) but without adding the interest specified under this Act;

(iv) the amount of interest accrued and remaining unpaid at the end of each accounting year; and

(v) the amount of further interest remaining due and payable even in the succeeding years, until such date when the interest dues as above are actually paid to the small enterprise, for the purpose of disallowance as a deductible expenditure under section 23.

23. Notwithstanding anything contained in the Income-tax Act, 1961, the amount of interest payable or paid by any buyer, under or in accordance with the provisions of this Act, shall not, for the purposes of computation of income under the Income-tax Act, 1961, be allowed as deduction.

Interest not to be allowed as deduction from income.

24. The provisions of sections 15 to 23 shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect.

25. Notwithstanding anything contained in any law for the time being in force, the Central Government may, with a view to facilitating closure of business by a micro, small or medium enterprise, not being a company registered under the Companies Act, 1956, notify a Scheme within one year from the date of commencement of this Act.

Scheme for closure of business of micro, small and medium enterprises.

CHAPTER VI

MISCELLANEOUS

26. (1) The Central Government or the State Government may appoint such officers with such designations and such other employees as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

Appointment of officers and other employees.

(2) The Officers appointed under sub-section (1) may, for the purposes of this Act, by order require any person to furnish such information, in such form, as may be prescribed.

27. (1) Whoever intentionally contravenes or attempts to contravene or abets the contravention of any of the provisions contained in sub-section (1) of section 8 or sub-section (2) of section 26 shall be punishable—

Penalty for contravention of section 8 or section 22 or section 26.

(a) in the case of the first conviction, with fine which may extend to rupees one thousand; and

(b) in the case of second or subsequent conviction, with fine which shall not be less than rupees one thousand but may extend to rupees ten thousand.

(2) Where a buyer contravenes the provisions of section 22, he shall be punishable with fine which shall not be less than rupees ten thousand.

28. No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

Jurisdiction of courts.

29. (1) The Central Government may, by notification, make rules to carry 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 all or any of the following matters, namely:—

(a) the term of office of the members of the Board, the manner of filling vacancies, and the procedure to be followed in the discharge of functions by the members of the Board under sub-section (4) of section 3;

(b) the powers and functions of the Member-Secretary under section 6;

(c) the manner in which the Fund may be administered under sub-section (1) of section 14;

(d) the criteria based on which sums may be released under sub-section (3) of section 14;

(e) the information to be furnished and the form in which it is to be furnished under sub-section (2) of section 26; and

(f) any other matter which is to be or may be prescribed under this Act.

(3) Every notification issued under section 9 and every rule made by the Central Government under this section 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 notification or rule or both Houses agree that the notification or rule should not be made, the notification or 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 notification or rule.

Power to
make rules by
State
Government.

30. (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 generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition of the Micro and Small Enterprises Facilitation Council, the manner of filling vacancies of the members and the procedure to be followed in the discharge of their functions by the members of the Micro and Small Enterprises Facilitation Council under sub-section (3) of section 21;

(b) any other matter which is to be, or may be, prescribed under this Act.

(3) The rule made under this section shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

Power to
remove
difficulties.

31. (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 for removing the difficulty:

Provided that no order shall be made under this section after the expiry 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.

Repeal of Act
32 of 1993.

32. (1) The Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Act, 1993 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed under sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

**THE NATIONAL INSTITUTE OF FASHION TECHNOLOGY
ACT, 2006**

ARRANGEMENT OF SECTIONS

SECTIONS

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MISCELLANEOUS

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THE NATIONAL INSTITUTE OF FASHION TECHNOLOGY
ACT, 2006

No. 28 OF 2006

[13th July, 2006.]

An Act to establish and incorporate the National Institute of Fashion Technology for the promotion and development of education and research in fashion technology and for matters connected therewith and incidental thereto.

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the National Institute of Fashion Technology Act, 2006.

(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.

Definitions.

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

(a) “appointed day” means the date of establishment of the National Institute of Fashion Technology under sub-section (1) of section 3;

(b) “Board” means the Board of Governors of the Institute constituted under sub-section (3) of section 3;

(c) “Chairperson” means the Chairperson of the Institute nominated under clause (a) of sub-section (3) of section 3;

(d) “Director-General” means the Director-General of the Institute appointed under section 15;

(e) “fashion” includes a popular trend or a lifestyle, specially in styles of dress and ornament or manners of behaviour or the business of creating, promoting or studying styles in vogue or the designing, production and marketing of new styles of goods such as, clothing, accessories, craft and cosmetics; and the words “fashion technology” with their grammatical variations and cognate expressions, shall be construed accordingly;

*1-4-2007, vide Notification No. S.O. 2159 (E) dated 27.12.2006.

(f) "Fund" means the Fund of the Institute to be maintained under section 19;

(g) "Institute" means the National Institute of Fashion Technology established under sub-section (1) of section 3;

(h) "Institute Campus" means an Institute Campus located at New Delhi, Gandhinagar, Chennai, Mumbai, Hyderabad, Bangalore, Kolkata or any other place in India or abroad as may be decided by the Board of Governors;

(i) "Senate" means the Senate of the Institute referred to in section 12;

(j) "Society" means the National Institute of Fashion Technology, New Delhi registered as a society under the Societies Registration Act, 1860;

(k) "Statutes" and "Ordinances" mean respectively the Statutes and the Ordinances of the Institute made under this Act.

CHAPTER II

THE INSTITUTE

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, the National Institute of Fashion Technology shall be established as a body corporate by the name aforesaid.

Establishment
of the Institute.

(2) The Institute shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue or be sued.

(3) The Institute shall consist of the Board of Governors having the following persons, namely:—

(a) a Chairperson, who shall be an eminent academician, scientist or technologist or professional, to be nominated by the Visitor;

(b) three Members of Parliament, two from Lok Sabha to be nominated by the Speaker of Lok Sabha and one from Rajya Sabha to be nominated by the Chairman of Rajya Sabha;

(c) the Director-General of the Institute, *ex officio*;

(d) the Financial Adviser of the Ministry or Department in the Government of India dealing with the National Institute of Fashion Technology, *ex officio*;

(e) the Joint Secretary, in the Ministry or Department in the Government of India dealing with the National Institute of Fashion Technology, *ex officio*;

(f) the representative of the Ministry or Department in the Government of India dealing with higher education to be nominated by the Secretary of that Ministry or Department, *ex officio*;

(g) five persons to be nominated by the Central Government, representing the States in which the campus of the Institute is located, from amongst persons who are academicians or industrialists of repute engaged in area of fashion technology; and

(h) two eminent experts in fashion technology, one of whom shall be an educationist, to be nominated by the Visitor on the recommendations of the Central Government.

(4) The term of office of the Chairperson and other members of the Board other than *ex officio* members thereof shall be three years and they shall be entitled for such allowances as may be determined by the Central Government.

(5) The term of office of members of the Board nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated.

(6) The Board shall meet at least four times in a year at such place and time and observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by the Board.

(7) It is hereby declared that the office of member of the Board of Governors shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Vesting of properties.

4. On and from the appointed day, subject to the other provisions of this Act, all properties which had vested in the Society, immediately before the commencement of this Act, shall on and from such commencement, vest in the Institute.

Effect of incorporation of Institute.

5. On and from the appointed day —

(a) any reference to the Society in any contract or other instrument shall be deemed as a reference to the Institute;

(b) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the Institute; and

(c) every person employed by the Society, immediately before the appointed day, shall hold office or service in the Institute by the same tenure, at 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 the same, if this Act had not been passed, and shall continue to be 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 of the contract with the 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 the case of permanent employee and one month's remuneration in the case of other employee.

Functions of Institute.

6. The functions of the Institute shall be —

(i) to nurture and promote quality and excellence in education and research in area of fashion technology;

(ii) to lay down courses leading to graduate and post-graduate degrees, doctoral and post-doctoral courses and research in area of fashion technology;

(iii) to hold examinations and grant degrees in area of fashion technology;

(iv) to confer honorary degrees, awards or other distinctions in area of fashion technology;

(v) to cooperate 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 faculty members and scholars and generally in such manner as may be conducive to their common objective;

(vi) to conduct courses for teachers, fashion technologists and other professionals;

(vii) to undertake research and studies in area of fashion technology and application thereof, particularly concerning the integration of locally produced materials, the requirements of mass production, improved quality and design and international marketing;

(viii) to collect and maintain literature and materials available in area of fashion technology so as to develop a modern information centre within the country;

(ix) to create a central faculty of fashion technology resource and analysis for use by the researchers;

(x) to have a centre to experiment and innovate and to train persons in the area of fashion technology;

(xi) to develop an international centre for creation and transmission of information in the area of fashion technology, with focus on educational, professional and industrial commitments;

(xii) to develop a multi-disciplinary approach in carrying out research and training in area of fashion technology so that the larger interests of the profession, academia and fashion industry are better served;

(xiii) to organise national or international symposia, seminars, conferences and exhibitions in selected area of fashion technology, from time to time;

(xiv) to arrange courses catering to the special needs of the developing countries;

(xv) to act as a nucleus for interaction between academia and industry by encouraging exchange of fashion technologists and other technical staff between the Institute and the industry and by undertaking sponsored and funded research as well as consultancy projects by the Institute;

(xvi) to provide technical assistance to artisans, craftsmen, manufacturers, designers and exporters of fashion products; and

(xvii) to carry out any other activity in the area of fashion technology not specifically listed above.

7. (1) Subject to the provisions of this Act, the Board, under overall control of the Central Government, shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers 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 of Board.

(2) Without prejudice to the provisions of sub-section (1), the Board shall—

(a) take decisions on questions of policy relating to the administration and working of the Institute;

(b) take decisions on the establishment of new campuses of the Institute at any location in India or abroad;

(c) fix, demand and receive fees and other charges;

(d) establish, maintain and manage halls and hostels for the residence of the students;

(e) supervise and control the residence and regulate the discipline of students of the Institute and to make arrangements for promoting their health, general welfare and cultural and corporate life;

(f) institute academic and other posts and to make appointments thereto (except in the case of the Director-General);

(g) frame Statutes and Ordinances and to alter, modify or rescind the same;

(h) institute and award fellowships, scholarships, prizes and medals;

(i) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Institute for the next financial year as it thinks fit together with a statement of its development plans;

(j) receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from the testators, donors or transferors, as the case may be; and

(k) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the aforesaid powers.

(3) The Board shall have the power to appoint such committees, as it considers necessary for the exercise of its powers and the performance of its duties under this Act.

(4) Notwithstanding anything contained in sub-section (2) of section 3, the Board shall not dispose of in any manner any immovable property without the prior approval of the Central Government.

(5) The Central Government may appoint one or more persons to review the work and progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Central Government may direct.

(6) Upon receipt of any such report, the Central Government may take such action and issue such directions as it considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions.

(7) The Visitor shall have the power to remove the Chairperson or other members of the Board nominated by him, on the recommendations of the Central Government.

(8) The Central Government shall have the power to remove other members, if it considers it appropriate to do so.

(9) No Chairperson or member shall be removed under sub-section (7) or sub-section (8) unless he has been given a reasonable opportunity of being heard in the matter.

8. (1) The Institute shall be open to persons of either sex and of whatever 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 or workers or in any other connection whatsoever.

(2) No bequest, donation or transfer of any property shall be accepted by the Institute, which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this section.

9. All teaching at the campuses of the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and the Ordinances made in this behalf.

10. The President of India shall be the Visitor of the Institute.

11. The following shall be the authorities of the 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.

12. The Senate of the Institute shall consist of the following persons, namely:—

(a) the Director-General, *ex officio* who shall be the Chairperson of the Senate;

(b) all Institute Campus Directors and Senior Professors;

(c) three persons, not being employees of the Institute, to be nominated by the Chairperson in consultation with the Director-General, from amongst educationists of repute, one each from the fields of science, engineering and humanities and one of them shall be either from the Scheduled Castes or the Scheduled Tribes;

(d) one alumnus of the Institute to be nominated by the Chairperson in consultation with the Director-General by rotation; and

(e) such other members of the staff as may be laid down in the Statutes.

13. Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the 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 duties as may be conferred or imposed upon it by the Statutes.

Institute be open to all races, creeds and classes.

Teaching at Institute.

Visitor.

Authorities of Institute.

Senate.

Functions of Senate.

14. (1) The Chairperson shall ordinarily preside at the meetings of the Board and at the Convocations of the Institute. Functions, powers and duties of Chairperson.
- (2) The Chairperson shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes.
15. (1) The Director-General of the Institute shall be appointed by the Board with the prior approval of the Central Government for a tenure of three years. Director-General.
- (2) The Director-General shall be the principal 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-General shall submit annual reports and accounts to the Board.
- (4) The Director-General shall exercise such other powers and perform such other duties as may be assigned to him by this Act, Statutes and Ordinances.
- (5) The Central Government shall have the power to remove the Director-General before the tenure of three years, if it considers it appropriate to do so.
16. (1) The Registrar of the Institute shall be appointed on such terms and conditions as may be laid down by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge. Registrar.
- (2) The Registrar shall act as the Secretary of the Board, the Senate and such committees as may be prescribed by the Statutes.
- (3) The Registrar shall be responsible to the Director-General for the proper discharge of his functions.
- (4) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or by the Director-General.
17. The powers and duties of authorities and officers, other than those hereinbefore mentioned, shall be determined by the Statutes. Powers and duties of other authorities and officers.
18. For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit. Grants by Central Government.
19. (1) The Institute shall maintain a Fund to which shall be credited — Fund of Institute.
- (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.
- (2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.
- (3) The fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its duties under this Act.
20. Notwithstanding anything contained in section 19, the Central Government may direct the Institute to — Setting up of endowment fund.
- (a) set up an endowment fund and any other fund for specified purpose; and
- (b) transfer money from its Fund to endowment fund or any other fund.

Accounts
and audit.

21. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet, in such form as may be specified, in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the 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 the Institute 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 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 any of the offices of the Institute.

(4) The accounts of the 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.

Pension and
provident
fund.

22. (1) The Institute shall constitute, for the benefit of its employees, including the Director-General, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may consider necessary.

(2) Where any such provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

19 of 1925

Appointment.

23. All appointments of the staff of the Institute, except that of the Director-General, shall be made in accordance with the procedure laid down in the Statutes by—

(a) the Board, if the appointment is made on the academic staff in the post of Assistant Professor or above or if the appointment is made on the non-academic staff in any cadre, the maximum of the pay-scale for which is the same or higher than that of Assistant Professor; and

(b) the Director-General, in any other case.

Statutes.

24. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the formation of departments of teaching;

(b) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(c) the classification, the method of appointment and the determination of the terms and conditions of service of officers, teachers and other staff of the Institute;

(d) the reservation of posts for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons as may be determined by the Central Government;

(e) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;

(f) the constitution, powers and duties of the authorities of the Institute;

(g) the establishment and maintenance of halls and hostels;

(h) the manner of filling up of vacancies among members of the Board;

(i) the authentication of the orders and decisions of the Board;

(j) the meetings of the Senate, the quorum at such meetings and the procedure to be followed in the conduct of their business; and

(k) any other matter which by this Act is to be or may be prescribed by the Statutes.

25. (1) The first Statutes of the Institute shall be framed by the Board with the previous approval of the Visitor and a copy of the same shall be laid as soon as may be 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 in this section provided.

(3) Every new Statute or addition to the Statute or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold assent 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 assented to by the Visitor.

26. 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 reservation for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons;

(c) the courses of study to be laid down for all degrees, diplomas and certificates of the Institute;

(d) the conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and award of degrees, diplomas and certificates;

(e) the conditions for award of fellowships, scholarships, exhibitions, medals and prizes;

(f) the conditions and mode of appointment and duties of examining body, examiners and moderators;

(g) the conduct of examinations;

(h) the maintenance of discipline among the students of the Institute;

(i) the fees to be charged for courses of study in the Institute and for admission to the examinations of degrees, diplomas and certificates of the Institute;

(j) the conditions of residence of students of the Institute and the levying of the fees for residence in the halls and hostels and other charges; and

(k) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

27. (1) Save as otherwise provided in this section, 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, to the Board and shall be considered by the Board at its next succeeding meeting.

(3) The Board shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

28. (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 and an umpire appointed by the Visitor.

Tribunal of
Arbitration.

(2) The decision of the Tribunal of Arbitration shall be final and shall not be questioned in any court.

(3) No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

(4) The Tribunal of Arbitration shall have power to regulate its own procedure.

(5) Nothing in any law for the time being in force relating to arbitration shall apply to arbitration under this section.

CHAPTER III

MISCELLANEOUS

Acts and proceedings not to be invalidated by vacancies, etc.

29. No act of the Institute or Board or Senate or any other body 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 election, nomination or appointment of a person acting as a member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

Sponsored schemes.

30. Notwithstanding anything contained in this Act, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency including industry sponsoring a research scheme or a consultancy assignment or a teaching programme or a chaired professorship or a scholarship, etc., to be executed or endowed at the Institute:—

(a) the amount received shall be kept by the Institute separately from the Fund of the Institute and utilised only for the purpose of the scheme; and

(b) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisations:

Provided that any money remaining unutilised shall be transferred to the endowment fund created under section 20 of this Act.

Power of Institute to grant degrees, etc.

31. The Institute shall have the power to grant degrees, diplomas, certificates and other academic distinctions under this Act, which shall be equivalent to such corresponding degrees, diplomas, certificates and other academic distinctions granted by any University or Institute established or incorporated under any other law for the time being in force.

Power to remove difficulties.

32. (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 provision or give such direction not inconsistent with the purposes of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the appointed day.

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

Transitional provisions.

33. Notwithstanding anything contained in this Act —

(a) the Board of Governors of the Society functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for the Institute under this Act, but on the constitution of a new Board under this Act the members of the Board holding office before such constitution shall cease to hold office; and

(b) until the first Statutes and the Ordinances are made under this Act, the rules and regulations, instructions and guidelines of the Society as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

34. (1) Every Statute or Ordinance made under this Act shall be published in the Official Gazette.

(2) Every Statute or 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 Statute or Ordinance or both Houses agree that the Statute or Ordinance should not be made, the 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 Statute or Ordinance.

(3) The power to make Statutes or Ordinances shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act to Statutes or Ordinances or any of them but no retrospective effect shall be given to any Statute or Ordinance so as to prejudicially affect the interests of any person to whom such Statutes or Ordinances may be applicable.

Statutes and Ordinances to be published in the Official Gazette and to be laid before Parliament.

THE TAXATION LAWS (AMENDMENT) ACT, 2006

No. 29 OF 2006

[13th July, 2006.]

AN ACT further to amend the Income-tax Act, 1961, the Customs Act, 1962, the Customs Tariff Act, 1975 and the Central Excise Act, 1944.

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

CHAPTER I

PRELIMINARY

Short title.

1. This Act may be called the Taxation Laws (Amendment) Act, 2006.

CHAPTER II

DIRECT TAXES

Income-tax

Amendment of section 2.

2. In section 2 of the Income-tax Act, 1961 (hereafter in this Chapter referred to as the Income-tax Act), in clause (44), after the words "powers of a Tax Recovery Officer", the following shall be inserted, namely:—

"and also to exercise or perform such powers and functions which are conferred on, or assigned to, an Assessing Officer under this Act and which may be prescribed".

Amendment of section 10.

3. In section 10 of the Income-tax Act, with effect from the 1st day of April, 2006,—

(a) after clause (23BBE), the following clause shall be inserted, namely:—

"(23BBF) any income of the North-Eastern Development Finance Corporation Limited, being a company formed and registered under the Companies Act, 1956:

Provided that in computing the total income of the North-Eastern Development Finance Corporation Limited, the amount to the extent of—

(i) twenty per cent. of the total income for assessment year beginning on the 1st day of April, 2006;

(ii) forty per cent. of the total income for assessment year beginning on the 1st day of April, 2007;

(iii) sixty per cent. of the total income for assessment year beginning on the 1st day of April, 2008;

(iv) eighty per cent. of the total income for assessment year beginning on the 1st day of April, 2009;

(v) one hundred per cent. of the total income for assessment year beginning on the 1st day of April, 2010 and any subsequent assessment year or years,

shall be included in such total income;";

(b) in clause (23C),—

(i) in the eighth proviso, for the words, brackets and letters "notification issued by the Central Government under sub-clause (iv) or sub-clause (v) shall, at any one time, have effect for such assessment year or years, not exceeding three assessment years", the words, brackets, figures and letters "notification issued by the Central Government under sub-clause (iv) or sub-clause (v), before the date on which the Taxation Laws (Amendment) Bill, 2006 receives the assent of the President, shall, at any one time, have effect for such assessment year or years, not exceeding three assessment years" shall be substituted;

(ii) after the eighth proviso, the following provisos shall be inserted, namely:—

“Provided also that where an application under the first proviso is made on or after the date on which the Taxation Laws (Amendment) Bill, 2006 receives the assent of the President, every notification under sub-clause (iv) or sub-clause (v) shall be issued or approval under sub-clause (vi) or sub-clause (via) shall be granted or an order rejecting the application shall be passed within the period of twelve months from the end of the month in which such application was received:

Provided also that where the total income, of the fund or trust or institution or any university or other educational institution or any hospital or other medical institution referred to in sub-clause (iv) or sub-clause (v) or sub-clause (vi) or sub-clause (via), without giving effect to the provisions of the said sub-clauses, exceeds the maximum amount which is not chargeable to tax in any previous year, such trust or institution or any university or other educational institution or any hospital or other medical institution shall get its accounts audited in respect of that year by an accountant as defined in the *Explanation* below sub-section (2) of section 288 and furnish along with the return of income for the relevant assessment year, the report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars as may be prescribed.”

4. In section 12A of the Income-tax Act, in clause (b), for the words and figures “the provisions of section 11 and section 12 exceeds fifty-thousand rupees in any previous year”, the words and figures “the provisions of section 11 and section 12 exceeds the maximum amount which is not chargeable to income-tax in any previous year” shall be substituted with effect from the 1st day of April, 2006.

Amendment of section 12.

5. In the Income-tax Act, in section 35, with effect from the 1st day of April, 2006,—

Amendment of section 35.

(i) in sub-section (1),—

(a) in clause (ii), for the proviso, the following proviso shall be substituted, namely:—

“Provided that such association, university, college or other institution for the purposes of this clause—

(A) is for the time being approved, in accordance with the guidelines, in the manner and subject to such conditions as may be prescribed; and

(B) such association, university, college or other institution is specified as such, by notification in the Official Gazette, by the Central Government;”;

(b) in clause (iii), for the proviso, the following proviso shall be substituted, namely:—

“Provided that such university, college or other institution for the purposes of this clause—

(A) is for the time being approved, in accordance with the guidelines, in the manner and subject to such conditions as may be prescribed; and

(B) such university, college or other institution is specified as such, by notification in the Official Gazette, by the Central Government;”;

(c) after clause (iii), the following *Explanation* shall be inserted, namely—

“*Explanation.*—The deduction, to which the assessee is entitled in respect of any sum paid to a scientific research association, university, college or other institution to which clause (ii) or clause (iii) applies, shall not be denied merely on the ground that, subsequent to the payment of such sum by the assessee, the approval granted to the association, university, college or other institution referred to in clause (ii) or clause (iii) has been withdrawn;”

(d) in the second proviso, for the word “authority”, the word “Government” shall be substituted;

(e) in the third proviso, for the words, brackets and letters “notification issued by the Central Government under clause (ii) or clause (iii) shall, at any one time, have effect for such assessment year or years, not exceeding three assessment years”, the words, brackets, figures and letters “notification issued by the Central Government under clause (ii) or clause (iii), before the date on which the Taxation Laws (Amendment) Bill, 2006 receives the assent of the President, shall, at any one time, have effect for such assessment year or years, not exceeding three assessment years” shall be substituted;

(f) after the third proviso, the following proviso shall be inserted at the end, namely:—

“Provided also that where an application under the first proviso is made on or after the date on which the Taxation Laws (Amendment) Bill, 2006 receives the assent of the President, every notification under clause (ii) or clause (iii) shall be issued or an order rejecting the application shall be passed within the period of twelve months from the end of the month in which such application was received by the Central Government.”;

(ii) in sub-section (2AA), the *Explanation* shall be numbered as *Explanation 2* thereof and before the *Explanation 2* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation 1.*—The deduction, to which the assessee is entitled in respect of any sum paid to a National Laboratory, University, Indian Institute of Technology or a specified person for the approved programme referred to in this sub-section, shall not be denied merely on the ground that, subsequent to the payment of such sum by the assessee, the approval granted to,—

(a) such Laboratory, or specified person has been withdrawn; or

(b) the programme, undertaken by the National Laboratory, University, Indian Institute of Technology or specified person, has been withdrawn.”

Amendment
of section
35AC.

6. In section 35AC of the Income-tax Act, after sub-section (2), the following *Explanation* shall be inserted with effect from the 1st day of April, 2006, namely:—

“*Explanation.*—The deduction, to which the assessee is entitled in respect of any sum paid to a public sector company or a local authority or to an association or institution for carrying out the eligible project or scheme referred to in this section applies, shall not be denied merely on the ground that subsequent to the payment of such sum by the assessee,—

(a) the approval granted to such association or institution has been withdrawn; or

(b) the notification notifying the eligible project or scheme carried out by the public sector company or local authority or association or institution has been withdrawn.”

7. In section 35CCA of the Income-tax Act, after sub-section (2A), the following *Explanation* shall be inserted with effect from the 1st day of April, 2006, namely:—

Amendment
of section
35CCA.

“*Explanation.*—The deduction, to which the assessee is entitled in respect of any sum paid to an association or institution for carrying out the programme of rural development referred to in sub-section (1), shall not be denied merely on the ground that subsequent to the payment of such sum by the assessee, the approval granted to such programme of rural development, or as the case may be, to the association or institution has been withdrawn.”

8. In section 40 of the Income-tax Act, in clause (a), in sub-clause (ia), with effect from the 1st day of April, 2006,—

Amendment
of section 40.

(a) after the words “commission or brokerage,” the words “rent, royalty,” shall be inserted;

(b) in the *Explanation*, after clause (iv), the following clauses shall be inserted at the end, namely:—

“(v) “rent” shall have the same meaning as in clause (i) to the *Explanation* to section 194-I;

(vi) “royalty” shall have the same meaning as in *Explanation 2* to clause (vi) of sub-section (1) of section 9;”

9. In section 40A of the Income-tax Act, in sub-sections (3) and (4), for the words “a crossed cheque drawn on a bank or by a crossed bank draft”, wherever they occur, the words “an account payee cheque drawn on a bank or account payee bank draft” shall be substituted.

Amendment
of section
40A.

10. In section 56 of the Income-tax Act, in sub-section (2),—

Amendment
of section 56.

(a) in clause (v), —

(i) after the words, letters and figures “after the 1st day of September, 2004”, the words, letters and figures “but before the 1st day of April, 2006” shall be inserted with effect from the 1st day of April, 2006;

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

“(e) from any local authority as defined in the *Explanation* to clause (20) of section 10; or

(f) from any fund or foundation or university or other educational institution or hospital or other medical institution or any trust or institution referred to in clause (23C) of section 10; or

(g) from any trust or institution registered under section 12AA.”;

(b) after clause (v) and the *Explanation*, the following shall be inserted with effect from the 1st day of April, 2007, namely:—

“(vi) where any sum of money, the aggregate value of which exceeds fifty thousand rupees, is received without consideration, by an individual or a Hindu undivided family, in any previous year from any person or persons on or after the 1st day of April, 2006, the whole of the aggregate value of such sum:

Provided that this clause shall not apply to any sum of money received —

(a) from any relative; or

- (b) on the occasion of the marriage of the individual; or
- (c) under a will or by way of inheritance; or
- (d) in contemplation of death of the payer; or
- (e) from any local authority as defined in the *Explanation* to clause (20) of section 10; or
- (f) from any fund or foundation or university or other educational institution or hospital or other medical institution or any trust or institution referred to in clause (23C) of section 10; or
- (g) from any trust or institution registered under section 12AA.

Explanation.—For the purposes of this clause, “relative” means—

- (i) spouse of the individual;
- (ii) brother or sister of the individual;
- (iii) brother or sister of the spouse of the individual;
- (iv) brother or sister of either of the parents of the individual;
- (v) any lineal ascendant or descendant of the individual;
- (vi) any lineal ascendant or descendant of the spouse of the individual;
- (vii) spouse of the person referred to in clauses (ii) to (vi).”

Amendment
of section
80GGA.

11. In section 80GGA of the Income-tax Act, in sub-section (2), with effect from the 1st day of April, 2006,—

(a) after clause (aa), the following *Explanation* shall be inserted, namely:—

“*Explanation.*—The deduction, to which the assessee is entitled in respect of any sum paid to a scientific research association, University, college or other institution to which clause (a) or clause (aa) applies, shall not be denied merely on the ground that, subsequent to the payment of such sum by the assessee, the approval to such association, University, college or other institution referred to in clause (a) or clause (aa), as the case may be, has been withdrawn.”;

(b) after clause (b), the following *Explanation* shall be inserted, namely:—

“*Explanation.*—The deduction, to which the assessee is entitled in respect of any sum paid to an association or institution for carrying out the programme of rural development to which this clause applies, shall not be denied merely on the ground that subsequent to the payment of such sum by the assessee, the approval granted to such programme, or as the case may be, to the association or institution has been withdrawn.”;

(c) in clause (bb), the *Explanation* shall be numbered as *Explanation 2* thereof and before the *Explanation 2* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation 1.*—The deduction, to which the assessee is entitled in respect of any sum paid to a public sector company, or to a local authority or to an association or institution for carrying out the eligible project or scheme referred to in section 35AC, shall not be denied merely on the ground that subsequent to the payment of such sum by the assessee,—

- (a) the approval granted to such association or institution has been withdrawn; or

(b) the notification notifying the eligible project or scheme referred to in section 35AC carried out by the public sector company, or local authority or association or institution has been withdrawn.”

12. In section 139 of the Income-tax Act, with effect from the 1st day of April, 2006, —

Amendment
of section
139.

(a) in sub-section (4C), in clause (e),—

(i) for the word, brackets and figures “sub-clause (vi)”, the words, brackets, figures and letters “sub-clause (iiiad) or sub-clause (vi)” shall be substituted;

(ii) for the word, brackets, figures and letter “sub-clause (via)”, the words, brackets, figures and letters “sub-clause (iiiiae) or sub-clause (via)” shall be substituted;

(b) after sub-section (4C), the following sub-section shall be inserted, namely:—

“(4D) Every university, college or other institution referred to in clause (ii) and clause (iii) of sub-section (1) of section 35, which is not required to furnish return of income or loss under any other provision of this section, shall furnish the return in respect of its income or loss in every previous year and all the provisions of this Act shall, so far as may be, apply as if it were a return required to be furnished under sub-section (1).”

13. In section 143 of the Income-tax Act, in sub-section (3), after the proviso, the following proviso shall be inserted with effect from the 1st day of April, 2006, namely:—

Amendment
of section
143.

“Provided further that where the Assessing Officer is satisfied that the activities of the university, college or other institution referred to in clause (ii) and clause (iii) of sub-section (1) of section 35 are not being carried out in accordance with all or any of the conditions subject to which such university, college or other institution was approved, he may, after giving a reasonable opportunity of showing cause against the proposed withdrawal to the concerned university, college or other institution, recommend to the Central Government to withdraw the approval and that Government may by order, withdraw the approval and forward a copy of the order to the concerned university, college or other institution and the Assessing Officer.”

14. In section 155 of the Income-tax Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment
of section
155.

“(11A) Where in the assessment for any year, the deduction under section 10A or section 10B or section 10BA has not been allowed on the ground that such income has not been received in convertible foreign exchange in India, or having been received in convertible foreign exchange outside India, or having been converted into convertible foreign exchange outside India, has not been brought into India, by or on behalf of the assessee with the approval of the Reserve Bank of India or such other authority as is authorised under any law for the time being in force for regulating payments and dealings in foreign exchange and subsequently such income or part thereof has been or is received in, or brought into, India in the manner aforesaid, the Assessing Officer shall amend the order of assessment so as to allow deduction under section 10A or section 10B or section 10BA, as the case may be, in respect of such income or part thereof as is so received in, or brought into, India, and the provisions of section 154 shall, so far as may be, apply thereto, and the period of four years shall be reckoned from the end of the previous year in which such income is so received in, or brought into, India.”

15. In section 194-1 of the Income-tax Act, in the *Explanation*, for clause (i), the following clause shall be substituted, namely:—

Amendment
of section
194-1.

“(i) “rent” means any payment, by whatever name called, under any lease, sub-lease, tenancy or any other agreement or arrangement for the use of (either separately or together) any, —

(a) land; or

(b) building (including factory building); or

- (c) land appurtenant to a building (including factory building); or
- (d) machinery; or
- (e) plant; or
- (f) equipment; or
- (g) furniture; or
- (h) fittings,

whether or not any or all of the above are owned by the payee;'

Amendment
of section
194-J.

16. In section 194-J of the Income-tax Act, in sub-section (I),—

- (i) in clause (b), the word "or" shall be inserted at the end;
- (ii) after clause (b), the following clauses shall be inserted, namely:—

"(c) royalty, or

(d) any sum referred to in clause (va) of section 28,";

- (iii) in the first proviso, in clause (B),—

(a) in sub-clause (ii), for the word, brackets and letter "clause (b):", the words, brackets and letter "clause (b), or" shall be substituted;

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

"(iii) twenty thousand rupees, in the case of royalty referred to in clause (c), or

(iv) twenty thousand rupees, in the case of sum referred to in clause (d):";

(iv) in the *Explanation*, after clause (b), the following clause shall be inserted, namely:—

'(ba) "royalty" shall have the same meaning as in *Explanation 2* to clause (vi) of sub-section (I) of section 9;'

Amendment
of section
246A.

17. In section 246A of the Income-tax Act, in sub-section (I), after clause (j), the following clause shall be inserted, namely:—

"(ja) an order of imposing or enhancing penalty under sub-section (IA) of section 275;"

Amendment
of section
275.

18. In section 275 of the Income-tax Act, after sub-section (I), the following sub-section shall be inserted, namely:—

"(IA) In a case where the relevant assessment or other order is the subject-matter of an appeal to the Commissioner (Appeals) under section 246 or section 246A or an appeal to the Appellate Tribunal under section 253 or an appeal to the High Court under section 260A or an appeal to the Supreme Court under section 261 or revision under section 263 or section 264 and an order imposing or enhancing or reducing or cancelling penalty or dropping the proceedings for the imposition of penalty is passed before the order of the Commissioner (Appeals) or the Appellate Tribunal or the High Court or the Supreme Court is received by the Chief Commissioner or the Commissioner or the order of revision under section 263 or section 264 is passed, an order imposing or enhancing or reducing or cancelling penalty or dropping the proceedings for the imposition of penalty may be passed on the basis of assessment as revised by giving effect to such order of the Commissioner (Appeals) or, the Appellate Tribunal or the High Court, or the Supreme Court or order of revision under section 263 or section 264:

Provided that no order of imposing or enhancing or reducing or cancelling penalty or dropping the proceedings for the imposition of penalty shall be passed—

(a) unless the assessee has been heard, or has been given a reasonable opportunity of being heard;

(b) after the expiry of six months from the end of the month in which the order of the Commissioner (Appeals) or the Appellate Tribunal or the High Court or the Supreme Court is received by the Chief Commissioner or the Commissioner or the order of revision under section 263 or section 264 is passed:

Provided further that the provisions of sub-section (2) of section 274 shall apply in respect of the order imposing or enhancing or reducing penalty under this sub-section."

19. In Income-tax Act, for section 288B, the following section shall be substituted, namely:—

"288B. Any amount payable, and the amount of refund due, under the provisions of this Act shall be rounded off to the nearest multiple of ten rupees and for this purpose any part of a rupee consisting of paise shall be ignored and thereafter if such amount is not a multiple of ten, then, if the last figure in that amount is five or more, the amount shall be increased to the next higher amount which is a multiple of ten and if the last figure is less than five, the amount shall be reduced to the next lower amount which is a multiple of ten."

Substitution of new section for section 288B.

Rounding off amount payable and refund due.

CHAPTER III

INDIRECT TAXES

Customs

52 of 1962.

20. In the Customs Act, 1962 (hereafter referred to as the Customs Act), in section 17, after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Where any assessment done under sub-section (2) is contrary to the claim of the importer or exporter regarding valuation of goods, classification, exemption or concessions of duty availed consequent to any notification therefor under this Act, and in cases other than those where the importer or the exporter, as the case may be, confirms his acceptance of the said assessment in writing, the proper officer shall pass a speaking order within fifteen days from the date of assessment of the bill of entry or the shipping bill, as the case may be."

Amendment of section 17.

21. In section 18 of the Customs Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

"(3) The importer or exporter shall be liable to pay interest, on any amount payable to the Central Government, consequent to the final assessment order under sub-section (2), at the rate fixed by the Central Government under section 28AB from the first day of the month in which the duty is provisionally assessed till the date of payment thereof.

(4) Subject to sub-section (5), if any refundable amount referred to in clause (a) of sub-section (2) is not refunded under that sub-section within three months from the date of assessment of duty finally, there shall be paid an interest on such unrefunded amount at such rate fixed by the Central Government under section 27A till the date of refund of such amount.

(5) The amount of duty refundable under sub-section (2) and the interest under sub-section (4), if any, shall, instead of being credited to the Fund, be paid to the importer or the exporter, as the case may be, if such amount is relatable to—

(a) the duty and interest, if any, paid on such duty paid by the importer, or the exporter, as the case may be, if he had not passed on the incidence of such duty and interest, if any, paid on such duty to any other person;

(b) the duty and interest, if any, paid on such duty on imports made by an individual for his personal use;

Amendment of section 18.

(c) the duty and interest, if any, paid on such duty borne by the buyer, if he had not passed on the incidence of such duty and interest, if any, paid on such duty to any other person;

(d) the export duty as specified in section 26;

(e) drawback of duty payable under sections 74 and 75.”.

Amendment
of section 28.

22. In section 28 of the Customs Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) When any duty has not been levied or has been short-levied or the interest has not been charged or has been part paid or the duty or interest has been erroneously refunded by reason of collusion or any wilful misstatement or suppression of facts by the importer or the exporter or the agent or employee of the importer or exporter, to whom a notice is served under the proviso to sub-section (1) by the proper officer, may pay duty in full or in part as may be accepted by him, and the interest payable thereon under section 28AB and penalty equal to twenty-five per cent. of the duty specified in the notice or the duty so accepted by such person within thirty days of the receipt of the notice.”;

(b) to sub-section (2), the following provisos shall be added, namely:—

“Provided that if such person has paid the duty in full together with interest and penalty under sub-section (1A), the proceedings in respect of such person and other persons to whom notice is served under sub-section (1) shall, without prejudice to the provisions of sections 135, 135A and 140, be deemed to be conclusive as to the matters stated therein:

Provided further that, if such person has paid duty in part, interest and penalty under sub-section (1A), the proper officer shall determine the amount of duty or interest not being in excess of the amount partly due from such person.”.

Insertion of
new section
28BA.

23. After section 28B of the Customs Act, the following section shall be inserted, namely:—

Provisional
attachment to
protect
revenue in
certain cases.

“28BA. (1) Where, during the pendency of any proceeding under section 28 or section 28B, the proper officer is of the opinion that for the purpose of protecting the interests of revenue, it is necessary so to do, he may, with the previous approval of the Commissioner of Customs, by order in writing, attach provisionally any property belonging to the person on whom notice is served under sub-section (1) of section 28 or sub-section (2) of section 28B, as the case may be, in accordance with the rules made in this behalf under section 142.

(2) Every such provisional attachment shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1):

Provided that the Chief Commissioner of Customs may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as he thinks fit, so, however, that the total period of extension shall not in any case exceed two years:

Provided further that where an application for settlement of case under section 127B is made to the Settlement Commission, the period commencing from the date on which such application is made and ending with the date on which an order under sub-section (1) of section 127C is made shall be excluded from the period specified in the preceding proviso.”.

Amendment
of section 104.

24. In section 104 of the Customs Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) If an officer of customs empowered in this behalf by general or special order

of the Commissioner of Customs has reason to believe that any person in India or within the Indian customs waters has committed an offence punishable under section 132 or section 133 or section 135 or section 135A or section 136, he may arrest such person and shall, as soon as may be, inform him of the grounds for such arrest.”.

25. In section 108 of the Customs Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 108.

“(1) Any gazetted officer of customs duly empowered by the Central Government in this behalf, shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making under this Act.”.

26. After section 110 of the Customs Act, the following section shall be inserted, namely:—

Insertion of new section 110A.

“110A. Any goods, documents or things seized under section 110, may, pending the order of the adjudicating officer, be released to the owner on taking a bond from him in the proper form with such security and conditions as the Commissioner of Customs may require.”.

Provisional release of goods, documents and things seized pending adjudication.

27. After section 114A of the Customs Act, the following section shall be inserted, namely:—

Insertion of new section 114AA.

“114AA. If a person knowingly or intentionally makes, signs or uses, or causes to be made, signed or used, any declaration, statement or document which is false or incorrect in any material particular, in the transaction of any business for the purposes of this Act, shall be liable to a penalty not exceeding five times the value of goods.”.

Penalty for use of false and incorrect material.

28. In section 124 of the Customs Act, in clause (a), for the words “writing informing”, the words “writing with the prior approval of the officer of customs not below the rank of a Deputy Commissioner of Customs, informing” shall be substituted.

Amendment of section 124.

29. In section 129D of the Customs Act, in sub-section (2), for the words “such authority”, the words “such authority or any officer of customs subordinate to him” shall be substituted.

Amendment of section 129D.

30. In section 132 of the Customs Act, for the words “six months”, the words “two years” shall be substituted.

Amendment of section 132.

31. In section 133 of the Customs Act, for the words “six months”, the words “two years” shall be substituted.

Amendment of section 133.

32. In section 137 of the Customs Act, in sub-section (1), for the word and figures “section 135”, the words, figures and letter “section 135 or section 135A” shall be substituted.

Amendment of section 137.

33. After section 154A of the Customs Act, the following section shall be inserted, namely:—

Insertion of new section 154B.

“154B. (1) If the Central Government is of opinion that it is necessary or expedient in the public interest to publish the names of any person and any other particulars relating to any proceedings or prosecutions under this Act in respect of such person, it may cause to be published such names and particulars in such manner as it thinks fit.

Publication of information respecting persons in certain cases.

(2) No publication under this section shall be made in relation to any penalty imposed under this Act until the time for presenting an appeal to the Commissioner (Appeals) under section 128 or the Appellate Tribunal under section 129A, as the case may be, has expired without an appeal having been presented or the appeal, if presented, has been disposed of.

Explanation.—In the case of a firm, company or other association of persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers or managers of the company, or the members of the association, as the case may be, may also be published if, in the opinion of the Central Government, circumstances of the case justify it.”

Customs tariff

Amendment
of section 8B
of Act 51 of
1975.

34. In section 8B of the Customs Tariff Act, 1975, in the first proviso to sub-section (1), for the words “all such countries”, the words “developing countries each with less than three per cent. import share” shall be substituted.

Excise

Amendment
of section 11A.

35. In section 11A of the Central Excise Act, 1944 (hereafter referred to as the Central Excise Act),— 1 of 1944.

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) When any duty of excise has not been levied or paid or has been short-levied or short paid or erroneously refunded, by reason of fraud, collusion or any wilful misstatement or suppression of facts, or contravention of any of the provisions of this Act or the rules made thereunder with intent to evade payment of duty, by such person or his agent, to whom a notice is served under the proviso to sub-section (1) by the Central Excise Officer, may pay duty in full or in part as may be accepted by him, and the interest payable thereon under section 11AB and penalty equal to twenty-five per cent. of the duty specified in the notice or the duty so accepted by such person within thirty days of the receipt of the notice.”;

(b) to sub-section (2), the following provisos shall be added, namely:—

“Provided that if such person has paid the duty in full together with, interest and penalty under sub-section (1A), the proceedings in respect of such person and other persons to whom notice is served under sub-section (1) shall, without prejudice to the provisions of sections 9, 9A and 9AA, be deemed to be conclusive as to the matters stated therein:

Provided further that, if such person has paid duty in part, interest and penalty under sub-section (1A), the Central Excise Officer, shall determine the amount of duty or interest not being in excess of the amount partly due from such person.”.

Insertion of
new section
11DDA.

36. After section 11DD of the Central Excise Act, the following section shall be inserted, namely:—

Provisional
attachment to
protect
revenue in
certain cases.

“11DDA. (1) Where, during the pendency of any proceedings under section 11A or section 11D, the Central Excise Officer is of the opinion that for the purpose of protecting the interests of revenue, it is necessary so to do, he may, with the previous approval of the Commissioner of Central Excise, by order in writing, attach provisionally any property belonging to the person on whom notice is served under sub-section (1) of section 11A or sub-section (2) of section 11D, as the case may be, in accordance with the rules made in this behalf under section 142 of the Customs Act, 1962.

(2) Every such provisional attachment shall cease to have effect after the expiry of a period of six months from the date of the order made under sub-section (1):

Provided that the Chief Commissioner of Central Excise may, for reasons to be recorded in writing, extend the aforesaid period by such further period or periods as he thinks fit, so, however, that the total period of extension shall not in any case exceed two years:

Provided further that where an application for settlement of case under section 32E is made to the Settlement Commission, the period commencing from the date on

which such application is made and ending with the date on which an order under sub-section (1) of section 32F is made shall be excluded from the period specified in the preceding proviso.”.

37. In section 35E of the Central Excise Act, in sub-section (2), for the words “such authority”, the words “such authority or any Central Excise Officer subordinate to him” shall be substituted.

Amendment
of section
35E

38. After section 37D of the Central Excise Act, the following section shall be inserted, namely:—

Insertion of
new section
37E

“37E. (1) If the Central Government is of opinion that it is necessary or expedient in the public interest to publish the names of any person and any other particulars relating to any proceedings or prosecutions under this Act in respect of such person, it may cause to be published such names and particulars in such manner as it thinks fit.

Publication of
information
respecting
persons in
certain cases.

(2) No publication under this section shall be made in relation to any penalty imposed under this Act until the time for presenting an appeal to the Commissioner (Appeals) under section 35 or the Appellate Tribunal under section 35B, as the case may be, has expired without an appeal having been presented or the appeal, if presented, has been disposed of.

Explanation.—In the case of a firm, company or other association of persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers or managers of the company, or the members of the association, as the case may be, may also be published if, in the opinion of the Central Government, circumstances of the case justify it.”.

39. (1) In the Central Excise Rules, 2002, made by the Central Government in exercise of the powers conferred by section 37 of the Central Excise Act, rule 16 thereof as published in the Official Gazette *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No. G.S.R. 143(E), dated the 1st March, 2002 shall stand amended and shall be deemed to have been amended retrospectively in the manner as specified in column (2) of the Schedule for the period specified in column (3) of that Schedule against the rule specified in column (1) of that Schedule.

Amendment
of rule 16 of
the Central
Excise Rules,
2002.

(2) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, any action taken or anything done or purported to have been taken or done, at any time during the period commencing on and from the 29th day of May, 2003 and ending with the 8th day of July, 2004 under the rule as amended by sub-section (1), shall be deemed to be and always to have been, for all the purposes, as validly and effectively taken or done as if the amendment made by sub-section (1) had been in force at all material times.

(3) For the purposes of sub-section (1), the Central Government shall have and shall be deemed to have the power to make rules with retrospective effect as if the Central Government had the power to make rules under section 37 of the Central Excise Act, retrospectively, at all material times.

Explanation.—For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence, which would not have been so punishable if this section had not come into force.

THE SCHEDULE
(See section 39)

Provisions of the Central Excise Rules, 2002 to be amended	Amendment	Period of effect of amendment
(1)	(2)	(3)
Rule 16 of the Central Excise Rules, 2002 as published <i>vide</i> notification No. G.S.R. 143 (E), dated the 1st March, 2002.	<p>In the Central Excise Rules, 2002, in rule 16, after sub-rule (3), the following provisos shall be inserted, namely:—</p> <p>‘Provided that for the purposes of this rule, “assessee” shall include wire drawing unit, which has cleared the goods on payment of an amount equal to the duty at the rate applicable to drawn wire on the date of removal and on the value determined under relevant provisions of the Act and the rules made thereunder:</p> <p>Provided further that the amount paid under the first proviso shall be allowed as CENVAT credit as if it was duty paid by the assessee who removes the goods.’</p>	29th day of May, 2003 to 8th day of July, 2004 (both days inclusive).

THE UNION DUTIES OF EXCISE (ELECTRICITY) DISTRIBUTION
REPEAL ACT, 2006

No. 30 OF 2006

[13th July, 2006.]

An Act to repeal the Union Duties of Excise (Electricity) Distribution Act, 1980.

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

1. This Act may be called the Union Duties of Excise (Electricity) Distribution Repeal Act, 2006. Short title.
2. The Union Duties of Excise (Electricity) Distribution Act, 1980 is hereby repealed. Repeal of Act
14 of 1980.
3. (1) The repeal by this Act of the repealed enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; Savings.

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceedings in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from the enactment hereby repealed;

nor shall the repeal by this Act of the enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

(2) Sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal of this Act.

10 of 1897.

THE PARLIAMENT (PREVENTION OF DISQUALIFICATION)
AMENDMENT ACT, 2006

No. 31 OF 2006,

[18th August, 2006.]

An Act further to amend the Parliament (Prevention of Disqualification) Act, 1959.

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

Short title.

1. This Act may be called the Parliament (Prevention of Disqualification) Amendment Act, 2006.

Amendment
of section 3.

2. In section 3 of the Parliament (Prevention of Disqualification) Act, 1959 10 of 1959.
(hereinafter referred to as the principal Act),—

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

“(ad) the office of the Chairperson of the National Advisory Council constituted by the Government of India in the Cabinet Secretariat *vide* Order No. 631/2/1/2004-Cab., dated the 31st May, 2004;”;

(ii) after clause (j) and before *Explanation 1*, the following clauses shall be inserted and shall be deemed to have been inserted with effect from the 4th day of April, 1959, namely:—

“(k) the office of Chairman, Deputy Chairman, Secretary or Member (by whatever name called) in any statutory or non-statutory body specified in the Table;

(l) the office of Chairperson or trustee (by whatever name called) of any Trust, whether public or private, not being a body specified in the Schedule;

(m) the office of Chairman, President, Vice-President or Principal Secretary or Secretary of the Governing Body of any society registered under the Societies Registration Act, 1860 or under any other law relating to registration of societies, not being a body specified in the Schedule.”

21 of 1860.

3. After the Schedule to the principal Act, the following Table shall be inserted and shall be deemed to have been inserted with effect from the 4th day of April, 1959, namely:—

Insertion of new Table.

“TABLE
[See section 3(k)]

S.No.	Name of body
(1)	(2)
1.	The Tripura Khadi and Village Industries Board, a body constituted under the Tripura Khadi and Village Industries Act, 1966.
2.	The Uttar Pradesh Development Council.
3.	The Irrigation and Flood Control Commission, Uttar Pradesh.
4.	The Indian Statistical Institute, Calcutta.
5.	The West Bengal Handicrafts Development Corporation Limited.
6.	The West Bengal Small Industries Development Corporation Limited.
7.	The West Bengal Industrial Development Corporation Limited.
8.	The Sriniketan Santiniketan Development Authority, a body constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act No. 13 of 1979).
9.	The Haldia Development Authority, a body constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act No. 13 of 1979).
10.	The West Bengal Minorities Development and Finance Corporation, a body constituted under the West Bengal Minorities Development and Finance Corporation Act, 1995.
11.	The Hooghly River Bridge Commissioners, constituted under the Hooghly River Bridge Act, 1969 (West Bengal Act No. 36 of 1969).
12.	The Board of Wakf, West Bengal, a body constituted under the Wakf Act, 1995 (43 of 1995).
13.	The State Fisheries Development Corporation Limited, West Bengal.
14.	The West Bengal State Haj Committee, constituted under the Haj Committee Act, 2002 (35 of 2002).

(1)	(2)
15.	The Asansol Durgapur Development Authority, West Bengal, a body constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act No. 13 of 1979).
16.	The West Bengal Pharmaceutical and Phytochemical Development Corporation Limited.
17.	The West Bengal Handloom and Powerloom Development Corporation Limited.
18.	The West Bengal Khadi and Village Industry Board.
19.	The Society for Self-employment for Urban Youth, a society registered under the West Bengal Societies Registration Act, 1961 (West Bengal Act No. 26 of 1961).
20.	The Tirumala Tirupathi Devasthanams Board.
21.	The Agricultural and Processed Food Products Export Development Authority, an authority constituted under section 4 of the Agricultural and Processed Food Products Export Development Authority Act, 1985 (2 of 1986).
22.	The National Agricultural Co-operative Marketing Federation of India Limited (NAFED).
23.	The Indian Farmer Fertilizers Co-operative Limited (IFFCO).
24.	The Krishak Bharati Co-operative Limited (KRIBHCO).
25.	The National Co-operative Consumers Federation of India Limited (NCCF).
26.	The Auroville Foundation established under sub-section (1) of section 10 of the Auroville Foundation Act, 1988 (54 of 1988).
27.	The National Commission of Enterprises in the Unorganised Sector.
28.	The Planning Board (Asiatic Society) established under sub-section (1) of section 8 of the Asiatic Society Act, 1984 (5 of 1984).
29.	The Delhi Rural Development Board.
30.	The Maulana Azad Education Foundation.
31.	The Indira Gandhi National Centre for the Arts.
32.	The Dr. Ambedkar Foundation.
33.	The Bihar State Board of Religious Trust, a body constituted under the Bihar Hindu Religious Trust Act, 1950 (Bihar Act No. 1 of 1951).
34.	The Research and Information System for the Non-Aligned and Other Developing Countries.
35.	The Indian Institute of Psychometry.
36.	The Uttar Pradesh Film Development Council.
37.	The Uttar Pradesh Provincial Co-operative Federation.
38.	The Uttar Pradesh Co-operative Federation Limited.
39.	The National Co-operative Union of India.
40.	The Uttar Pradesh Krishi and Gram Vikas Bank.
41.	The Uttar Pradesh Co-operative Bank Limited.
42.	The Indian Council for Cultural Relations.
43.	The Board of Control—A.N. Sinha Institute of Social Studies, Patna.
44.	All India Council for Sports.
45.	The Howrah Improvement Trust.
46.	The Dalit Sena, 12, Janpath, New Delhi.
47.	The Social Justice Trust, 12, Janpath, New Delhi.
48.	The Bahujan Foundation (Charitable Trust), Lucknow, Uttar Pradesh.

(1)

(2)

-
49. The Bahujan Prerna Charitable Trust, Delhi.
 50. The Central Wakf Council, established under section 9 of the Wakf Act, 1995 (43 of 1995).
 51. The Nehru Memorial Museum and Library (NMML).
 52. The Jalianwala Bagh Memorial Trust.
 53. The Haj Committee of India constituted under section 3 of the Haj Committee Act, 2002 (35 of 2002).
 54. The Mallickghat Phoolbazar Parichalan Committee.
 55. The West Bengal Fisheries Corporation Limited.”.
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4. (1) Notwithstanding any judgment or order of any court or tribunal or any order or opinion of any other authority, the offices mentioned in clauses (ad), (k), (l) and (m) of section 3 of the principal Act shall not disqualify or shall be deemed never to have disqualified the holders thereof for being chosen as, or for being, a member of either House of Parliament as if the principal Act as amended by this Act had been in force at all material times.

Special provisions as to validation and other matters.

(2) Nothing contained in sub-section (1) shall be construed as to entitle any person who has vacated a seat owing to any order or judgment as aforesaid, to claim any re-instatement or any other claim in that behalf.

(3) For the removal of doubts, it is hereby clarified that any petition or reference pending before any court or other authority on the date of commencement of this Act, shall be disposed of in accordance with the provisions of the principal Act, as amended by this Act.

**THE SPIRITUOUS PREPARATIONS (INTER-STATE TRADE AND
COMMERCE) CONTROL (REPEAL) ACT, 2006**

No. 32 OF 2006

[22nd August, 2006.]

**An Act to repeal the Spirituous Preparations (Inter-State Trade and Commerce)
Control Act, 1955.**

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

Short title.

1. This Act may be called the Spirituous Preparations (Inter-State Trade and Commerce) Control (Repeal) Act, 2006.

Repeal of Act
39 of 1955.

2. The Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955 is hereby repealed.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)
AMENDMENT ACT, 2006

No. 33 OF 2006

[22nd August, 2006.]

An Act to amend the Juvenile Justice (Care and Protection of
Children) Act, 2000.

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

1. This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006. Short title.

2. In the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as the principal Act), in the long title, for the words “through various institutions established under this enactment”, the words “and for matters connected therewith or incidental thereto” shall be substituted. Amendment of long title.

3. In section 1 of the principal Act,—

(i) in the marginal heading, for the words “and commencement”, the words “,commencement and application” shall be substituted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all cases involving detention, prosecution, penalty or sentence of imprisonment of juveniles in conflict with law under such other law.”.

4. In section 2 of the principal Act,—

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

“(aa) “adoption” means the process through which the adopted child is permanently separated from his biological parents and become the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship;”;

(ii) in clause (d),—

(I) after sub-clause (i), the following sub-clause shall be inserted, namely:—

“(ia) who is found begging, or who is either a street child or a working child;”;

(II) in sub-clause (v), after the word ‘abandoned’, the words ‘or surrendered’ shall be inserted;

(iii) in clause (h), for the words “competent authority”, the words “State Government on the recommendation of the competent authority” shall be substituted;

(iv) for clause (l), the following clause shall be substituted, namely:—

“(l) “juvenile in conflict with law” means a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence;”;

(v) clause (m) shall be omitted.

Omission of certain expressions.

5. Throughout the principal Act, the words “local authority”, “or local authority” and “or the local authority”, wherever they occur, shall be omitted.

Amendment of section 4.

6. In section 4 of the principal Act, in sub-section (1), for the words “by notification in the Official Gazette, constitute for a district or a group of districts specified in the notification”, the words “within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district” shall be substituted.

Amendment of section 6.

7. In section 6 of the principal Act, in sub-section (1), the words “or a group of districts” shall be omitted.

Insertion of new section 7A.

8. After section 7 of the principal Act, the following section shall be inserted, namely:—

Procedure to be followed when claim of juvenility is raised before any court.

“7A. (1) Whenever a claim of juvenility is raised before any court or a court is of the opinion that an accused person was a juvenile on the date of commission of the offence, the court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) so as to determine the age of such person, and shall record a finding whether the person is a juvenile or a child or not, stating his age as nearly as may be:

Provided that a claim of juvenility may be raised before any court and it shall be recognised at any stage, even after final disposal of the case, and such claim shall be determined in terms of the provisions contained in this Act and the rules made thereunder, even if the juvenile has ceased to be so on or before the date of commencement of this Act.

(2) If the court finds a person to be a juvenile on the date of commission of the offence under sub-section (1), it shall forward the juvenile to the Board for passing appropriate order, and the sentence if any, passed by a court shall be deemed to have no effect.”.

Amendment of section 10.

9. In section 10 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police

officer, who shall produce the juvenile before the Board without any loss of time but within a period of twenty-four hours of his apprehension excluding the time necessary for the journey, from the place where the juvenile was apprehended, to the Board:

Provided that in no case, a juvenile in conflict with law shall be placed in a police lockup or lodged in a jail."

10. In section 12 of the principal Act, in sub-section (1), after the words "with or without surety", the words "or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person" shall be inserted. Amendment of section 12.

11. Section 14 of the principal 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:— Amendment of section 14.

"(2) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board at every six months, and shall direct the Board to increase the frequency of its sittings or may cause the constitution of additional Boards."

12. In section 15 of the principal Act, in sub-section (1), for clause (g), the following clause shall be substituted, namely:— Amendment of section 15.

"(g) make an order directing the juvenile to be sent to a special home for a period of three years:

Provided that the Board may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case, it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit."

13. In section 16 of the principal Act,—

(i) in sub-section (1), for the words "or life imprisonment", the words "or imprisonment for any term which may extend to imprisonment for life" shall be substituted;

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

"Provided that the period of detention so ordered shall not exceed in any case the maximum period provided under section 15 of this Act."

14. In section 20 of the principal Act, the following proviso and *Explanation* shall be inserted, namely:— Amendment of section 20.

"Provided that the Board may, for any adequate and special reason to be mentioned in the order, review the case and pass appropriate order in the interest of such juvenile.

Explanation.— In all pending cases including trial, revision, appeal or any other criminal proceedings in respect of a juvenile in conflict with law, in any court, the determination of juvenility of such a juvenile shall be in terms of clause (1) of section 2, even if the juvenile ceases to be so on or before the date of commencement of this Act and the provisions of this Act shall apply as if the said provisions had been in force, for all purposes and at all material times when the alleged offence was committed."

15. For section 21 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 21.

"21. (1) No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law or a child in need of care and protection under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile or child nor shall any picture of any such juvenile or child be published:

Provided that for reasons to be recorded in writing, the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile or the child. Prohibition of publication of name, etc., of juvenile in conflict with law or child in need of care and protection involved in any proceeding under the Act.

(2) Any person who contravenes the provisions of sub-section (1), shall be liable to a penalty which may extend to twenty-five thousand rupees.”

Amendment
of section 29.

16. In section 29 of the principal Act, in sub-section (1), for the words “by notification in Official Gazette, constitute for every district, or group of districts specified in the notification”, the words “within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district” shall be substituted.

Amendment
of section 32.

17. In section 32 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (iv), the words “authorised by the State Government” shall be omitted;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.”;

(b) in sub-section (2), the words “to the police and” shall be omitted.

Amendment
of section 33.

18. In section 33 of the principal Act,—

(a) in sub-section (1), the words “or any police officer or special juvenile police unit or the designated police officer” shall be omitted;

(b) for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) The State Government shall review the pendency of cases of the Committee at every six months, and shall direct the Committee to increase the frequency of its sittings or may cause the constitution of additional Committees.

(4) After the completion of the inquiry, if, the Committee is of the opinion that the said child has no family or ostensible support or is in continued need of care and protection, it may allow the child to remain in the children’s home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years.”.

Amendment
of section 34.

19. In section 34 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Without prejudice to anything contained in any other law for the time being in force, all institutions, whether State Government run or those run by voluntary organisations for children in need of care and protection shall, within a period of six months from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, be registered under this Act in such manner as may be prescribed.”.

Amendment
of section 39.

20. In section 39 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

‘*Explanation*.— For the purposes of this section “restoration of and protection of a child” means restoration to—

(a) parents;

(b) adopted parents;

(c) foster parents;

- (d) guardian;
- (e) fit person;
- (f) fit institution.’

21. In section 41 of the principal Act,—

Amendment
of section 41.

(i) for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—

“(2) Adoption shall be resorted to for the rehabilitation of the children who are orphan, abandoned or surrendered through such mechanism as may be prescribed.

(3) In keeping with the provisions of the various guidelines for adoption issued from time to time, by the State Government, or the Central Adoption Resource Agency and notified by the Central Government, children may be given in adoption by a court after satisfying itself regarding the investigations having been carried out, as are required for giving such children in adoption.

(4) The State Government shall recognise one or more of its institutions or voluntary organisations in each district as specialised adoption agencies in such manner as may be prescribed for the placement of orphan, abandoned or surrendered children for adoption in accordance with the guidelines notified under sub-section (3):

Provided that the children's homes and the institutions run by the State Government or a voluntary organisation for children in need of care and protection, who are orphan, abandoned or surrendered, shall ensure that these children are declared free for adoption by the Committee and all such cases shall be referred to the adoption agency in that district for placement of such children in adoption in accordance with the guidelines notified under sub-section (3).”;

(ii) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) The court may allow a child to be given in adoption—

- (a) to a person irrespective of marital status; or
- (b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters; or
- (c) to childless couples.”.

22. For section 57 of the principal Act, the following section shall be substituted, namely:—

Substitution of
new section for
section 57.

“57. The State Government may direct any child or the juvenile to be transferred from any children's home or special home within the State to any other children's home, special home or institution of a like nature or to such institutions outside the State in consultation with the concerned State Government and with the prior intimation to the Committee or the Board, as the case may be, and such order shall be deemed to be operative for the competent authority of the area to which the child or the juvenile is sent.”.

Transfer
between
children's
homes under
the Act, and
juvenile homes
of like nature
in different
parts of India.

23. In section 59 of the principal Act, in sub-section (2), for the words “for maximum seven days”, the words “for a period generally not exceeding seven days” shall be substituted.

Amendment
of section 59.

Insertion of
new section
62A.

24. After section 62 of the principal Act, the following section shall be inserted, namely:—

Constitution
of Child
Protection Unit
responsible for
implementation
of the Act.

“62A. Every State Government shall constitute a Child Protection Unit for the State and, such Units for every District, consisting of such officers and other employees as may be appointed by that Government, to take up matters relating to children in need of care and protection and juveniles in conflict with law with a view to ensure the implementation of this Act including the establishment and maintenance of homes, notification of competent authorities in relation to these children and their rehabilitation and co-ordination with various official and non-official agencies concerned.”

Amendment
of section 64.

25. In section 64 of the principal Act,—

(i) for the words “may direct”, the words “shall direct” shall be substituted;

(ii) the following proviso and *Explanation* shall be inserted, namely:—

“Provided that the State Government, or as the case may be the Board, may, for any adequate and special reason to be recorded in writing, review the case of a juvenile in conflict with law undergoing a sentence of imprisonment, who has ceased to be so on or before the commencement of this Act, and pass appropriate order in the interest of such juvenile.

Explanation.—In all cases where a juvenile in conflict with law is undergoing a sentence of imprisonment at any stage on the date of commencement of this Act, his case including the issue of juvenility, shall be deemed to be decided in terms of clause (i) of section 2 and other provisions contained in this Act and the rules made thereunder, irrespective of the fact that he ceases to be a juvenile on or before such date and accordingly he shall be sent to the special home or a fit institution, as the case may be, for the remainder of the period of the sentence but such sentence shall not in any case exceed the maximum period provided in section 15 of this Act.”

Amendment
of section 68.

26. In section 68 of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the Central Government may, frame model rules in respect of all or any of the matters with respect to which the State Government may make rules under this section, and where any such model rules have been framed in respect of any such matter, they shall apply to the State until the rules in respect of that matter is made by the State Government and while making any such rules, so far as is practicable, they conform to such model rules.”;

(b) in sub-section (2),—

(i) in clause (x), after the words, letter and brackets “sub-section (2)”, the following words, letter and brackets shall be inserted, namely:—

“and the manner of registration of institutions under sub-section (3)”;

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

“(xiii) rehabilitation mechanism to be resorted to in adoption under sub-section (2), notification of guidelines under sub-section (3) and the manner of recognition of specialised adoption agencies under sub-section (4) of section 41;”;

(c) sub-section (3) shall be re-numbered as sub-section (4) thereof, and before sub-section (4) as so re-numbered, the following sub-section shall be inserted, namely:—

“(3) Every rule 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 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.”.

THE FOOD SAFETY AND STANDARDS ACT, 2006

ARRANGEMENT OF SECTIONS

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MISCELLANEOUS

85. Power of Central Government to issue directions to Food Authority and obtain reports and returns.
86. Power of Central Government to give directions to State Governments.
87. Members, officers of Food Authority and Commissioner of Food Safety to be public servants.
88. Protection of action taken in good faith.
89. Overriding effect of this Act over all other food related laws.
90. Transfer of existing employees of Central Government Agencies governing various food related Acts or Orders to Food Authority.
91. Power of Central Government to make rules.
92. Power of Food Authority to make regulations.
93. Laying of rules and regulations before Parliament.
94. Power of State Government to make rules.
95. Reward by State Government.
96. Recovery of penalty.
97. Repeal and savings.
98. Transitory provisions for food standards.
99. Milk and Milk Products Order, 1992 shall be deemed to be regulations made under this Act.
100. Amendments to the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992.
101. Power to remove difficulties.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE FOOD SAFETY AND STANDARDS ACT, 2006

No. 34 OF 2006

[23rd August, 2006.]

An Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Food Safety and Standards Act, 2006.

(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, 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.

Declaration as
to expediency
of control by
the Union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the food industry.

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

Definitions.

(a) "adulterant" means any material which is or could be employed for making the food unsafe or sub-standard or mis-branded or containing extraneous matter;

(b) "advertisement" means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website and includes through any notice, circular, label, wrapper, invoice or other documents;

(c) "Chairperson" means the Chairperson of the Food Authority;

(d) "claim" means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or otherwise;

(e) "Commissioner of Food Safety" means the Commissioner of Food Safety appointed under section 30;

(f) "consumer" means persons and families purchasing and receiving food in order to meet their personal needs;

(g) "contaminant" means any substance, whether or not added to food, but which is present in such food as a result of the production (including operations carried out in crop husbandry, animal husbandry or veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food or as a result of environmental contamination and does not include insect fragments, rodent hairs and other extraneous matter;

(h) "Designated Officer" means the officer appointed under section 36;

(i) "extraneous matter" means any matter contained in an article of food which may be carried from the raw materials, packaging materials or process systems used for its manufacture or which is added to it, but such matter does not render such article of food unsafe;

(j) "food" means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food to the extent defined in clause (zk), genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances:

Provided that the Central Government may declare, by notification in the Official Gazette, any other article as food for the purposes of this Act having regards to its use, nature, substance or quality;

(k) "food additive" means any substance not normally consumed as a food by itself or used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result (directly or indirectly), in it or its by-products becoming a component of or otherwise affecting the characteristics of such food but does not include "contaminants" or substances added to food for maintaining or improving nutritional qualities;

(l) "Food Analyst" means an analyst appointed under section 45;

(m) "Food Authority" means the Food Safety and Standards Authority of India established under section 4;

(n) "food business" means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients;

(o) "food business operator" in relation to food business means a person by whom the business is carried on or owned and is responsible for ensuring the compliance of this Act, rules and regulations made thereunder;

(p) "food laboratory" means any food laboratory or institute established by the Central or a State Government or any other agency and accredited by National Accreditation Board for Testing and Calibration Laboratories or an equivalent accreditation agency and recognised by the Food Authority under section 43;

(q) "food safety" means assurance that food is acceptable for human consumption according to its intended use;

(r) "food safety audit" means a systematic and functionally independent examination of food safety measures adopted by manufacturing units to determine whether such measures and related results meet with objectives of food safety and the claims made in that behalf;

(s) "Food Safety Management System" means the adoption of Good Manufacturing Practices, Good Hygienic Practices, Hazard Analysis and Critical Control Point and such other practices as may be specified by regulation, for the food business;

(t) "Food Safety Officer" means an officer appointed under section 37;

(u) "hazard" means a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect;

(v) "import" means bringing into India any article of food by land, sea or air;

(w) "improvement notice" means a notice issued under section 32 of this Act;

(x) "infant food" and "infant milk substitute" shall have the meanings assigned to them in clauses (f) and (g) of sub-section (1) of section 2 of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992, respectively;

41 of 1992.

(y) "ingredient" means any substance, including a food additive used in the manufacture or preparation of food and present in the final product, possibly in a modified form;

(z) "label" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, graphic, perforated, stamped or impressed on or attached to container, cover, lid or crown of any food package and includes a product insert;

(za) "licence" means a licence granted under section 31;

(zb) "local area" means any area, whether urban or rural, notified by the Commissioner of Food Safety, to be a local area for the purposes of this Act;

(zc) "manufacture" means a process or adoption or any treatment for conversion of ingredients into an article of food, which includes any sub-process, incidental or ancillary to the manufacture of an article of food;

(zd) "manufacturer" means a person engaged in the business of manufacturing any article of food for sale and includes any person who obtains such article from another person and packs and labels it for sale or only labels it for such purposes;

(ze) "Member" means Member of the Food Authority and includes the Chairperson;

(zf) "misbranded food" means an article of food—

(A) if it is purported, or is represented to be, or is being—

(i) offered or promoted for sale with false, misleading or deceptive claims either;

(a) upon the label of the package, or

(b) through advertisement, or

(ii) sold by a name which belongs to another article of food; or

(iii) offered or promoted for sale under the name of a fictitious individual or company as the manufacturer or producer of the article as borne on the package or containing the article or the label on such package; or

(B) if the article is sold in packages which have been sealed or prepared by or at the instance of the manufacturer or producer bearing his name and address but—

(i) the article is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character; or

(ii) the package containing the article or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular, or if the package is otherwise deceptive with respect to its contents; or

(iii) the article is offered for sale as the product of any place or country which is false; or

(C) if the article contained in the package—

(i) contains any artificial flavouring, colouring or chemical preservative and the package is without a declaratory label stating that fact or is not labelled in accordance with the requirements of this Act or regulations made thereunder or is in contravention thereof; or

(ii) is offered for sale for special dietary uses, unless its label bears such information as may be specified by regulation, concerning its vitamins, minerals or other dietary properties in order sufficiently to inform its purchaser as to its value for such use; or

(iii) is not conspicuously or correctly stated on the outside thereof within the limits of variability laid down under this Act.

(zg) "notification" means a notification published in the Official Gazette;

(zh) "package" means a pre-packed box, bottle, casket, tin, barrel, case, pouch, receptacle, sack, bag, wrapper or such other things in which an article of food is packed;

(zi) "premises" include any shop, stall, hotel, restaurant, airline services and food canteens, place or vehicle or vessel where any article of food is sold or manufactured or stored for sale;

(zj) "prescribed" means prescribed by rules made by the Central Government or the State Government, as the case may be under this Act;

(zk) "primary food" means an article of food, being a produce of agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form, resulting from the growing, raising, cultivation, picking, harvesting, collection or catching in the hands of a person other than a farmer or fisherman;

(zl) "prohibition order" means an order issued under section 33 of this Act;

(zm) "risk", in relation to any article of food, means the probability of an adverse effect on the health of consumers of such food and the severity of that effect, consequential to a food hazard;

(zn) "risk analysis", in relation to any article of food, means a process consisting of three components, *i.e.*, risk assessment, risk management and risk communication;

(zo) "risk assessment" means a scientifically based process consisting of the following steps: (i) hazard identification, (ii) hazard characterisation, (iii) exposure assessment, and (iv) risk characterisation;

(zp) "risk communication" means the interactive exchange of information and opinions throughout the risk analysis process concerning risks, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, industry, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions;

(zq) "risk management" means the process, distinct from risk assessment, of evaluating policy alternatives, in consultation with all interested parties considering risk assessment and other factors relevant for the protection of health of consumers and for the promotion of fair trade practices, and, if needed, selecting appropriate prevention and control options;

(zr) "sale" with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or by way of exchange and whether by wholesale or retail, for human consumption or use, or for analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any such article, and includes also an attempt to sell any such article;

(zs) "sample" means a sample of any article of food taken under the provisions of this Act or any rules and regulations made thereunder;

(zt) "specified by regulations" means specified by regulations made by the Food Authority;

(zu) "standard", in relation to any article of food, means the standards notified by the Food Authority;

(zv) "State Government" in relation to a Union territory means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(zw) "substance" includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;

(zx) "sub-standard", an article of food shall be deemed to be sub-standard if it does not meet the specified standards but not so as to render the article of food unsafe;

(zy) "Tribunal" means the Food Safety Appellate Tribunal established under section 70;

(zz) "unsafe food" means an article of food whose nature, substance or quality is so affected as to render it injurious to health:—

(i) by the article itself, or its package thereof, which is composed, whether wholly or in part, of poisonous or deleterious substances; or

(ii) by the article consisting, wholly or in part, of any filthy, putrid, rotten, decomposed or diseased animal substance or vegetable substance; or

(iii) by virtue of its unhygienic processing or the presence in that article of any harmful substance; or

(iv) by the substitution of any inferior or cheaper substance whether wholly or in part; or

(v) by addition of a substance directly or as an ingredient which is not permitted; or

(vi) by the abstraction, wholly or in part, of any of its constituents; or

(vii) by the article being so coloured, flavoured or coated, powdered or polished, as to damage or conceal the article or to make it appear better or of greater value than it really is; or

(viii) by the presence of any colouring matter or preservatives other than that specified in respect thereof; or

(ix) by the article having been infected or infested with worms, weevils or insects; or

(x) by virtue of its being prepared, packed or kept under insanitary conditions; or

(xi) by virtue of its being mis-branded or sub-standard or food containing extraneous matter; or

(xii) by virtue of containing pesticides and other contaminants in excess of quantities specified by regulations.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding Law, if any, in force in that State.

CHAPTER II

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

4. (1) The Central Government shall, by notification, establish a body to be known as the Food Safety and Standards Authority of India to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Food Authority 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 said name, sue or be sued.

(3) The head office of the Food Authority shall be at Delhi.

(4) The Food Authority may establish its offices at any other place in India.

5. (1) The Food Authority shall consist of a Chairperson and the following twenty-two members out of which one-third shall be women, namely:—

(a) seven Members, not below the rank of a Joint Secretary to the Government of India, to be appointed by the Central Government, to respectively represent the Ministries or Departments of the Central Government dealing with—

- (i) Agriculture,
- (ii) Commerce,
- (iii) Consumer Affairs,
- (iv) Food Processing,
- (v) Health,
- (vi) Legislative Affairs,
- (vii) Small Scale Industries,

Establishment of Food Safety and Standards Authority of India.

Composition of Food Authority and qualifications for appointment of its Chairperson and other Members.

who shall be Members *ex officio*;

(b) two representatives from food industry of which one shall be from small scale industries;

(c) two representatives from consumer organisations;

(d) three eminent food technologists or scientists;

(e) five members to be appointed by rotation every three years, one each in seriatim from the Zones as specified in the First Schedule to represent the States and the Union territories;

(f) two persons to represent farmers' organisations;

(g) one person to represent retailers' organisations.

(2) The Chairperson and other Members of the Food Authority shall be appointed in such a manner so as to secure the highest standards of competence, broad range of relevant expertise, and shall represent, the broadest possible geographic distribution within the country.

(3) The Chairperson shall be appointed by the Central Government from amongst the persons of eminence in the field of food science or from amongst the persons from the administration who have been associated with the subject and is either holding or has held the position of not below the rank of Secretary to the Government of India.

(4) The Chairperson and the Members other than *ex officio* Members of the Food Authority shall be appointed by the Central Government on the recommendations of the Selection Committee.

(5) The Chairperson or Members other than *ex officio* Members of the Food Authority shall not hold any other office.

6. (1) The Central Government shall, for the purpose of selection of the Chairperson and the Members other than *ex officio* Members of the Food Authority, constitute a Selection Committee consisting of—

(a) Cabinet Secretary—Chairperson,

(b) Secretary-in-charge of the Ministry or the Department responsible for administration of this Act as the convener—Member,

(c) Secretary-in-charge of the Ministries or the Departments of the Central Government dealing with Health, Legislative and Personnel—Members,

(d) Chairman of the Public Enterprises Selection Board—Member,

(e) An eminent food technologist to be nominated by the Central Government—Member.

Explanation.— For the purposes of clause (e), the Central Government shall nominate a person from amongst persons holding the post of Director or the Head, by whatever name called, of any national research or technical institution.

(2) The Central Government shall, within two months from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or a Member of the Food Authority and three months before the superannuation or completion of the term of office of the Chairperson or any Member of that Authority, make a reference to the Selection Committee for filling up of the vacancy.

(3) The Selection Committee shall finalise the selection of the Chairperson and Members of the Food Authority within two months from the date on which the reference is made to it.

(4) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

Selection
Committee
for selection
of
Chairperson
and Members
of Food
Authority.

(5) Before recommending any person for appointment as a Chairperson or other Member of the Food Authority, the Selection Committee shall satisfy itself that such person does not have any financial or other interest, which is likely to affect prejudicially his functions as a Member.

(6) No appointment of the Chairperson or other Member of the Food Authority shall be invalid merely by reason of any vacancy in the Selection Committee.

7. (1) The Chairperson and the members other than *ex officio* Members shall hold office for a term of three years from the date on which they enter upon their offices, and shall be eligible for re-appointment for a further period of three years:

Provided that no Chairperson or a member other than *ex officio* Member shall hold office as such after he has attained—

(a) in the case of the Chairperson, the age of sixty-five years, and

(b) in the case of a Member, the age of sixty-two years.

(2) The salary 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 by the Central Government.

(3) The Chairperson and every Member shall, before entering upon his office, make and subscribe to an oath of office and of secrecy in such form and in such manner and before such authority as may be prescribed by the Central Government.

(4) Notwithstanding anything contained in sub-section (1), the Chairperson or any Member may—

(a) relinquish his office by giving in writing to the Central Government a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 8.

(5) The Chairperson or any Member ceasing to hold office as such shall not represent any person before the Food Authority or any State Authority in any manner.

8. (1) Notwithstanding anything contained in sub-section (1) of section 7, the Central Government may, by order, remove from office the Chairperson or any other Member, if the Chairperson or as the case may be, such other Member,—

(a) has been adjudged 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 interests 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 Member shall be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

9. (1) There shall be a Chief Executive Officer of the Food Authority, not below the rank of Additional Secretary to the Government of India, who shall be the Member-Secretary of the Authority, to be appointed by the Central Government.

(2) The Food Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required to the Food Authority in the discharge of its functions.

Term of office, salary, allowances and other conditions of service of Chairperson and Members of Food Authority.

Removal of Chairperson and Members of Food Authority.

Officers and other employees of Food Authority.

(3) The salaries and allowances payable to, and other conditions of service of, the Chief Executive Officer, officers and other employees shall be such as may be specified by regulations by the Food Authority with the approval of the Central Government.

Functions of
the Chief
Executive
Officer.

10. (1) The Chief Executive Officer shall be the legal representative of the Food Authority and shall be responsible for—

(a) the day-to-day administration of the Food Authority;

(b) drawing up of proposal for the Food Authority's work programmes in consultation with the Central Advisory Committee;

(c) implementing the work programmes and the decisions adopted by the Food Authority;

(d) ensuring the provision of appropriate scientific, technical and administrative support for the Scientific Committee and the Scientific Panel;

(e) ensuring that the Food Authority carries out its tasks in accordance with the requirements of its users, in particular with regard to the adequacy of the services provided and the time taken;

(f) the preparation of the statement of revenue and expenditure and the execution of the budget of the Food Authority; and

(g) developing and maintaining contact with the Central Government, and for ensuring a regular dialogue with its relevant committees.

(2) Every year, the Chief Executive Officer shall submit to the Food Authority for approval—

(a) a general report covering all the activities of the Food Authority in the previous year;

(b) programmes of work;

(c) the annual accounts for the previous year; and

(d) the budget for the coming year.

(3) The Chief Executive Officer shall, following adoption by the Food Authority, forward the general report and the programmes to the Central Government and the State Governments and shall have them published.

(4) The Chief Executive Officer shall approve all financial expenditure of the Food Authority and report on the Authority's activities to the Central Government.

(5) The Chief Executive Officer shall exercise the powers of the Commissioner of Food Safety while dealing with matters relating to food safety of such articles.

(6) The Chief Executive Officer shall have administrative control over the officers and other employees of the Food Authority.

Central
Advisory
Committee.

11. (1) The Food Authority shall, by notification, establish a Committee to be known as the Central Advisory Committee.

(2) The Central Advisory Committee shall consist of two members each to represent the interests of food industry, agriculture, consumers, relevant research bodies and food laboratories, and all Commissioners of Food Safety, and the Chairperson of the Scientific Committee shall be *ex officio* member.

(3) The representatives of the concerned Ministries or Departments of the Central Government in Agriculture, Animal Husbandry and Dairying, Bio-technology, Commerce and Industry, Consumer Affairs, Environment and Forests, Food Processing Industries, Health, Panchayati Raj, Small Scale Industries and Food and Public Distribution or government institutes or organisations and government recognised farmers' organisation shall be invitees to the deliberations of the Central Advisory Committee.

(4) The Chief Executive Officer shall be *ex officio* Chairperson of the Central Advisory Committee.

(5) The Central Advisory Committee shall follow such rules of procedure including its transaction of business as may be specified by regulations.

12. (1) The Central Advisory Committee shall ensure close co-operation between the Food Authority and the enforcement agencies and organisations operating in the field of food.

Functions of
Central
Advisory
Committee.

(2) The Central Advisory Committee shall advise the Food Authority on—

(a) the performance of its duties under this section and in particular in drawing up of a proposal for the Food Authority's work programme,

(b) on the prioritisation of work,

(c) identifying potential risks,

(d) pooling of knowledge, and

(e) such other functions as may be specified by regulations.

(3) The Central Advisory Committee shall meet regularly at the invitation of the Chairperson of Central Advisory Committee or at the request of at least one-third of its members, and not less than three times a year.

13. (1) The Food Authority shall establish scientific panels, which shall consist of independent scientific experts.

Scientific
Panels.

(2) The Scientific Panel shall invite the relevant industry and consumer representatives in its deliberations.

(3) Without prejudice to the provisions of sub-section (1), the Food Authority may establish as many Scientific Panels as it considers necessary in addition to the Panels on:

(a) food additives, flavourings, processing aids and materials in contact with food;

(b) pesticides and antibiotics residues;

(c) genetically modified organisms and foods;

(d) functional foods, nutraceuticals, dietetic products and other similar products;

(e) biological hazards;

(f) contaminants in the food chain;

(g) labelling; and

(h) method of sampling and analysis.

(4) The Food Authority may from time to time re-constitute the Scientific Panels by adding new members or by omitting the existing members or by changing the name of the panel as the case may be.

14. (1) The Food Authority shall constitute Scientific Committee which shall consist of the Chairpersons of the Scientific Panels and six independent scientific experts not belonging or affiliated to any of the Scientific Panels.

Scientific
Committee.

(2) The Scientific Committee shall be responsible for providing the scientific opinions to the Food Authority, and shall have the powers, where necessary, of organising public hearings.

(3) The Scientific Committee shall be responsible for the general co-ordination necessary to ensure consistency of the scientific opinion procedure and in particular with regard to the adoption of working procedures and harmonisation of working methods of the Scientific Panels.

(4) The Scientific Committee shall provide opinions on multi-sectoral issues falling within the competence of more than one Scientific Panel, and on issues which do not fall within the competence of any of the Scientific Panels.

(5) Wherever necessary, and particularly in the case of subjects which do not fall within the competence of any of the Scientific Panel, the Scientific Committee shall set up working groups and in such cases, it shall draw on the expertise of those working groups when establishing scientific opinions.

Procedure for
Scientific
Committee
and Scientific
Panel.

15. (1) The members of the Scientific Committee, who are not members of the Scientific Panel and the members of the Scientific Panel shall be appointed by the Food Authority, for a period of three years, which shall be renewable, for such period, and the vacancy notice shall be published in the relevant leading scientific publications and on the Food Authority's website for a call for expressions of interest.

(2) The Scientific Committee and the Scientific Panel shall each choose a Chairperson from amongst their members.

(3) The Scientific Committee and the Scientific Panel shall act by a majority of their members and the views of the members shall be recorded.

(4) The procedure for the operation and co-operation of the Scientific Committee and the Scientific Panel shall be specified by regulations.

(5) These procedures shall relate in particular to—

(a) the number of times that a member can serve consecutively on a Scientific Committee or Scientific Panel;

(b) the number of members in each Scientific Panel;

(c) the procedure for re-imbursing the expenses of members of the Scientific Committee and the Scientific Panel;

(d) the manner in which tasks and requests for scientific opinions are assigned to the Scientific Committee and the Scientific Panel;

(e) the creation and organisation of the working groups of the Scientific Committee and the Scientific Panel, and the possibility of external experts being included in those working groups;

(f) the possibility of observers being invited to meetings of the Scientific Committee and the Scientific Panel;

(g) the possibility of organising public hearings; and

(h) quorum of the meeting, meeting notice, agenda of the meeting and such other matters.

Duties and
functions of
Food
Authority.

16. (1) It shall be the duty of the Food Authority to regulate and monitor the manufacture, processing, distribution, sale and import of food so as to ensure safe and wholesome food.

(2) Without prejudice to the provisions of sub-section (1), the Food Authority may by regulations specify—

(a) the standards and guidelines in relation to articles of food and specifying an appropriate system for enforcing various standards notified under this Act;

(b) the limits for use of food additives, crop contaminants, pesticide residues, residues of veterinary drugs, heavy metals, processing aids, myco-toxins, antibiotics and pharmacological active substances and irradiation of food;

(c) the mechanisms and guidelines for accreditation of certification bodies engaged in certification of food safety management systems for food businesses;

(d) the procedure and the enforcement of quality control in relation to any article of food imported into India;

(e) the procedure and guidelines for accreditation of laboratories and notification of the accredited laboratories;

(f) the method of sampling, analysis and exchange of information among enforcement authorities;

(g) conduct survey of enforcement and administration of this Act in the country;

(h) food labelling standards including claims on health, nutrition, special dietary uses and food category systems for foods; and

(i) the manner in which and the procedure subject to which risk analysis, risk assessment, risk communication and risk management shall be undertaken.

(3) The Food Authority shall also—

(a) provide scientific advice and technical support to the Central Government and the State Governments in matters of framing the policy and rules in areas which have a direct or indirect bearing on food safety and nutrition;

(b) search, collect, collate, analyse and summarise relevant scientific and technical data particularly relating to—

(i) food consumption and the exposure of individuals to risks related to the consumption of food;

(ii) incidence and prevalence of biological risk;

(iii) contaminants in food;

(iv) residues of various contaminants;

(v) identification of emerging risks; and

(vi) introduction of rapid alert system;

(c) promote, co-ordinate and issue guidelines for the development of risk assessment methodologies and monitor and conduct and forward messages on the health and nutritional risks of food to the Central Government, State Governments and Commissioners of Food Safety;

(d) provide scientific and technical advice and assistance to the Central Government and the State Governments in implementation of crisis management procedures with regard to food safety and to draw up a general plan for crisis management and work in close co-operation with the crisis unit set up by the Central Government in this regard;

(e) establish a system of network of organisations with the aim to facilitate a scientific co-operation framework by the co-ordination of activities, the exchange of information, the development and implementation of joint projects, the exchange of expertise and best practices in the fields within the Food Authority's responsibility;

(f) provide scientific and technical assistance to the Central Government and the State Governments for improving co-operation with international organisations;

(g) take all such steps to ensure that the public, consumers, interested parties and all levels of panchayats receive rapid, reliable, objective and comprehensive information through appropriate methods and means;

(h) provide, whether within or outside their area, training programmes in food safety and standards for persons who are or intend to become involved in food businesses, whether as food business operators or employees or otherwise;

(i) undertake any other task assigned to it by the Central Government to carry out the objects of this Act;

(j) contribute to the development of international technical standards for food, sanitary and phyto-sanitary standards;

(k) contribute, where relevant and appropriate, to the development of agreement on recognition of the equivalence of specific food related measures;

(l) promote co-ordination of work on food standards undertaken by international governmental and non-governmental organisations;

(m) promote consistency between international technical standards and domestic food standards while ensuring that the level of protection adopted in the country is not reduced; and

(n) promote general awareness as to food safety and food standards.

(4) The Food Authority shall make it public without undue delay—

(a) the opinions of the Scientific Committee and the Scientific Panel immediately after adoption;

(b) the annual declarations of interest made by members of the Food Authority, the Chief Executive Officer, members of the Advisory Committee and members of the Scientific Committee and Scientific Panel, as well as the declarations of interest if any, made in relation to items on the agendas of meetings;

(c) the results of its scientific studies; and

(d) the annual report of its activities.

(5) The Food Authority may, from time to time give such directions, on matters relating to food safety and standards, to the Commissioner of Food Safety, who shall be bound by such directions while exercising his powers under this Act;

(6) The Food Authority shall not disclose or cause to be disclosed to third parties confidential information that it receives for which confidential treatment has been requested and has been acceded, except for information which must be made public if circumstances so require, in order to protect public health.

Proceedings
of Food
Authority.

17. (1) The Food Authority shall meet at the head office or any of its offices at such time as the Chairperson may direct, 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 regulations.

(2) If the Chairperson is unable to attend a meeting of the Food Authority, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from amongst themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the Food Authority shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or the person presiding over the meeting shall have the right to exercise a second or casting vote.

(4) All orders and decisions of the Food Authority shall be authenticated by the Chief Executive Officer.

(5) The Chief Executive Officer shall take part in the meetings of the Food Authority but without a right to vote.

(6) The Food Authority may invite the Chairperson of the Scientific Committee to attend its meetings but without a right to vote.

(7) No act or proceedings of the Food Authority shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Food Authority.

CHAPTER III

GENERAL PRINCIPLES OF FOOD SAFETY

18. The Central Government, the State Governments, the Food Authority and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following principles, namely:—

General principles to be followed in administration of Act.

(1) (a) endeavour to achieve an appropriate level of protection of human life and health and the protection of consumers' interests, including fair practices in all kinds of food trade with reference to food safety standards and practices;

(b) carry out risk management which shall include taking into account the results of risk assessment, and other factors which in the opinion of the Food Authority are relevant to the matter under consideration and where the conditions are relevant, in order to achieve the general objectives of regulations;

(c) where in any specific circumstances, on the basis of assessment of available information, the possibility of harmful effects on health is identified but scientific uncertainty persists, provisional risk management measures necessary to ensure appropriate level of health protection may be adopted, pending further scientific information for a more comprehensive risk assessment;

(d) the measures adopted on the basis of clause (c) shall be proportionate and no more restrictive of trade than is required to achieve appropriate level of health protection, regard being had to technical and economic feasibility and other factors regarded as reasonable and proper in the matter under consideration;

(e) the measures adopted shall be reviewed within a reasonable period of time, depending on the nature of the risk to life or health being identified and the type of scientific information needed to clarify the scientific uncertainty and to conduct a more comprehensive risk assessment;

(f) in cases where there are reasonable grounds to suspect that a food may present a risk for human health, then, depending on the nature, seriousness and extent of that risk, the Food Authority and the Commissioner of Food Safety shall take appropriate steps to inform the general public of the nature of the risk to health, identifying to the fullest extent possible the food or type of food, the risk that it may present, and the measures which are taken or about to be taken to prevent, reduce or eliminate that risk; and

(g) where any food which fails to comply with food safety requirements is part of a batch, lot or consignment of food of the same class or description, it shall be presumed until the contrary is proved, that all of the food in that batch, lot or consignment fails to comply with those requirements.

(2) The Food Authority shall, while framing regulations or specifying standards under this Act—

(a) take into account—

(i) prevalent practices and conditions in the country including agricultural practices and handling, storage and transport conditions; and

(ii) international standards and practices, where international standards or practices exist or are in the process of being formulated,

unless it is of opinion that taking into account of such prevalent practices and conditions or international standards or practices or any particular part thereof would not be an effective or appropriate means for securing the objectives of such regulations or where there is a scientific justification or where they would

result in a different level of protection from the one determined as appropriate in the country;

(b) determine food standards on the basis of risk analysis except where it is of opinion that such analysis is not appropriate to the circumstances or the nature of the case;

(c) undertake risk assessment based on the available scientific evidence and in an independent, objective and transparent manner;

(d) ensure that there is open and transparent public consultation, directly or through representative bodies including all levels of panchayats, during the preparation, evaluation and revision of regulations, except where it is of opinion that there is an urgency concerning food safety or public health to make or amend the regulations in which case such consultation may be dispensed with:

Provided that such regulations shall be in force for not more than six months;

(e) ensure protection of the interests of consumers and shall provide a basis for consumers to make informed choices in relation to the foods they consume;

(f) ensure prevention of—

(i) fraudulent, deceptive or unfair trade practices which may mislead or harm the consumer; and

(ii) unsafe or contaminated or sub-standard food.

(3) The provisions of this Act shall not apply to any farmer or fisherman or farming operations or crops or livestock or aquaculture, and supplies used or produced in farming or products of crops produced by a farmer at farm level or a fisherman in his operations.

CHAPTER IV

GENERAL PROVISIONS AS TO ARTICLES OF FOOD

Use of food additive or processing aid.

19. No article of food shall contain any food additive or processing aid unless it is in accordance with the provisions of this Act and regulations made thereunder.

Explanation.—For the purposes of this section, “processing aid” means any substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, used in the processing of raw materials, foods or its ingredients to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product.

Contaminants, naturally occurring toxic substances, heavy metals, etc.

20. No article of food shall contain any contaminant, naturally occurring toxic substances or toxins or hormone or heavy metals in excess of such quantities as may be specified by regulations.

Pesticides, veterinary drugs residues, antibiotic residues and micro-biological counts.

21. (1) No article of food shall contain insecticides or pesticides residues, veterinary drugs residues, antibiotic residues, solvent residues, pharmacological active substances and micro-biological counts in excess of such tolerance limits as may be specified by regulations.

(2) No insecticide shall be used directly on article of food except fumigants registered and approved under the Insecticides Act, 1968.

Explanation.—For the purposes of this section,—

(1) “pesticide residue” means any specified substance in food resulting from the use of a pesticide and includes any derivatives of a pesticide, such as conversion products, metabolites, reaction products and impurities considered to be of toxicological significance and also includes such residues coming into food from environment;

(2) "residues of veterinary drugs" include the parent compounds or their metabolites or both in any edible portion of any animal product and include residues of associated impurities of the veterinary drug concerned.

22. Save as otherwise provided under this Act and regulations made thereunder, no person shall manufacture, distribute, sell or import any novel food, genetically modified articles of food, irradiated food, organic foods, foods for special dietary uses, functional foods, nutraceuticals, health supplements, proprietary foods and such other articles of food which the Central Government may notify in this behalf.

Genetically modified foods, organic foods, functional foods, proprietary foods, etc.

Explanation.—For the purposes of this section,—

(1) "foods for special dietary uses or functional foods or nutraceuticals or health supplements" means:

(a) foods which are specially processed or formulated to satisfy particular dietary requirements which exist because of a particular physical or physiological condition or specific diseases and disorders and which are presented as such, wherein the composition of these foodstuffs must differ significantly from the composition of ordinary foods of comparable nature, if such ordinary foods exist, and may contain one or more of the following ingredients, namely:—

(i) plants or botanicals or their parts in the form of powder, concentrate or extract in water, ethyl alcohol or hydro alcoholic extract, single or in combination;

(ii) minerals or vitamins or proteins or metals or their compounds or amino acids (in amounts not exceeding the Recommended Daily Allowance for Indians) or enzymes (within permissible limits);

(iii) substances from animal origin;

(iv) a dietary substance for use by human beings to supplement the diet by increasing the total dietary intake;

(b) (i) a product that is labelled as a "Food for special dietary uses or functional foods or nutraceuticals or health supplements or similar such foods" which is not represented for use as a conventional food and whereby such products may be formulated in the form of powders, granules, tablets, capsules, liquids, jelly and other dosage forms but not parenterals, and are meant for oral administration;

(ii) such product does not include a drug as defined in clause (b) and ayurvedic, sidha and unani drugs as defined in clauses (a) and (h) of section 3 of the Drugs and Cosmetics Act, 1940 and rules made thereunder;

(iii) does not claim to cure or mitigate any specific disease, disorder or condition (except for certain health benefit or such promotion claims) as may be permitted by the regulations made under this Act;

(iv) does not include a narcotic drug or a psychotropic substance as defined in the Schedule of the Narcotic Drugs and Psychotropic Substances Act, 1985 and rules made thereunder and substances listed in Schedules E and EI of the Drugs and Cosmetics Rules, 1945;

(2) "genetically engineered or modified food" means food and food ingredients composed of or containing genetically modified or engineered organisms obtained through modern biotechnology, or food and food ingredients produced from but not containing genetically modified or engineered organisms obtained through modern biotechnology;

(3) "organic food" means food products that have been produced in accordance with specified organic production standards;

(4) "proprietary and novel food" means an article of food for which standards have not been specified but is not unsafe:

Provided that such food does not contain any of the foods and ingredients prohibited under this Act and the regulations made thereunder.

Packaging and labelling of foods.

23. (1) No person shall manufacture, distribute, sell or expose for sale or despatch or deliver to any agent or broker for the purpose of sale, any packaged food products which are not marked and labelled in the manner as may be specified by regulations:

Provided that the labels shall not contain any statement, claim, design or device which is false or misleading in any particular concerning the food products contained in the package or concerning the quantity or the nutritive value implying medicinal or therapeutic claims or in relation to the place of origin of the said food products.

(2) Every food business operator shall ensure that the labelling and presentation of food, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, does not mislead consumers.

Restrictions of advertisement and prohibition as to unfair trade practices.

24. (1) No advertisement shall be made of any food which is misleading or deceiving or contravenes the provisions of this Act, the rules and regulations made thereunder.

(2) No person shall engage himself in any unfair trade practice for purpose of promoting the sale, supply, use and consumption of articles of food or adopt any unfair or deceptive practice including the practice of making any statement, whether orally or in writing or by visible representation which—

(a) falsely represents that the foods are of a particular standard, quality, quantity or grade-composition;

(b) makes a false or misleading representation concerning the need for, or the usefulness;

(c) gives to the public any guarantee of the efficacy that is not based on an adequate or scientific justification thereof:

Provided that where a defence is raised to the effect that such guarantee is based on adequate or scientific justification, the burden of proof of such defence shall lie on the person raising such defence.

CHAPTER V

PROVISIONS RELATING TO IMPORT

All imports of articles of food to be subject to this Act.

25. (1) No person shall import into India—

(i) any unsafe or misbranded or sub-standard food or food containing extraneous matter;

(ii) any article of food for the import of which a licence is required under any Act or rules or regulations, except in accordance with the conditions of the licence; and

(iii) any article of food in contravention of any other provision of this Act or of any rule or regulation made thereunder or any other Act.

(2) The Central Government shall, while prohibiting, restricting or otherwise regulating import of articles of food under the Foreign Trade (Development and Regulation) Act, 1992, follow the standards laid down by the Food Authority under the provisions of this Act and the rules and regulations made thereunder.

CHAPTER VI

SPECIAL RESPONSIBILITIES AS TO FOOD SAFETY

26. (1) Every food business operator shall ensure that the articles of food satisfy the requirements of this Act and the rules and regulations made thereunder at all stages of production, processing, import, distribution and sale within the businesses under his control.

Responsibilities
of the food
business
operator.

(2) No food business operator shall himself or by any person on his behalf manufacture, store, sell or distribute any article of food—

(i) which is unsafe; or

(ii) which is misbranded or sub-standard or contains extraneous matter; or

(iii) for which a licence is required, except in accordance with the conditions of the licence; or

(iv) which is for the time being prohibited by the Food Authority or the Central Government or the State Government in the interest of public health; or

(v) in contravention of any other provision of this Act or of any rule or regulation made thereunder.

(3) No food business operator shall employ any person who is suffering from infectious, contagious or loathsome disease.

(4) No food business operator shall sell or offer for sale any article of food to any vendor unless he also gives a guarantee in writing in the form specified by regulations about the nature and quality of such article to the vendor:

Provided that a bill, cash memo, or invoice in respect of the sale of any article of food given by a food business operator to the vendor shall be deemed to be a guarantee under this section, even if a guarantee in the specified form is not included in the bill, cash memo or invoice.

(5) Where any food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it shall be presumed that all the food in that batch, lot or consignment is also unsafe, unless following a detailed assessment within a specified time, it is found that there is no evidence that the rest of the batch, lot or consignment is unsafe:

Provided that any conformity of a food with specific provisions applicable to that food shall be without prejudice to the competent authorities taking appropriate measures to impose restrictions on that food being placed on the market or to require its withdrawal from the market for the reasons to be recorded in writing where such authorities suspect that, despite the conformity, the food is unsafe.

27. (1) The manufacturer or packer of an article of food shall be liable for such article of food if it does not meet the requirements of this Act and the rules and regulations made thereunder.

Liability of
manufacturers,
packers,
wholesalers,
distributors
and sellers.

(2) The wholesaler or distributor shall be liable under this Act for any article of food which is—

(a) supplied after the date of its expiry; or

(b) stored or supplied in violation of the safety instructions of the manufacturer;

or

(c) unsafe or misbranded; or

(d) unidentifiable of manufacturer from whom the article of food have been received; or

(e) stored or handled or kept in violation of the provisions of this Act, the rules and regulations made thereunder; or

(f) received by him with knowledge of being unsafe.

- (3) The seller shall be liable under this Act for any article of food which is—
- (a) sold after the date of its expiry; or
 - (b) handled or kept in unhygienic conditions; or
 - (c) misbranded; or
 - (d) unidentifiable of the manufacturer or the distributors from whom such articles of food were received; or
 - (e) received by him with knowledge of being unsafe.

Food recall
procedures.

28. (1) If a food business operator considers or has reasons to believe that a food which he has processed, manufactured or distributed is not in compliance with this Act, or the rules or regulations, made thereunder, he shall immediately initiate procedures to withdraw the food in question from the market and consumers indicating reasons for its withdrawal and inform the competent authorities thereof.

(2) A food business operator shall immediately inform the competent authorities and co-operate with them, if he considers or has reasons to believe that a food which he has placed on the market may be unsafe for the consumers.

(3) The food business operator shall inform the competent authorities of the action taken to prevent risks to the consumer and shall not prevent or discourage any person from co-operating, in accordance with this Act, with the competent authorities, where this may prevent, reduce or eliminate a risk arising from a food.

(4) Every food business operator shall follow such conditions and guidelines relating to food recall procedures as the Food Authority may specify by regulations.

CHAPTER VII

ENFORCEMENT OF THE ACT

Authorities
responsible
for
enforcement
of Act.

29. (1) The Food Authority and the State Food Safety Authorities shall be responsible for the enforcement of this Act.

(2) The Food Authority and the State Food Safety Authorities shall monitor and verify that the relevant requirements of law are fulfilled by food business operators at all stages of food business.

(3) The authorities shall maintain a system of control and other activities as appropriate to the circumstances, including public communication on food safety and risk, food safety surveillance and other monitoring activities covering all stages of food business.

(4) The Food Safety Officers shall enforce and execute within their area the provisions of this Act with respect to which the duty is not imposed expressly or by necessary implication on some other authority.

(5) The regulations under this Act shall specify which of the Food Safety Officers are to enforce and execute them, either generally or in relation to cases of a particular description or a particular area, and any such regulations or orders may provide for the giving of assistance and information, by any authority concerned in the administration of the regulations or orders, or of any provisions of this Act, to any other authority so concerned, for the purposes of their respective duties under them.

(6) The Commissioner of Food Safety and Designated Officer shall exercise the same powers as are conferred on the Food Safety Officer and follow the same procedure specified in this Act.

Commissioner
of Food
Safety of the
State.

30. (1) The State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations made thereunder.

(2) The Commissioner of Food Safety shall perform all or any of the following functions, namely:—

(a) prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food, either in the whole of the State or any area or part thereof for such period, not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette;

(b) carry out survey of the industrial units engaged in the manufacture or processing of food in the State to find out compliance by such units of the standards notified by the Food Authority for various articles of food;

(c) conduct or organise training programmes for the personnel of the office of the Commissioner of Food Safety and, on a wider scale, for different segments of food chain for generating awareness on food safety;

(d) ensure an efficient and uniform implementation of the standards and other requirements as specified and also ensure a high standard of objectivity, accountability, practicability, transparency and credibility;

(e) sanction prosecution for offences punishable with imprisonment under this Act;

(f) such other functions as the State Government may, in consultation with the Food Authority, prescribe.

(3) The Commissioner of Food Safety may, by Order, delegate, subject to such conditions and restrictions as may be specified in the Order, such of his powers and functions under this Act (except the power to appoint Designated Officer, Food Safety Officer and Food Analyst) as he may deem necessary or expedient to any officer subordinate to him.

31. (1) No person shall commence or carry on any food business except under a licence.

Licensing and
registration
of food
business.

(2) Nothing contained in sub-section (1) shall apply to a petty manufacturer who himself manufactures or sells any article of food or a petty retailer, hawker, itinerant vendor or a temporary stall holder or small scale or cottage or such other industries relating to food business or tiny food business operator; but they shall register themselves with such authority and in such manner as may be specified by regulations, without prejudice to the availability of safe and wholesome food for human consumption or affecting the interests of the consumers.

(3) Any person desirous to commence or carry on any food business shall make an application for grant of a licence to the Designated Officer in such manner containing such particulars and fees as may be specified by regulations.

(4) The Designated Officer on receipt of an application under sub-section (3), may either grant the licence or after giving the applicant an opportunity of being heard and for reasons to be recorded in writing, refuse to grant a licence to any applicant, if he is satisfied that it is necessary so to do in the interest of public health and shall make available to the applicant a copy of the order:

Provided that if a licence is not issued within two months from the date of making the application or his application is not rejected, the applicant may start his food business after expiry of the said period and in such a case, the Designated Officer shall not refuse to issue a licence but may, if he considers necessary, issue an improvement notice, under section 32 and follow procedures in that regard.

(5) Every licence shall be in such form and subject to such conditions as may be specified by regulations.

(6) A single licence may be issued by the Designated Officer for one or more articles of food and also for different establishments or premises in the same area.

(7) If the articles of food are manufactured, stored, sold or exhibited for sale at different premises situated in more than one area, separate applications shall be made and separate licence shall be issued in respect of such premises not falling within the same area.

(8) An appeal against the order of rejection for the grant of licence shall lie to the Commissioner of Food Safety.

(9) A licence unless suspended or cancelled earlier shall be in force for such period as may be specified by regulations:

Provided that if an application for a renewal of licence is made before the expiry of the period of validity of the licence, the licence shall continue to be in force until orders are passed on the application.

(10) The licence shall subsist for the benefit of the deceased's personal representative or any other member of his family, until the expiry of—

(a) the period of three months beginning with his death; or

(b) such longer period as the Designated Officer may allow.

Improvement notices.

32. (1) If the Designated Officer has reasonable ground for believing that any food business operator has failed to comply with any regulations to which this section applies, he may, by a notice served on that food business operator (in this Act referred to as an "improvement notice")—

(a) state the grounds for believing that the food business operator has failed to comply with the regulations;

(b) specify the matters which constitute the food business operator's failure so to comply;

(c) specify the measures which, in the opinion of the said Authority, the food business operator must take, in order to secure compliance; and

(d) require the food business operator to take those measures, or measures which are at least equivalent to them, within a reasonable period (not being less than fourteen days) as may be specified in the notice.

(2) If the food business operator fails to comply with an improvement notice, his licence may be suspended.

(3) If the food business operator still fails to comply with the improvement notice, the Designated Officer may, after giving the licensee an opportunity to show cause, cancel the licence granted to him:

Provided that the Designated Officer may suspend any licence forthwith in the interest of public health for reasons to be recorded in writing.

(4) Any person who is aggrieved by—

(a) an improvement notice; or

(b) refusal to issue a certificate as to improvement; or

(c) cancellation or suspension or revocation of licence under this Act,

may appeal to the Commissioner of Food Safety whose decision thereon, shall be final.

(5) The period within which such an appeal may be brought shall be—

(a) fifteen days from the date on which notice of the decision was served on the person desiring to appeal; or

(b) in the case of an appeal under sub-section (1), the said period or the period specified in the improvement notice, whichever expires earlier.

Explanation.—For the purpose of this sub-section, the making of the complaint shall be deemed to be the bringing of the appeal.

33. (1) If—

- (a) any food business operator is convicted of an offence under this Act; and
- (b) the court by or before which he is so convicted is satisfied that the health risk exists with respect to that food business,

the court, after giving the food business operator an opportunity of being heard, may by an order, impose the following prohibitions, namely :—

- (i) a prohibition on the use of the process or treatment for the purposes of the food business;
- (ii) a prohibition on the use of the premises or equipment for the purposes of the food business or any other food business of the same class or description;
- (iii) a prohibition on the use of the premises or equipment for the purposes of any food business.

(2) The court may, on being satisfied that it is necessary so to do, by an order, impose a prohibition on the food business operator participating in the management of any food business, or any food business of a class or description specified in the order.

(3) As soon as practicable after the making of an order under sub-section (1) or sub-section (2) (in this Act referred to as a "prohibition order"), the concerned Food Safety Officer shall—

- (a) serve a copy of the order on the food business operator; and

- (b) in the case of an order under sub-section (1), affix a copy of the order at a conspicuous place on such premises used for the purposes of the food business,

and any person who knowingly contravenes such an order shall be guilty of an offence and be punishable with a fine which may extend to three lakh rupees.

(4) The concerned Food Safety Officer shall with the approval of the Designated Officer issue a certificate to the effect that the food business operator has taken sufficient measures justifying lifting of the prohibition order, within seven days of his being satisfied on an application made by the food business operator for such a certificate or the said officer shall—

- (a) determine, as soon as is reasonably practicable and in any event within fourteen days, whether or not he is so satisfied; and

- (b) if he determines that he is not so satisfied, give notice to the food business operator of the reasons for that determination.

(5) A prohibition order shall cease to have effect upon the court being satisfied, on an application made by the food business operator not less than six months after the prohibition order has been passed, that the food business operator has taken sufficient measures justifying the lifting of the prohibition order.

(6) The court shall give a direction on an application by the food business operator, if the court thinks it proper so to do having regard to all the circumstances of the case, including in particular, the conduct of the food business operator since the making of the order; but no such application shall be entertained if it is not made—

- (a) within six months after the making of the prohibition order; or

- (b) within three months after the making by the food business operator of a previous application for such a direction.

Prohibition
orders.

Explanation.—For the purpose of this section,—

(i) any reference above shall apply in relation to a manager of a food business as it applies in relation to the food business operator; and any reference to the food business operator of the business, or to the food business operator, shall be construed accordingly;

(ii) "manager", in relation to a food business, means any person who is entrusted by the food business operator with the day-to-day running of the business, or any part of the business.

34. (1) If the Designated Officer is satisfied that the health risk condition exists with respect to any food business, he may, after a notice served on the food business operator (in this Act referred to as an "emergency prohibition notice"), apply to the Commissioner of Food Safety for imposing the prohibition.

(2) If the Commissioner of Food Safety is satisfied, on the application of such an officer, that the health risk condition exists with respect to any food business, he shall, by an order, impose the prohibition.

(3) The Designated Officer shall not apply for an emergency prohibition order unless, at least one day before the date of the application, he has served notice on the food business operator of the business of his intention to apply for the order.

(4) As soon as practicable after the making of an emergency prohibition order, the Designated Officer shall require the Food Safety Officer to—

(a) serve a copy of the order on the food business operator of the business; or

(b) affix a copy of the order at a conspicuous place on such premises used for the purposes of that business;

and any person who knowingly contravenes such an order shall be guilty of an offence and shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to two lakh rupees.

(5) An emergency prohibition order shall cease to have effect on the issue by the Designated Officer of a certificate to the effect that he is satisfied that the food business operator has taken sufficient measures for justifying the lifting of such order.

(6) The Designated Officer shall issue a certificate under sub-section (5) within seven days of an application by the food business operator for such a certificate and on his being not satisfied, the said officer shall give notice to the food business operator within a period of ten days indicating the reasons for such decision.

35. The Food Authority may, by notification, require registered medical practitioners carrying on their profession in any local area specified in the notification, to report all occurrences of food poisoning coming to their notice to such officer as may be specified.

36. (1) The Commissioner of Food Safety shall, by order, appoint the Designated Officer, who shall not be below the rank of a Sub-Divisional Officer, to be in-charge of food safety administration in such area as may be specified by regulations.

(2) There shall be a Designated Officer for each district.

(3) The functions to be performed by the Designated Officer shall be as follows, namely:—

(a) to issue or cancel licence of food business operators;

(b) to prohibit the sale of any article of food which is in contravention of the provisions of this Act and rules and regulations made thereunder;

(c) to receive report and samples of article of foods from Food Safety Officer under his jurisdiction and get them analysed;

Emergency prohibition notices and orders.

Notification of food poisoning.

Designated Officer.

(d) to make recommendations to the Commissioner of Food Safety for sanction to launch prosecutions in case of contraventions punishable with imprisonment;

(e) to sanction or launch prosecutions in cases of contraventions punishable with fine;

(f) to maintain record of all inspections made by Food Safety Officers and action taken by them in the performance of their duties;

(g) to get investigated any complaint which may be made in writing in respect of any contravention of the provisions of this Act and the rules and regulations made thereunder;

(h) to investigate any complaint which may be made in writing against the Food Safety Officer; and

(i) to perform such other duties as may be entrusted by the Commissioner of Food Safety.

37. (1) The Commissioner of Food Safety shall, by notification, appoint such persons as he thinks fit, having the qualifications prescribed by the Central Government, as Food Safety Officers for such local areas as he may assign to them for the purpose of performing functions under this Act and the rules and regulations made thereunder.

Food Safety Officer.

(2) The State Government may authorise any officer of the State Government having the qualifications prescribed under sub-section (1) to perform the functions of a Food Safety Officer within a specified jurisdiction.

38. (1) The Food Safety Officer may—

(a) take a sample—

(i) of any food, or any substance, which appears to him to be intended for sale, or to have been sold for human consumption; or

(ii) of any article of food or substance which is found by him on or in any such premises;

which he has reason to believe that it may be required as evidence in proceedings under any of the provisions of this Act or of the regulations or orders made thereunder; or

(b) seize any article of food which appears to the Food Safety Officer to be in contravention of this Act or the regulations made thereunder; and

(c) keep it in the safe custody of the food business operator such article of food after taking a sample;

and in both cases send the same for analysis to a Food Analyst for the local area within which such sample has been taken:

Provided that where the Food Safety Officer keeps such article in the safe custody of the food business operator, he may require the food business operator to execute a bond for a sum of money equal to the value of such article with one or more sureties as the Food Safety Officer deems fit and the food business operator shall execute the bond accordingly.

(2) The Food Safety Officer may enter and inspect any place where the article of food is manufactured, or stored for sale, or stored for the manufacture of any other article of food, or exposed or exhibited for sale and where any adulterant is manufactured or kept, and take samples of such articles of food or adulterant for analysis.

(3) Where any sample is taken, its cost calculated at the rate at which the article is usually sold to the public shall be paid to the person from whom it is taken.

(4) Where any article of food seized under clause (b) of sub-section (1) is of a perishable nature and the Food Safety Officer is satisfied that such article of food is so deteriorated that

Powers of Food Safety Officer.

it is unfit for human consumption, the Food Safety Officer may, after giving notice in writing to the food business operator, cause the same to be destroyed.

(5) The Food Safety Officer shall, in exercising the powers of entry upon, and inspection of any place under this section, follow, as far as may be, the provisions of the Code of Criminal Procedure, 1973 relating to the search or inspection of a place by a police officer executing a search warrant issued under that Code. 2 of 1974.

(6) Any adulterant found in the possession of a manufacturer or distributor of, or dealer in, any article of food or in any of the premises occupied by him as such and for the possession of which he is unable to account to the satisfaction of the Food Safety Officer and any books of account or other documents found in his possession or control and which would be useful for, or relevant to, any investigation or proceeding under this Act, may be seized by the Food Safety Officer and a sample of such adulterant submitted for analysis to a Food Analyst:

Provided that no such books of account or other documents shall be seized by the Food Safety Officer except with the previous approval of the authority to which he is subordinate.

(7) Where the Food Safety Officer takes any action under clause (a) of sub-section (1), or sub-section (2) or sub-section (4) or sub-section (6), he shall, call one or more persons to be present at the time when such action is taken and take his or their signatures.

(8) Where any books of account or other documents are seized under sub-section (6), the Food Safety Officer shall, within a period not exceeding thirty days from the date of seizure, return the same to the person from whom they were seized after copies thereof or extracts therefrom as certified by that person in such manner as may be prescribed by the Central Government have been taken:

Provided that where such person refuses to so certify and a prosecution has been instituted against him under this Act, such books of account or other documents shall be returned to him only after copies thereof and extracts therefrom as certified by the court have been taken.

(9) When any adulterant is seized under sub-section (6), the burden of proving that such adulterant is not meant for purposes of adulteration shall be on the person from whose possession such adulterant was seized.

(10) The Commissioner of Food Safety may from time to time issue guidelines with regard to exercise of powers of the Food Safety Officer, which shall be binding:

Provided that the powers of such Food Safety Officer may also be revoked for a specified period by the Commissioner of Food Safety.

Liability of
Food Safety
Officer in
certain cases.

39. Any Food Safety Officer exercising powers under this Act or the rules and regulations made thereunder who—

(a) vexatiously and without any reasonable ground seizes any article of food or adulterant; or

(b) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty,

shall be guilty of an offence under this Act and shall be liable to a penalty which may extend to one lakh rupees:

Provided that in case any false complaint is made against a Food Safety Officer and it is proved so, the complainant shall be guilty of an offence under this Act and shall be punishable with fine which shall not be less than fifty thousand rupees but may extend to one lakh rupees.

Purchaser
may have
food
analysed.

40. (1) Nothing contained in this Act shall be held to prevent a purchaser of any article of food other than a Food Safety Officer from having such article analysed by the Food Analyst on payment of such fees and receiving from the Food Analyst a report of his analysis within such period as may be specified by regulations:

Provided that such purchaser shall inform the food business operator at the time of purchase of his intention to have such article so analysed:

Provided further that if the report of the Food Analyst shows that the article of food is not in compliance with the Act or the rules or regulations made thereunder, the purchaser shall be entitled to get refund of the fees paid by him under this section.

(2) In case the Food Analyst finds the sample in contravention of the provisions of this Act and rules and regulations made thereunder, the Food Analysts shall forward the report to the Designated Officer to follow the procedure laid down in section 42 for prosecution.

41. (1) Notwithstanding anything contained in sub-section (2) of section 31, the Food Safety Officer may search any place, seize any article of food or adulterant, if there is a reasonable doubt about them being involved in commission of any offence relating to food, and shall thereafter inform the Designated Officer of the actions taken by him in writing:

Power of search, seizure, investigation, prosecution and procedure thereof.

Provided that no search shall be deemed to be irregular by reason only of the fact that witnesses for the search are not inhabitants of the locality in which the place searched is situated.

(2) Save as in this Act otherwise expressly provided, provisions of the Code of Criminal Procedure, 1973 relating to search, seizure, summon, investigation and prosecution, shall apply, as far as may be, to all action taken by the Food Safety Officer under this Act.

2 of 1974.

42. (1) The Food Safety Officer shall be responsible for inspection of food business, drawing samples and sending them to Food Analyst for analysis.

Procedure for launching prosecution.

(2) The Food Analyst after receiving the sample from the Food Safety Officer shall analyse the sample and send the analysis report mentioning method of sampling and analysis within fourteen days to Designated Officer with a copy to Commissioner of Food Safety.

(3) The Designated Officer after scrutiny of the report of Food Analyst shall decide as to whether the contravention is punishable with imprisonment or fine only and in the case of contravention punishable with imprisonment, he shall send his recommendations within fourteen days to the Commissioner of Food Safety for sanctioning prosecution.

(4) The Commissioner of Food Safety shall, if he so deems fit, decide, within the period prescribed by the Central Government, as per the gravity of offence, whether the matter be referred to,—

(a) a court of ordinary jurisdiction in case of offences punishable with imprisonment for a term up to three years; or

(b) a Special Court in case of offences punishable with imprisonment for a term exceeding three years where such Special Court is established and in case no Special Court is established, such cases shall be tried by a court of ordinary jurisdiction.

(5) The Commissioner of Food Safety shall communicate his decision to the Designated Officer and the concerned Food Safety Officer who shall launch prosecution before courts of ordinary jurisdiction or Special Court, as the case may be; and such communication shall also be sent to the purchaser if the sample was taken under section 40.

CHAPTER VIII

ANALYSIS OF FOOD

43. (1) The Food Authority may notify food laboratories and research institutions accredited by National Accreditation Board for Testing and Calibration Laboratories or any other accreditation agency for the purposes of carrying out analysis of samples by the Food Analysts under this Act.

Recognition and accreditation of laboratories, research institutions and referral food laboratory.

(2) The Food Authority shall, establish or recognise by notification, one or more referral food laboratory or laboratories to carry out the functions entrusted to the referral food laboratory by this Act or any rules and regulations made thereunder.

(3) The Food Authority may frame regulations specifying—

(a) the functions of food laboratory and referral food laboratory and the local area or areas within which such functions may be carried out;

(b) the procedure for submission to the said laboratory of samples of articles of food for analysis or tests, the forms of the laboratory's reports thereon and the fees payable in respect of such reports; and

(c) such other matters as may be necessary or expedient to enable the said laboratory to carry out its functions effectively.

Recognition of organisation or agency for food safety audit.

Food Analysts.

44. The Food Authority may recognise any organisation or agency for the purposes of food safety audit and checking compliance with food safety management systems required under this Act or the rules and regulations made thereunder.

45. The Commissioner of Food Safety may, by notification, appoint such persons as he thinks fit, having the qualifications prescribed by the Central Government, to be Food Analysts for such local areas as may be assigned to them by the Commissioner of Food Safety:

Provided that no person, who has any financial interest in the manufacture or sale of any article of food shall be appointed to be a Food Analyst under this section:

Provided further that different Food Analysts may be appointed for different articles of food.

Functions of Food Analyst.

46. (1) On receipt of a package containing a sample for analysis from a Food Safety Officer or any other person, the Food Analyst shall compare the seal on the container and the outer cover with specimen impression received separately and shall note the conditions of the seal thereon:

Provided that in case a sample container received by the Food Analyst is found to be in broken condition or unfit for analysis, he shall within a period of seven days from the date of receipt of such sample inform the Designated Officer about the same and send requisition to him for sending second part of the sample.

(2) The Food Analyst shall cause to be analysed such samples of article of food as may be sent to him by Food Safety Officer or by any other person authorised under this Act.

(3) The Food Analyst shall, within a period of fourteen days from the date of receipt of any sample for analysis, send—

(i) where such sample is received under section 38 or section 47, to the Designated Officer, four copies of the report indicating the method of sampling and analysis; and

(ii) where such sample is received under section 40, a copy of the report indicating the method of sampling and analysis to the person who had purchased such article of food with a copy to the Designated Officer:

Provided that in case the sample can not be analysed within fourteen days of its receipt, the Food Analyst shall inform the Designated Officer and the Commissioner of Food Safety giving reasons and specifying the time to be taken for analysis.

(4) An appeal against the report of Food Analyst shall lie before the Designated Officer who shall, if he so decides, refer the matter to the referral food laboratory as notified by the Food Authority for opinion.

Sampling and analysis.

47. (1) When a Food Safety Officer takes a sample of food for analysis, he shall—

(a) give notice in writing of his intention to have it so analysed to the person from whom he has taken the sample and to the person, if any, whose name, address and other particulars have been disclosed;

(b) except in special cases as may be provided by rules made under this Act, divide the sample into four parts and mark and seal or fasten up each part in such a manner as its nature permits and take the signature or thumb impression of the person from whom the sample has been taken in such place and in such manner as may be prescribed by the Central Government:

Provided that where such person refuses to sign or put his thumb impression, the Food Safety Officer shall call upon one or more witnesses and take his signature or thumb impression, in lieu of the signature or thumb impression of such person;

(c) (i) send one of the parts for analysis to the Food Analyst under intimation to the Designated Officer;

(ii) send two parts to the Designated Officer for keeping these in safe custody; and

(iii) send the remaining part for analysis to an accredited laboratory, if so requested by the food business operator, under intimation to the Designated Officer:

Provided that if the test reports received under sub-clauses (i) and (iii) are found to be at variance, then the Designated Officer shall send one part of the sample kept in his custody, to referral laboratory for analysis, whose decision thereon shall be final.

(2) When a sample of any article of food or adulterant is taken, the Food Safety Officer shall, by the immediate succeeding working day, send the sample to the Food Analyst for the area concerned for analysis and report.

(3) Where the part of the sample sent to the Food Analyst is lost or damaged, the Designated Officer shall, on a requisition made to him, by the Food Analyst or the Food Safety Officer, despatch one of the parts of the sample sent to him, to the Food Analyst for analysis.

(4) An article of food or adulterant seized, unless destroyed, shall be produced before the Designated Officer as soon as possible and in any case not later than seven days after the receipt of the report of the Food Analyst:

Provided that if an application is made to the Designated Officer in this behalf by the person from whom any article of food has been seized, the Designated Officer shall by order in writing direct the Food Safety Officer to produce such article before him within such time as may be specified in the order.

(5) In case of imported articles of food, the authorised officer of the Food Authority shall take its sample and send to the Food Analyst of notified laboratory for analysis who shall send the report within a period of five days to the authorised officer.

(6) The Designated Officer, the Food Safety Officer, the authorised officer and the Food Analyst shall follow such procedure as may be specified by regulations.

CHAPTER IX

OFFENCES AND PENALTIES

48. (1) A person may render any article of food injurious to health by means of one or more of the following operations, namely:—

- (a) adding any article or substance to the food;
- (b) using any article or substance as an ingredient in the preparation of the food;
- (c) abstracting any constituents from the food; or
- (d) subjecting the food to any other process or treatment,

with the knowledge that it may be sold or offered for sale or distributed for human consumption.

(2) In determining whether any food is unsafe or injurious to health, regard shall be had to—

- (a) (i) the normal conditions of use of the food by the consumer and its handling at each stage of production, processing and distribution;

General provisions relating to offences.

(ii) the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods not only to the probable, immediate or short-term or long-term effects of that food on the health of a person consuming it, but also on subsequent generations;

(iii) to the probable cumulative toxic effects;

(iv) to the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers; and

(v) also to the probable cumulative effect of food of substantially the same composition on the health of a person consuming it in ordinary quantities;

(b) the fact where the quality or purity of the article, being primary food, has fallen below the specified standard or its constituents are present in quantities not within the specified limits of variability, in either case, solely due to natural causes and beyond the control of human agency, then such article shall not be deemed to be unsafe or sub-standard or food containing extraneous matter.

Explanation.—For the purposes of this section, “injury”, includes any impairment, whether permanent or temporary, and “injurious to health” shall be construed accordingly.

General provisions relating to penalty.

49. While adjudging the quantum of penalty under this Chapter, the Adjudicating Officer or the Tribunal, as the case may be, shall have due regard to the following:—

(a) the amount of gain or unfair advantage, wherever quantifiable, made as a result of the contravention,

(b) the amount of loss caused or likely to cause to any person as a result of the contravention,

(c) the repetitive nature of the contravention,

(d) whether the contravention is without his knowledge, and

(e) any other relevant factor.

Penalty for selling food not of the nature or substance or quality demanded.

50. Any person who sells to the purchaser's prejudice any food which is not in compliance with the provisions of this Act or the regulations made thereunder, or of the nature or substance or quality demanded by the purchaser, shall be liable to a penalty not exceeding five lakh rupees:

Provided that the persons covered under sub-section (2) of section 31, shall for such non-compliance be liable to a penalty not exceeding twenty-five thousand rupees.

Penalty for sub-standard food.

51. Any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is sub-standard, shall be liable to a penalty which may extend to five lakh rupees.

Penalty for misbranded food.

52. (1) Any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is misbranded, shall be liable to a penalty which may extend to three lakh rupees.

(2) The Adjudicating Officer may issue a direction to the person found guilty of an offence under this section, for taking corrective action to rectify the mistake or such article of food shall be destroyed.

Penalty for misleading advertisement.

53. (1) Any person who publishes, or is a party to the publication of an advertisement, which—

(a) falsely describes any food; or

(b) is likely to mislead as to the nature or substance or quality of any food or gives false guarantee,

shall be liable to a penalty which may extend to ten lakh rupees.

(2) In any proceeding the fact that a label or advertisement relating to any article of food in respect of which the contravention is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the contravention was committed.

54. Any person whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption containing extraneous matter, shall be liable to a penalty which may extend to one lakh rupees.

Penalty for food containing extraneous matter.

55. If a food business operator or importer without reasonable ground, fails to comply with the requirements of this Act or the rules or regulations or orders issued thereunder, as directed by the Food Safety Officer, he shall be liable to a penalty which may extend to two lakh rupees.

Penalty for failure to comply with the directions of Food Safety Officer.

56. Any person who, whether by himself or by any other person on his behalf, manufactures or processes any article of food for human consumption under unhygienic or unsanitary conditions, shall be liable to a penalty which may extend to one lakh rupees.

Penalty for unhygienic or unsanitary processing or manufacturing of food.

57. (1) Subject to the provisions of this Chapter, if any person who whether by himself or by any other person on his behalf, imports or manufactures for sale, or stores, sells or distribute any adulterant shall be liable—

Penalty for possessing adulterant.

(i) where such adulterant is not injurious to health, to a penalty not exceeding two lakh rupees;

(ii) where such adulterant is injurious to health, to a penalty not exceeding ten lakh rupees.

(2) In a proceeding under sub-section (1), it shall not be a defence that the accused was holding such adulterant on behalf of any other person.

58. Whoever contravenes any provisions of this Act or the rules or regulations made thereunder, for the contravention of which no penalty has been separately provided in this Chapter, shall be liable to a penalty which may extend to two lakh rupees.

Penalty for contraventions for which no specific penalty is provided.

59. Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable,—

Punishment for unsafe food.

(i) where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;

(ii) where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;

(iii) where such failure or contravention results in a grievous injury, with imprisonment for a term which may extend to six years and also with fine which may extend to five lakh rupees;

(iv) where such failure or contravention results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh rupees.

Punishment for interfering with seized items.

60. If a person without the permission of the Food Safety Officer, retains, removes or tampers with any food, vehicle, equipment, package or labelling or advertising material or other thing that has been seized under this Act, he shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to two lakh rupees.

Punishment for false information.

61. If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to two lakh rupees.

Punishment for obstructing or impersonating a Food Safety Officer.

62. If a person without reasonable excuse, resists, obstructs, or attempts to obstruct, impersonate, threaten, intimidate or assault a Food Safety Officer in exercising his functions under this Act, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to one lakh rupees.

Punishment for carrying out a business without licence.

63. If any person or food business operator (except the persons exempted from licensing under sub-section (2) of section 31 of this Act), himself or by any person on his behalf who is required to obtain licence, manufactures, sells, stores or distributes or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees.

Punishment for subsequent offences.

64. (1) If any person, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—

(i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence;

(ii) a further fine on daily basis which may extend up to one lakh rupees, where the offence is a continuing one; and

(iii) his licence shall be cancelled.

(2) The Court may also cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

Compensation in case of injury or death of consumer.

65. (1) Without prejudice to the other provisions of this Chapter, if any person whether by himself or by any other person on his behalf, manufactures or distributes or sells or imports any article of food causing injury to the consumer or his death, it shall be lawful for the Adjudicating Officer or as the case may be, the court to direct him to pay compensation to the victim or the legal representative of the victim, a sum—

(a) not less than five lakh rupees in case of death;

(b) not exceeding three lakh rupees in case of grievous injury; and

(c) not exceeding one lakh rupees, in all other cases of injury;

Provided that the compensation shall be paid at the earliest and in no case later than six months from the date of occurrence of the incident:

Provided further that in case of death, an interim relief shall be paid to the next of the kin within thirty days of the incident.

(2) Where any person is held guilty of an offence leading to grievous injury or death, the Adjudicating Officer or the court may cause the name and place of residence of the person held guilty, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the Adjudicating Officer or the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

(3) The Adjudicating Officer or the court may also,—

(a) order for cancellation of licence , re-call of food from market, forfeiture of establishment and property in case of grievous injury or death of consumer;

(b) issue prohibition orders in other cases.

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

Offences by companies.

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Head or the person in-charge of such establishment, branch, unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment, branch or unit:

Provided further 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.

(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 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.

67. (1) Any person who imports any article of food which is in contravention of the provisions of this Act, rules and regulations made thereunder, shall, in addition to any penalty to which he may be liable under the provisions of the Foreign Trade (Development and Regulation) Act, 1992 and the Customs Act, 1962 be also liable under this Act and shall be proceeded against accordingly.

Penalty for contravention of provisions of this Act in case of import of articles of food to be in addition to penalties provided under any other Act.

(2) Any such article of food shall be destroyed or returned to the importer, if permitted by the competent authority under the Foreign Trade (Development and Regulation) Act, 1992 or the Customs Act, 1962, or any other Act, as the case may be.

22 of 1992.
52 of 1962.

22 of 1992.
52 of 1962.

CHAPTER X

ADJUDICATION AND FOOD SAFETY APPELLATE TRIBUNAL

68. (1) For the purposes of adjudication under this Chapter, an officer not below the rank of Additional District Magistrate of the district where the alleged offence is committed, shall be notified by the State Government as the Adjudicating Officer for adjudication in the manner as may be prescribed by the Central Government.

Adjudication.

(2) The Adjudicating Officer shall, after giving the person a reasonable opportunity for making representation in the matter, and if, on such inquiry, he is satisfied that the person has committed the contravention of provisions of this Act or the rules or the regulations made thereunder, impose such penalty as he thinks fit in accordance with the provisions relating to that offence.

(3) The Adjudicating Officer shall have the powers of a civil court and—

(a) all proceedings before him shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code;

45 of 1860.

(b) shall be deemed to be a court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

2 of 1974.

(4) While adjudicating the quantum of penalty under this Chapter, the Adjudicating Officer shall have due regard to the guidelines specified in section 49.

Power to compound offences.

69. (1) The Commissioner of Food Safety may, by order, empower the Designated Officer, to accept from petty manufacturers who himself manufacture and sell any article of food, retailers, hawkers, itinerant vendors, temporary stall holders against whom a reasonable belief exists that he has committed an offence or contravention against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

(2) On the payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

(3) The sum of money accepted or agreed to be accepted as composition under subsection (1), shall not be more than one lakh rupees and due regard shall be made to the guidelines specified in section 49:

Provided that no offence, for which punishment of imprisonment has been prescribed under this Act, shall be compounded.

Establishment of Food Safety Appellate Tribunal.

70. (1) The Central Government or as the case may be, the State Government may, by notification, establish one or more tribunals to be known as the Food Safety Appellate Tribunal to hear appeals from the decisions of the Adjudicating Officer under section 68.

(2) The Central Government or the State Government, as the case may be, shall prescribe, the matters and areas in relation to which the Tribunal may exercise jurisdiction.

(3) The Tribunal shall consist of one person only (hereinafter referred to as the Presiding Officer of the Tribunal) to be appointed, by notification, by the Central Government or the State Government, as the case may be:

Provided that no person shall be qualified for appointment as a Presiding Officer to the Tribunal unless he is or has been a District Judge.

(4) The qualifications, appointment, term of office, salary and allowances, resignation and removal of the Presiding Officer shall be such as may be prescribed by the Central Government.

(5) The procedure of appeal and powers of the Tribunal shall be such as may be prescribed by the Central Government.

Procedure and powers of Tribunal.

71. (1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and the rules made thereunder, the Tribunal shall have powers to regulate its own procedure including the place at which it shall have its sittings.

5 of 1908.

(2) The Tribunal shall have, for the purposes of discharging its functions under this Act, 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:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents or other electronic records;

- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) reviewing its decisions;
- (f) dismissing an application for default or deciding it *ex parte*;
- (g) any other matter which may be prescribed by the Central Government.

(3) Every proceeding before the Tribunal 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, it shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(4) The appellant may either appear in person or authorise one or more legal practitioners or any of its officers to represent his case before the Tribunal.

(5) The provisions of the Limitation Act, 1963, shall, except as otherwise provided in this Act, apply to an appeal made to the Tribunal.

(6) Any person aggrieved by any decision or order of the Tribunal may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Tribunal to him on any question of fact or law arising out of such order:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

72. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Adjudicating Officer or the Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Civil court
not to have
jurisdiction.

73. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences not triable by a Special Court, shall be tried in a summary way by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such a trial:

Power of
court to try
cases
summarily.

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a 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 Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

74. (1) Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973, the Central Government or the State Government in their respective jurisdictions may, if consider expedient and necessary in the public interest, for the purposes of the trial of offences relating to grievous injury or death of the consumer for which punishment of imprisonment for more than three years has been prescribed under this Act, constitute, by notification in the Official Gazette, as many Special Courts with the concurrence of the Chief Justice of the High Court as may be necessary for such area or areas and for exercising such jurisdiction, as may be specified in the notification.

Special courts
and Public
Prosecutor.

(2) A Special Court may, on its own motion, or on an application made by the Public Prosecutor and if it considers it expedient or desirable so to do, sit for any of its proceedings at any place other than its ordinary place of sitting.

(3) The trial under this Act of any offence by a Special Court shall have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall remain in abeyance.

(4) For every Special Court, the Central Government or the State Government, as the case may be, shall appoint a person to be the Public Prosecutor and may appoint more than one person to be the Additional Public Prosecutors:

Provided that the Central Government or the State Government, as the case may be, may also appoint for any case or class or group of cases, a Special Public Prosecutor.

(5) A person shall not be qualified to be appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

Power to transfer cases to regular courts.

75. Where, after taking cognizance of any offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any court having jurisdiction under the Code of Criminal Procedure, 1973 and the court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

2 of 1974.

Appeal.

76. (1) Any person aggrieved by a decision or order of a Special Court may, on payment of such fee as may be prescribed by the Central Government and after depositing the amount, if any, imposed by way of penalty, compensation or damage under this Act, within forty-five days from the date on which the order was served, prefer an appeal to the High Court:

Provided that the High Court may entertain any appeal after the expiry of the said period of forty-five days, if it is satisfied that the appellant was prevented by sufficient cause for filing the appeal within the said period.

(2) An appeal preferred under this section shall be disposed of by the High Court by a bench of not less than two judges.

Time limit for prosecutions.

77. Notwithstanding anything contained in this Act, no court shall take cognizance of an offence under this Act after the expiry of the period of one year from the date of commission of an offence:

Provided that the Commissioner of Food Safety may, for reasons to be recorded in writing, approve prosecution within an extended period of up to three years.

Power of court to implead manufacturer, etc.

78. Where at any time during the trial of any offence under this Act alleged to have been committed by any person, not being the importer, manufacturer, distributor or dealer of any article of food, the court, is satisfied, on the evidence adduced before it, that such importer, manufacturer, distributor or dealer is also concerned with that offence, then the court may, notwithstanding anything contained in sub-section (3) of section 319 of the Code of Criminal Procedure, 1973, or in section 71 of this Act, proceed against him as though a prosecution has been instituted under this Act.

2 of 1974.

Magistrate's power to impose enhanced punishment.

79. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for the court of ordinary jurisdiction to pass any sentence authorised by this Act, except a sentence of imprisonment for a term exceeding six years in excess of his powers under the said section.

2 of 1974.

80. (A) Defence relating to publication of advertisements—

(1) In any proceeding for an offence under this Act in relation to the publication of an advertisement, it is a defence for a person to prove that the person carried on the business of publishing or arranging for the publication of advertisements and that the person published or arranged for the publication of the advertisement in question in the ordinary course of that business.

Defences which may or may not be allowed in prosecution under this Act.

(2) Clause (1) does not apply if the person—

(a) should reasonably have known that the publication of the advertisement was an offence; or

(b) had previously been informed in writing by the relevant authority that publication of such an advertisement would constitute an offence; or

(c) is the food business operator or is otherwise engaged in the conduct of a food business for which the advertisements concerned were published.

(B) Defence of due diligence—

(1) In any proceedings for an offence, it is a defence if it is proved that the person took all reasonable precautions and exercised all due diligence to prevent the commission of the offence by such person or by another person under the person's control.

(2) Without limiting the ways in which a person may satisfy the requirements of clause (1), a person satisfies those requirements if it is proved—

(a) that the commission of the offence was due to—

(i) an act or default of another person; or

(ii) reliance on information supplied by another person; and

(b) (i) the person carried out all such checks of the food concerned as were reasonable in all the circumstances; or

(ii) it was reasonable in all the circumstances to rely on checks carried out by the person who supplied such food to the person; and

(c) that the person did not import the food into the jurisdiction from another country; and

(d) in the case of an offence involving the sale of food, that—

(i) the person sold the food in the same condition as and when the person purchased it; or

(ii) the person sold the food in a different condition to that in which the person purchased it, but that the difference did not result in any contravention of this Act or the rules and regulations made thereunder; and

(e) that the person did not know and had no reason to suspect at the time of commission of the alleged offence that the person's act or omission would constitute an offence under the relevant section.

(3) In sub-clause (a) of clause (2), another person does not include a person who was—

(a) an employee or agent of the defendant; or

(b) in the case of a defendant which is a company, a director, employee or agent of that company.

(4) Without limiting the ways in which a person may satisfy the requirements of clause (1) and item (i) of sub-clause (b) of clause (2), a person may satisfy those requirements by proving that—

(a) in the case of an offence relating to a food business for which a food safety programme is required to be prepared in accordance with the regulations, the person complied with a food safety programme for the food business that complies with the requirements of the regulations, or

(b) in any other case, the person complied with a scheme (for example, a quality assurance programme or an industry code of practice) that was—

(i) designed to manage food safety hazards and based on national or international standards, codes or guidelines designed for that purpose, and

(ii) documented in some manner.

(C) Defence of mistaken and reasonable belief not available—

In any proceedings for an offence under the provisions of this Act, it is no defence that the defendant had a mistaken but reasonable belief as to the facts that constituted the offence.

(D) Defence in respect of handling food—

In proceedings for an offence under section 56, it is a defence if it is proved that the person caused the food to which the offence relates to be destroyed or otherwise disposed of immediately after the food was handled in the manner that was likely to render it unsafe.

(E) Defences of significance of the nature, substance or quality of food—

It shall be no defence in a prosecution for an offence pertaining to the sale of any unsafe or misbranded article of food to allege merely that the food business operator was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having purchased any article for analysis was not prejudiced by the sale.

CHAPTER XI

FINANCE, ACCOUNTS, AUDIT AND REPORTS

Budget of
Food
Authority.

81. (1) The Food Authority shall prepare, in such form and at such time in each financial year as may be prescribed by the Central Government, its budget for the next financial year, showing the estimated receipts and expenditure of the Food Authority and forward the same to the Central Government.

(2) The Food Authority with the prior approval of the Central Government, shall adopt financial regulation which specifies in particular, the procedure for drawing up and implementing the Authority's budget.

Finances of
the Food
Authority.

82. (1) The Central Government may, after due appropriation, make to the Food Authority grants of such sums of money as the Central Government may think fit.

(2) The Food Authority on the recommendation of the Central Advisory Committee shall specify a graded fee from licensed food business operators, accredited laboratories or food safety auditors to be charged by the Commissioner of Food Safety.

Accounts and
audit of Food
Authority.

83. (1) The Food Authority shall maintain proper accounts and 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 Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Food Authority under this Act shall have the same rights and privileges and 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 Food Authority.

(3) The accounts of the Food Authority, 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 Food Authority 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.

84. (1) The Food Authority shall prepare once every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government and State Governments.

Annual report of Food Authority.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER XII

MISCELLANEOUS

85. (1) Without prejudice to the foregoing provisions of this Act, the Food Authority shall, in exercise of its powers and in performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Power of Central Government to issue directions to Food Authority and obtain reports and returns.

Provided that the Food Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) If any dispute arises between the Central Government and the Food Authority as to whether a question is or is not a question of policy, the decision of the Central Government thereon shall be final.

(3) The Food Authority shall furnish to the Central Government such returns or other information with respect to its activities as the Central Government may, from time to time, require.

86. The Central Government may give such directions, as it may deem necessary, to a State Government for carrying out all or any of the provisions of this Act and the State Government shall comply with such directions.

Power of Central Government to give directions to State Governments.

87. The Members, officers of the Food Authority and the Commissioners of Food Safety and their officers shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, officers of Food Authority and Commissioner of Food Safety to be public servants.

88. No suit, prosecution or other legal proceedings shall lie against the Central Government, the State Government, the Food Authority and other bodies constituted under this Act or any officer of the Central Government, the State Government or any member, officer or other employee of such Authority and bodies or any other officer acting under this Act for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of action taken in good faith.

Overriding effect of this Act over all other food related laws.

89. The provisions of this Act shall have 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.

Transfer of existing employees of Central Government Agencies governing various food related Acts or Orders to Food Authority.

90. On and from the date of establishment of the Food Authority, every employee holding office under the Central Government Agencies administering food laws immediately before that date shall hold his office in the Food Authority by the same tenure and upon the same terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office if the Food Authority had not been established and shall continue to do so as an employee of the Food Authority or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Food Authority.

Power of Central Government to make rules.

91. (1) The Central Government may, by notification in the Official Gazette, 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) salary, terms and conditions of service of Chairperson and Members other than *ex officio* Members under sub-section (2) and the manner of subscribing to an oath of office and secrecy under sub-section (3) of section 7;

(b) qualifications of Food Safety Officer under sub-section (1) of section 37;

(c) the manner of taking the extract of documents seized under sub-clause (8) of section 38;

(d) determination of cases for referring to appropriate courts and time-frame for such determination under sub-section (4) of section 42;

(e) qualifications of Food Analysts under section 45;

(f) the manner of sending sample for analysis and details of the procedure to be followed in this regard under sub-section (1) of section 47;

(g) the procedure to be followed in adjudication of cases under sub-section (1) of section 68;

(h) qualifications, terms of office, resignation and removal of Presiding Officer under sub-section (4), the procedure of appeal and powers of Tribunal under sub-section (5) of section 70;

(i) any other matter relating to procedure and powers of Tribunal under clause (g) of sub-section (2) of section 71;

(j) the fee to be paid for preferring an appeal to the High Court under sub-section (1) of section 76;

(k) form and time of preparing budget under sub-section (1) of section 81;

(l) form and statement of accounts under sub-section (1) of section 83;

(m) the form and time for preparing annual report by Food Authority under sub-section (1) of section 84; and

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

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

Power of
Food
Authority 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) salaries and other conditions of service of officers and other employees of the Food Authority under sub-section (3) of section 9;

(b) rules of procedure for transaction of business under sub-section (5) of section 11;

(c) other functions of the Central Advisory Committee under sub-section (2) of section 12;

(d) procedure of Scientific Committee and Panels under sub-section (4) of section 15;

(e) notifying standards and guidelines in relation to articles of food meant for human consumption under sub-section (2) of section 16;

(f) procedure to be followed by Food Authority for transaction of business at its meetings under sub-section (1) of section 17;

(g) making or amending regulations in view of urgency concerning food safety or public health under clause (d) of sub-section (2) of section 18;

(h) limits of additives under section 19;

(i) limits of quantities of contaminants, toxic substance and heavy metals, etc., under section 20;

(j) tolerance limit of pesticides, veterinary drugs residues, etc., under section 21;

(k) the manner of marking and labelling of foods under section 23;

(l) form in which guarantee shall be given under sub-section (4) of section 26;

(m) conditions and guidelines relating to food recall procedures under sub-section (4) of section 28;

(n) regulations relating to functioning of Food Safety Officer under sub-section (5) of section 29;

(o) notifying the registering authority and the manner of registration; the manner of making application for obtaining licence, the fees payable therefor and the circumstances under which such licence may be cancelled or forfeited under section 31;

(p) the respective areas of which the Designated Officer shall be in-charge for food safety administration under sub-section (1) of section 36;

(q) procedure in getting food analysed, details of fees, etc., under sub-section (1) of section 40;

(r) functions, procedure to be followed by food laboratories under sub-section (3) of section 43;

(s) procedure to be followed by officials under sub-section (6) of section 47;

(t) financial regulations to be adopted by the Food Authority in drawing up its budget under sub-section (2) of section 81;

(u) issue guidelines or directions for participation in Codex Meetings and preparation of response to Codex matters; and

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

Laying of
rules and
regulations
before
Parliament.

93. 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.

Power of
State
Government
to make rules.

94. (1) Subject to the powers of the Central Government and the Food Authority to make rules and regulations respectively, the State Government may, after previous publication and with the previous approval of the Food Authority, by notification in the Official Gazette, make rules to carry out the functions and duties assigned to the State Government and the State Commissioner of Food Safety under this Act and the rules and regulations made thereunder.

(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) other functions of the Commissioner of Food Safety under clause (f) of sub-section (2) of section 30;

(b) earmarking a fund and the manner in which reward shall be paid to a person rendering assistance in detection of offence or apprehension of offender under section 95; and

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

(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 the State Legislature where it consists of two Houses or where such State Legislature consists of one House, before that House.

Reward by
State
Government.

95. The State Government may empower the Commissioner of Food Safety to order payment of reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offender, from such fund and in such manner as may be prescribed by the State Government.

Recovery of
penalty.

96. A penalty imposed under this Act, if it is not paid, shall be recovered as an arrear of land revenue and the defaulters licence shall be suspended till the penalty is paid.

Repeal and
savings.

97. (1) With effect from such date as the Central Government may appoint in this behalf, the enactment and Orders specified in the Second Schedule shall stand repealed:

Provided that such repeal shall not affect:—

(i) the previous operations of the enactment and Orders under repeal or anything duly done or suffered thereunder; or

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under any of the enactment or Orders under repeal; or

(iii) any penalty, forfeiture or punishment incurred in respect of any offences committed against the enactment and Orders under repeal; or

(iv) any investigation or remedy in respect of any such penalty, forfeiture or punishment,

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

(2) If there is any other law for the time being in force in any State, corresponding to this Act, the same shall upon the commencement of this Act, stand repealed and in such case, the provisions of section 6 of the General Clauses Act, 1897 shall apply as if such provisions of the State law had been repealed.

(3) Notwithstanding the repeal of the aforesaid enactment and Orders, the licences issued under any such enactment or Order, which are in force on the date of commencement of this Act, shall continue to be in force till the date of their expiry for all purposes, as if they had been issued under the provisions of this Act or the rules or regulations made thereunder.

(4) Notwithstanding anything contained in any other law for the time being in force, no court shall take cognizance of an offence under the repealed Act or Orders after the expiry of a period of three years from the date of the commencement of this Act.

98. Notwithstanding the repeal of the enactment and Orders specified in the Second Schedule, the standards, safety requirements and other provisions of the Act and the rules and regulations made thereunder and Orders listed in that Schedule shall continue to be in force and operate till new standards are specified under this Act or rules and regulations made thereunder:

Transitory provisions for food standards.

Provided that anything done or any action taken under the enactment and Orders under repeal shall be deemed to have been done or taken under the corresponding 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.

99. (1) On and from the date of commencement of this Act, the Milk and Milk Products Order, 1992 issued under the Essential Commodities Act, 1955 shall be deemed to be the Milk and Milk Products Regulations, 1992 issued by the Food Authority under this Act.

Milk and Milk Products Order, 1992 shall be deemed to be regulations made under this Act.

(2) The Food Authority may, with the previous approval of the Central Government and after previous publication, by notification, amend the regulations specified in sub-section (1) to carry out the purposes of this Act.

100. As from the notified day, the provisions of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (herein referred to as the principal Act) shall apply subject to the following amendments, namely:—

Amendments to the Infant Milk Substitutes, Feeding Bottles and Infant Foods, (Regulation of Production, Supply and Distribution) Act, 1992.

(a) throughout the principal Act, any reference to “the Prevention of the Food Adulteration Act, 1954” shall be substituted by reference to “the Food Safety and Standards Act, 2006”;

(b) in section 12 of the principal Act, the reference to “any Food Inspector appointed under section 9 of the Prevention of the Food Adulteration Act, 1954” shall be substituted by reference to “any Food Safety Officer appointed under the Food Safety and Standards Act, 2006”;

(c) throughout the principal Act, any reference to “Food Inspector” shall be substituted by the expression “the Food Safety Officer”; and

(d) in section 21 of the principal Act, in sub-section (1), the reference to clause (a) shall be substituted by the following, namely:—

“(a) the Designated Officer or the Food Safety Officer directed under sub-section (5) of section 42 of the Food Safety and Standards Act, 2006; or”.

101. (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, for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of the period 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.

10 of 1897.

10 of 1955.

41 of 1992.

17 of 1954.

37 of 1954.

THE FIRST SCHEDULE

[See section 5(1)(e)]

Zone I

1. Andhra Pradesh
2. Goa
3. Karnataka
4. Kerala
5. Maharashtra
6. Orissa
7. Tamil Nadu

Zone II

1. Haryana
2. Himachal Pradesh
3. Jammu and Kashmir
4. Punjab
5. Uttaranchal
6. Uttar Pradesh

Zone III

1. Bihar
2. Chhattisgarh
3. Gujarat
4. Jharkhand
5. Madhya Pradesh
6. Rajasthan
7. West Bengal

Zone IV

1. Arunachal Pradesh
2. Assam
3. Manipur
4. Meghalaya
5. Mizoram
6. Nagaland
7. Sikkim
8. Tripura

Zone V

1. Andaman and Nicobar Islands
2. Chandigarh
3. Dadra and Nagar Haveli
4. Daman and Diu
5. Delhi
6. Lakshadweep
7. Pondicherry.

THE SECOND SCHEDULE

(See section 97)

1. The Prevention of Food Adulteration Act, 1954 (37 of 1954).
2. The Fruit Products Order, 1955.
3. The Meat Food Products Order, 1973.
4. The Vegetable Oil Products (Control) Order, 1947.
5. The Edible Oils Packaging (Regulation) Order, 1998.
6. The Solvent Extracted Oil, De oiled Meal, and Edible Flour (Control) Order, 1967.
7. The Milk and Milk Products Order, 1992.
8. Any other order issued under the Essential Commodities Act, 1955 (10 of 1955) relating to food.

THE ACTUARIES ACT, 2006

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THE SCHEDULE.

THE ACTUARIES ACT, 2006

No. 35 OF 2006

[27th August, 2006.]

An Act to provide for regulating and developing the profession of Actuaries and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Actuaries Act, 2006.

(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:

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 commencement of that provision.

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

(a) “Actuary” means a person skilled in determining the present effects of future contingent events or in finance modelling and risk analysis in different areas of

Short title,
extent and
commence-
ment.

Definitions.

*10-11-2006, vide Notification no. S.O. 1912(E) dated 28-11-2006.

insurance, or calculating the value of life interests and insurance risks, or designing and pricing of policies, working out the benefits, recommending rates relating to insurance business, annuities, insurance and pension rates on the basis of empirically based tables and includes a statistician engaged in such technology, taxation, employees' benefits and such other risk management and investments and who is a fellow member of the Institute; and the expression "actuarial science" shall be construed accordingly;

(b) "Actuarial Society" means the Actuarial Society of India registered under the Societies Registration Act, 1860 and the Bombay Public Trusts Act, 1950;

(c) "appointed day" means the date on which the Institute is constituted under sub-section (1) of section 3;

(d) "Authority" means the Appellate Authority referred to in section 32;

(e) "Board" means the Quality Review Board constituted under sub-section (1) of section 43;

(f) "Council" means the Council of the Institute as referred to in section 12;

(g) "fellow" means a fellow member of the Institute;

(h) "Institute" means the Institute of Actuaries of India constituted under section 3;

(i) "member" means an individual whose name appears in the register of members maintained by the Institute;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "President" means the President of the Council;

(l) "register" means the register of members maintained by the Institute under this Act;

(m) "specified" means specified by regulations made under this Act;

(n) "Tribunal" means a Tribunal established under sub-section (1) of section 16;

(o) "Vice-President" means the Vice-President of the Council;

(p) "year" means the period commencing on the 1st day of April of any year and ending on the 31st day of March of the succeeding year.

(2) Save as otherwise provided in this Act, a member of the Institute shall be deemed "to be in practice" when individually or in partnership with Actuaries in practice as a member or an employee of a company, he, whether or not in consideration of remuneration received or to be received,—

(i) engages himself in actuarial profession; or

(ii) offers to perform or performs services involving the application of actuarial techniques in the fields of insurance, pension, investment, finance and management; or

(iii) renders such other services as, in the opinion of the Council, are or may be rendered by an actuary in practice; or

(iv) is in employment of a person engaged in one or more of the activities mentioned in clauses (i), (ii) and (iii) above,

and the words "to be in practice" with their grammatical variations and cognate expressions shall be construed accordingly.

Explanation.—For the purposes of this sub-section, the expression "company" includes a public financial institution as defined in section 4A of the Companies Act, 1956.

21 of 1860.
Bombay
Act No.
XXXIX
of 1950.

1 of 1956.

CHAPTER II

INSTITUTE OF ACTUARIES OF INDIA

Incorporation
of Institute.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, all persons whose names are entered in the register of the Actuarial Society at the commencement of this Act and all persons who may thereafter have their

names entered in the register to be maintained under this Act, so long as they continue to have their names borne on the register, are hereby constituted a body corporate by the name of the Institute of Actuaries of India and all such persons shall be known as members of the Institute.

(2) The Institute shall have perpetual succession and a common seal and shall have power to acquire, hold and dispose of property, both movable and immovable, and shall by its name sue or be sued.

(3) The head office of the Institute shall be situated at such place as may be decided by the Central Government.

4. On the appointed day,—

(a) all the assets and liabilities of the Actuarial Society shall stand transferred to, and vested in, the Institute.

Explanation.—The assets of the Actuarial Society shall be deemed to include all rights and powers and 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 said Society 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 Actuarial Society immediately before that day, for or in connection with the purpose of the said Society, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Institute;

(c) all sums of money due to the Actuarial Society immediately before that day shall be deemed to be due to the Institute; and

(d) all suits and other legal proceedings instituted or which could have been instituted by or against the Actuarial Society immediately before that day may be continued or may be instituted by or against the Institute.

5. The objects of the Institute shall be—

(a) to promote, uphold and develop the standards of professional education, training, knowledge, practice and conduct amongst Actuaries;

(b) to promote the status of the Actuarial profession;

(c) to regulate the practice by the members of the profession of Actuary;

(d) to promote, in the public interest, knowledge and research in all matters relevant to Actuarial science and its application; and

(e) to do all such other things as may be incidental or conducive to the above objects or any of them.

6. (1) Any of the following persons shall be entitled to have his name entered in the register, namely:—

(a) any person who immediately before the appointed day was an associate or a fellow (including an honorary fellow) of the Actuarial Society;

(b) any person who has passed the examination conducted by the Actuarial Society and has completed training either as specified by the said Society or as specified by the Council, except any such person who is not a permanent resident of India;

(c) any person who has passed such examination and completed such training, as may be specified for membership of the Institute;

Transfer of assets, liabilities, etc., of Actuarial Society.

Objects of Institute.

Entry of names in register.

(d) any person who has passed such other examination and completed such other training outside India as is specified as being equivalent to the examination and training specified under this Act for membership of the Institute:

Provided that in the case of any person belonging to any of the classes mentioned in this sub-section who is not permanently residing in India, the Central Government or the Council may impose such further conditions as it may deem necessary or expedient in the public interest.

(2) Every person mentioned in clause (a) of sub-section (1) may have his name entered in the register without the payment of any entrance fee.

(3) Every person belonging to any of the classes mentioned in clauses (b), (c) and (d) of sub-section (1) shall have his name entered in the register on an application being made and granted in the specified manner and on payment of such fees, as may be specified.

(4) The Council shall take such steps as may be necessary for the purpose of having the names of all persons belonging to the class mentioned in clause (a) of sub-section (1) entered in the register before the appointed day.

(5) Notwithstanding anything contained in this section, the Council may confer on any person honorary fellow membership, if the Council is of the opinion that such person has made a significant contribution to the profession of Actuary and thereupon the Council shall enter the name of such person in the register but such person shall not have any voting rights in any election or meetings of the Institute and shall not also be required to pay any fee to the Institute.

Associates and fellows.

7. (1) The members of the Institute shall be divided into two classes designated respectively as associates and fellows.

(2) Any person other than a person to whom the provisions of sub-section (3) apply, shall, on his name being entered in the register, be deemed to have become an associate and as long as his name remains so entered, shall be entitled to use the letters "AIAI" after his name to indicate that he is an associate.

(3) Any person who was a fellow of the Actuarial Society and who is entitled to have his name entered in the register under clause (a) of sub-section (1) of section 6 shall be entered in the register as a fellow.

(4) Any person whose name is entered in the register as fellow shall, so long as his name remains so entered, be entitled to use the letters "FIAI" after his name to indicate that he is a fellow.

Honorary, affiliate and student members.

8. (1) The Council may choose, in such manner as may be specified, any person of eminence in matters relating to and of interest to the profession of Actuary as an honorary member of the Institute provided that he is not practicing as an Actuary.

(2) Any person, who is a fellow member, or is a holder of membership considered equivalent to the fellow membership of the Institute, of any other institution similar to the Institute, whether within or outside India, may be admitted as an affiliate member for such period, and on such terms and conditions as may be specified.

(3) Any person who enrolls himself for examination of the Institute, and possesses such academic qualifications as may be specified, may be admitted as a student member of the Institute on such terms and conditions as may be specified.

(4) An honorary member or an affiliate member or a student member shall have no right to vote on any matter or resolution in any meeting of the Institute.

Certificate of practice.

9. (1) No member of the Institute shall be entitled to practice unless he fulfils the qualifications as may be specified and obtains from the Council a certificate of practice.

(2) A member who desires to be entitled to practice shall make an application in such form and pay such annual fee for certificate of practice as may be specified and such fee shall be payable on or before the first day of April in each year.

(3) The certificate of practice obtained under sub-section (1) may be cancelled by the Council under such circumstances as may be specified.

10. Every member of the Institute in practice shall, and any other member may, use the designation of an Actuary and no member using such designation shall use any other description whether in addition thereto or in substitution therefor:

Members to be known as Actuaries.

Provided that nothing contained in this section shall be deemed to prohibit any such member from adding any other description or letters to his name, if entitled thereto, to indicate membership of such other Institute, whether in India or elsewhere, as may be recognised in this behalf by the Council, or any other qualification that he may possess, or to prohibit a firm, all the partners of which are members of the Institute and in practice, from being known by its firm name as Actuaries.

11. Notwithstanding anything contained in section 6, a person shall not be entitled to have his name entered in, or borne on, the register if he—

Disqualifications.

(a) has not attained the age of twenty-one years at the time of his application for the entry of his name in the register; or

(b) is of unsound mind and stands so adjudged by a competent court; or

(c) is an undischarged insolvent; or

(d) being a discharged insolvent, has not obtained from the court a certificate stating that his insolvency was caused by misfortune and without any misconduct on his part; or

(e) has been convicted by a competent court whether within or outside India, of an offence involving moral turpitude and punishable with imprisonment or of an offence, not of a technical nature, committed by him in his professional capacity unless in respect of the offence committed he has either been granted a pardon or, on an application made by him in this behalf, the Central Government has, by an order in writing, removed the disqualification; or

(f) has been removed from the membership of the Institute on being found on inquiry to have been guilty of a professional or other misconduct:

Provided that a person who has been removed from the membership for a specified period shall not be entitled to have his name entered in the Register until the expiry of such period.

12. (1) There shall be a Council of the Institute for the management of the affairs of the Institute and for discharging the functions assigned to it by or under this Act.

Composition of Council of Institute.

(2) The Council shall be composed of the following persons, namely:—

(a) a minimum of nine and not more than twelve persons from amongst fellow members to be elected by the fellow and the associate members of the Institute in such manner as may be prescribed:

Provided that a fellow of the Institute, who has been found guilty of any professional or other misconduct and whose name is removed from the Register or has been awarded penalty of fine, shall not be eligible to contest election,—

(i) in case of misconduct falling under the Schedule of this Act [except Part IV(B)], for a period of three years; or

(ii) in case of misconduct falling under Part IV(B) of the Schedule of this Act, for a period of six years,

after the completion of the period of removal of name of the fellow from the Register or the payment of fine is made, as the case may be; and

(b) (i) an officer not below the rank of Joint Secretary to the Government of India, to be nominated by the Central Government to represent the Ministry of Finance;

(ii) one person from the Insurance Regulatory and Development Authority constituted under the Insurance Regulatory and Development Authority Act, 1999 41 of 1999. nominated by the Central Government; and

(iii) not more than two persons having knowledge in the field of life insurance, general insurance, finance, economics, law, accountancy or any other discipline which in the opinion of the Central Government, would be useful to the Council, to be nominated in such manner as may be prescribed:

Provided that till such time as the Council is constituted under this Act, the Executive Committee of the Actuarial Society shall discharge all the functions and shall have all the powers of the Council.

(3) No person holding a post under the Central Government or a State Government, as the case may be, shall be eligible for election to the Council under clause (a) of sub-section (2).

(4) One-third of the members of the Council referred to in clause (a) of sub-section (2) shall retire as soon as may be on the expiration of every second year by rotation but shall be eligible for re-election.

(5) Any person nominated under clause (b) of sub-section (2) shall hold office for a period of six years from the date of his nomination unless he is removed earlier by the Central Government and shall be eligible for re-nomination:

Provided that he shall be given an opportunity of being heard before such removal.

Annual general meetings.

13. The Council shall every year hold an annual general meeting of the Institute to elect its members under clause (a) of sub-section (2) of section 12, or to discuss any matter which it deems fit, and not more than fifteen months shall elapse between the date of one annual general meeting of the Institute and that of the next:

Provided that from the appointed day the Institute may hold its first annual general meeting within a period of not more than eighteen months and if such general meeting is held within that period, it shall not be necessary for the Institute to hold any general meeting in that year:

Provided further that the Central Government may, for sufficient reasons, extend the time within which any general meeting shall be held.

Re-election to Council.

14. (1) Subject to the provisions of sub-section (2), a member of the Council elected under clause (a) of sub-section (2) of section 12 shall be eligible for re-election but not for more than two consecutive terms.

(2) A member of the Council, who is or has been elected, as the President under sub-section (1) of section 17, shall not be eligible for election or nomination as a member of the Council.

Settlement of disputes regarding election.

15. In case of any dispute regarding any election under clause (a) of sub-section (2) of section 12, the aggrieved person may make an application within thirty days from the date of the declaration of the result of the election to the Council which shall forward the same forthwith to the Central Government.

Establishment of Tribunal.

16. (1) On receipt of any application under section 15, the Central Government shall, by notification, establish a Tribunal consisting of a Presiding Officer and two other Members to decide such dispute and the decision of such Tribunal shall be final.

(2) A person shall not be qualified for appointment,—

(a) as a Presiding Officer of the Tribunal unless he has been a member of the Indian Legal Service and has held a post in Grade I of the service for at least three years;

(b) as a Member unless he has been a member of the Council for at least one full term and who is not a sitting Member of the Council or who has not been a candidate in the election under dispute; and

(c) as a Member unless he holds the post of a Joint Secretary to the Government of India or any other post under the Central Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.

(3) The terms and conditions of service of the Presiding Officer and Members of the Tribunal, their place of meetings, remuneration and allowances shall be such as may be prescribed.

(4) The expenses of the Tribunal shall be borne by the Council.

17. (1) The Council shall, at its first meeting, elect three of its members from amongst persons referred to in clause (a) of sub-section (2) of section 12, to be respectively the President, Vice-President and Honorary Secretary thereof, and as often as the office of the President, Vice-President and Honorary Secretary falls vacant, the Council shall choose one of the member in the same manner :

President,
Vice-President
and Honorary
Secretary.

Provided that the Chairperson of the Council of the Actuarial Society shall continue to hold such office as President after the commencement of this Act, until such time as a President is elected under the provisions of this sub-section.

(2) The President shall be the Chief Executive Officer of the Council.

(3) The President, the Vice-President or the Honorary Secretary shall hold office for a period of two years from the date on which he is chosen provided that he continues to be a member of the Council.

(4) The President and the Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(5) In the event of occurrence of any vacancy in the office of the President, the Vice-President shall act as the President until a new President is elected in accordance with the provisions of this section to fill such vacancy and enters upon his office.

(6) When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the President resumes his duties.

18. (1) Any member of the Council may at any time resign his membership by writing under his hand addressed to the President, and the seat of such member shall become vacant when such resignation is accepted and notified by the Council.

Resignation
from member-
ship and filling
up of casual
vacancies.

(2) A member of the Council, other than a member nominated under clause (b) of sub-section (2) of section 12 shall be deemed to have vacated his seat if he is declared by the Council to have been absent without sufficient reason from three consecutive meetings of the Council, or of any of the Committees constituted by the Council, and of which he is a member or he has been found guilty of any professional or other misconduct and awarded penalty of fine or if his name is, for any cause, removed from the register under the provisions of sections 24 and 30.

(3) A casual vacancy in the office of a member of the Council shall be filled by fresh election or by nomination by the Central Government, as the case may be, and the person elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member in whose place he was elected or nominated would have held that office:

Provided that no election shall be held to fill a casual vacancy occurring within one year prior to the date of the expiration of the term of such member.

(4) No act done by the Council shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of the Council.

19. (1) The duty of carrying out the functions under the provisions of this Act shall be vested in the Council.

Functions of
Council.

(2) In particular and without prejudice to the generality of the foregoing power, the functions of the Council shall include—

(a) the holding of examination of the candidates for enrolment and specifying fees therefor;

(b) the specifying of qualifications for entry in the register;

(c) the recognition of foreign qualifications and training for the purposes of enrolment;

(d) the granting of or refusal to grant the certificate of practice under this Act;

(e) the maintenance and publication of a register of persons qualified to practice as Actuaries;

(f) the levy and collection of fees from members, students, examinees and other persons;

(g) the removal of names from the register and the restoration to the register of names which have been removed;

(h) the regulation and maintenance of the status and standard of professional qualifications of members of the Institute;

(i) to issue guidelines for the observance of the members, including the student members;

(j) to receive gifts, grants, donations or benefactions from the Central or State Governments and to receive bequests, donations and transfer of movable or immovable properties from testators, donors or transferors, as the case may be;

(k) co-operating 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 members and generally in such manner as may be conducive to achievement of their common objects;

(l) instituting and awarding fellowships, scholarships, prizes and medals;

(m) giving gifts, grants, donations or benefactions to other institutions or bodies having objects similar to those of the Institute;

(n) the carrying out, by granting financial assistance to persons other than members of the Council, or in any other manner, of research in the actuarial science;

(o) the maintenance of a library and publication of books, journals and periodicals relating to actuarial science;

(p) the exercise of disciplinary powers conferred by this Act;

(q) establishing such regional council or councils as may be decided from time to time and fixing their headquarters; and

(r) doing all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institute.

20. (1) For the efficient performance of its functions, the Council may—

(a) appoint an Executive Director, a Treasurer and such other officers and employees as it deems necessary and fix their salaries, fees, allowances and other conditions of service; and

(b) fix the allowances of the President, the Vice-President, the Honorary Secretary and other members of the Council and its Committees,

in such manner as may be specified.

(2) The Executive Director of the Council shall be entitled to participate in the meetings of the Council but shall not be entitled to vote thereat.

21. (1) The Council may constitute such committees from amongst its members, and co-opt therein persons who are not members of the Institute, as it deems necessary for the purpose of carrying out the provisions of this Act:

Provided that the number of co-opted members shall not exceed one-third of the total membership of the committee.

(2) Every committee constituted under this section shall elect its own Chairman:

Provided that—

(i) where the President is a member of such committee, he shall be the Chairman of such committee, and in his absence, the Vice-President, if he is a member of such committee, shall be its Chairman; and

Staff,
remuneration
and allow-
ances.

Committees of
Council.

(ii) where the President is not a member of such committee but the Vice-President is a member, he shall be its Chairman.

(3) The committees shall exercise such functions and be subject to such conditions as may be specified.

22. (1) There shall be established a fund under the management and control of the Council into which shall be paid all moneys (including donations and grants) received by the Council and out of which shall be met all expenses and liabilities incurred by the Council.

Finances of Council.

(2) The Council may invest any money for the time being standing to the credit of the fund in any security as it may deem prudent consistent with the considerations of security of such investments and maximum returns thereon.

Explanation.— For the purposes of this sub-section, the expression “securities” shall have the meaning assigned to it in section 2 of the Securities Contracts (Regulation) Act, 1956, as amended from time to time.

(3) The Council shall keep proper accounts of the fund distinguishing capital account from revenue account.

(4) The annual accounts of the Institute shall be subject to audit by a Chartered Accountant in practice within the meaning of the Chartered Accountants Act, 1949 to be appointed annually by the Council:

Provided that no member of the Council who is a Chartered Accountant or a person who is in partnership with such member shall be eligible for appointment as an auditor under this sub-section.

(5) As soon as may be practicable at the end of each year, but not later than the 30th day of September of the year next following, the Council shall cause to be published in the Gazette of India, a copy of the audited accounts and the report of the Council for that year and copies of the said accounts and report shall be forwarded to the Central Government and to all the members of the Institute.

(6) The Council may borrow from a scheduled bank, as defined in the Reserve Bank of India Act, 1934, or from any public financial institution—

(a) any money required for meeting its liabilities on capital account on the security of the fund or on the security of any other asset, for the time being belonging to it; or

(b) for the purpose of meeting current liabilities, pending the receipt of income, by way of temporary loan or overdraft.

Explanation.—The expression “public financial institution” means a financial institution specified in section 4A of the Companies Act, 1956.

CHAPTER III

REGISTER OF MEMBERS

23. (1) The Council shall maintain in the specified manner a register of the members of the Institute.

Register.

(2) The register shall include the following particulars about every member of the Institute, namely:—

(a) his full name, date of birth, domicile, residential and professional addresses;

(b) the date on which his name is entered in the register;

(c) his qualifications;

(d) whether he holds a certificate of practice; and

(e) any other particulars which may be specified.

(3) The Council shall cause to be published in such manner as may be specified a list of members as on the 1st day of April each year, and shall, if requested to do so by any such member, send him a copy of such list, on payment of such amount as may be specified.

42 of 1956.

38 of 1949.

2 of 1934.

1 of 1956.

(4) Every member of the Institute shall, on his name being entered in the register, pay such annual membership fee as may be specified by the Council.

Removal of
name from
Register.

24. The Council may, by order, remove from the register the name of any member of the Institute—

(a) who is dead; or

(b) from whom a request has been received to that effect; or

(c) who has not paid any specified fee required to be paid by him; or

(d) who is found to have been subject to, at the time when his name was entered in the register, or who at any time thereafter has become subject to, any of the disqualifications mentioned in section 11; or

(e) who for any other reason has ceased to be entitled to have his name borne on the register.

Re-entry in
register.

25. The Council may re-enter the name of a member whose name has been removed from the register for reasons mentioned in clauses (b), (c), (d) and (e) of section 24, by an order, and on paying such fees, and after satisfying such conditions and requirements as may be specified.

CHAPTER IV

MISCONDUCT

Disciplinary
Committee.

26. (1) The Council shall constitute a Disciplinary Committee consisting of the President or the Vice-President of the Council as the Presiding Officer and two members of the Council elected by the Council and two members to be nominated by the Central Government from amongst the persons of eminence having experience in the field of law, education, economics, business, finance, accountancy or public administration:

Provided that the Council may constitute more regional Disciplinary Committees as and when it deems fit.

(2) The Disciplinary Committee in making the inquiry under the provisions of this Act shall follow such procedure and submit the report to the Council within such time as may be prescribed.

Appointment
of Prosecution
Director.

27. (1) The Council may, by notification, appoint a Prosecution Director and such other employees to assist the Disciplinary Committee in making inquiries in respect of any information or complaint received by the Council under the provisions of this Act.

(2) In order to make inquiries under the provisions of this Act, the Prosecution Director shall follow such procedure as may be prescribed.

Authority,
Council,
Disciplinary
Committee and
Prosecution
Director to
have powers of
civil court.

28. For the purposes of an inquiry under the provisions of this Act, the Authority, the Disciplinary Committee and the Prosecution Director shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) the discovery and production of any document; and

(c) receiving evidence on affidavit.

5 of 1908.

Action by
Council on
Disciplinary
Committee's
report.

29. (1) On receipt of a report from the Disciplinary Committee, if the Council is satisfied that the member of the Institute is guilty of any professional or other misconduct, it shall record its findings accordingly and shall proceed in accordance with the provisions of section 30.

(2) In case the Council is not satisfied with the report of the Disciplinary Committee and is of the opinion that it requires further inquiry, it may refer the report again to the Disciplinary Committee for such further inquiry as may be directed through an order of the Council.

(3) If the Council disagrees with the findings of the Disciplinary Committee, it may direct the Prosecution Director or itself make an appeal to the Authority.

30. Where the Council is of the opinion that a member is guilty of a professional or other misconduct mentioned in the Schedule, it shall afford to the member a reasonable opportunity of being heard before making any order against him and may thereafter take any one or more of the following actions, namely:—

Member to be afforded opportunity of being heard.

(a) reprimand the member; or

(b) remove the name of the member from the register permanently or for such period, as it thinks fit.

(c) impose such fine as it may think fit, which may extend to five lakh rupees.

Explanation.—For the purposes of this section, “member of the Institute” includes a person who was a member of the Institute on the date of the alleged misconduct although he has ceased to be a member of the Institute at the time of the inquiry.

31. For the purposes of this Act, the expression “professional or other misconduct” shall be deemed to include any act or omission provided in the Schedule, but nothing in this section shall be construed to limit or abridge in any way the power conferred or duty cast on the Disciplinary Committee or the Prosecution Director to inquire into the conduct of any member of the Institute under any other circumstances.

Professional or other misconduct defined.

CHAPTER V

APPEALS

32. The Appellate Authority constituted under sub-section (1) of section 22A of the Chartered Accountants Act, 1949, shall be deemed to be the Appellate Authority for the purposes of this Act subject to the modification that for clause (b) of said sub-section (1), the following clause had been substituted, namely:—

Constitution of Appellate Authority.

“(b) the Central Government shall, by notification, appoint two part-time Members from amongst the persons who have been members of the Council of the Institute of Actuaries for at least one full term and who are not sitting members of the Council;”.

33. A person appointed as a 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 sixty-seven years, whichever is earlier.

Term of office of Members of Authority.

34. The provisions of section 22C, section 22D and section 22F of the Chartered Accountants Act, 1949 shall apply to the Authority in relation to allowances and terms and conditions of service of its Chairperson and Members, and in discharge of its functions under this Act as they apply to it in the discharge of its functions under the Chartered Accountants Act, 1949.

Allowances, conditions of service of Members and procedure, etc., of Authority.

35. (1) The Council shall make available to the Authority such officers and other staff members as may be necessary for the efficient performance of the functions of the Authority.

Officers and other staff of Authority.

(2) The salaries and allowances and conditions of service of the officers and other staff members of the Authority shall be such as may be specified.

36. (1) Any member of the Institute aggrieved by any order of the Council imposing on him any of the penalties referred to in section 30, may, within ninety days of the date on which the order is communicated to him, prefer an appeal to the Authority:

Appeal to Authority.

38 of 1949.

38 of 1949.

Provided that the Authority may entertain any such appeal after the expiry of the said period of ninety days, if it is satisfied that there was sufficient cause for not filing the appeal in time.

(2) The Authority may, after calling for the records of any case, revise any order made by the Council under section 30 and may—

- (a) confirm, modify or set aside the order;
- (b) impose any penalty or set aside, reduce or enhance the penalty imposed by the order;
- (c) remit the case to the Disciplinary Committee for such further inquiry as the Authority considers proper in the circumstances of the case; or
- (d) pass such other order as the Authority thinks fit:

Provided that the Authority shall give an opportunity of being heard to the parties concerned before passing any order.

CHAPTER VI

PENALTIES

Penalty for
falsely
claiming to be
a member, etc.

37. Subject to the provisions of section 10, any person who,—

- (a) not being a member of the Institute,—
 - (i) represents that he is a member of the Institute in any of the manners mentioned in section 7; or
 - (ii) uses the designation “Actuary”; or
 - (iii) uses the letters “AIAI” or “FIAI” after his name; or
 - (iv) practises the profession of an Actuary; or
- (b) being a member of the Institute, but not having a certificate of practice, represents that he is in practice, or practises as an Actuary,

shall be punishable 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 which may extend to two lakh rupees, or with both.

Penalty for
using name of
Institution,
awarding
degrees of
actuarial
science, etc.

38. (1) Save as otherwise provided in this Act, no person shall—

- (a) use a name or a common seal which is identical with the name or the common seal of the Institute or so nearly resembles it so as to deceive or as is likely to deceive the public; or
- (b) award any degree, diploma or certificate or bestow any designation which indicates or purports to indicate the position or attainment of any qualification or competence in actuaryship similar to that of a member of the Institute; or
- (c) seek to regulate in any manner whatsoever the profession of Actuaries.

(2) Any person contravening the provisions of sub-section (1) shall, without prejudice to any other proceedings, which may be taken against him, be punishable with fine, which may extend on first conviction to fifty thousand rupees and on any subsequent conviction with imprisonment which may extend to one year, or, with fine which may extend to one lakh rupees, or with both.

(3) Nothing contained in this section shall apply to any University or other institution established by law or to any body affiliated to the Institute.

39. (1) No company, whether incorporated in India or elsewhere, shall practice as Actuaries.

Companies not to engage in actuarial practice.

(2) Any company contravening the provisions of sub-section (1) shall be punishable on first conviction with fine which may extend to ten thousand rupees, and on any subsequent conviction with fine which may extend to twenty-five thousand rupees.

40. (1) No person other than a fellow member of the Institute shall sign any document on behalf of an Actuary in practice or a firm of such Actuaries in his or its professional capacity.

Unqualified person not to sign documents.

(2) Any person contravening the provisions of sub-section (1) shall, without prejudice to any other proceedings which may be taken against him, be punishable on first conviction with fine which may extend to fifty thousand rupees, and on any subsequent conviction with imprisonment which may extend to one year, or with fine which may extend to one lakh rupees, or with both.

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

Offences by companies.

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 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 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 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 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.

42. No person shall be prosecuted under this Act except on a complaint made by or under the order of the Council or of the Central Government.

Sanction to prosecute.

CHAPTER VII

QUALITY REVIEW BOARD

43. (1) The Central Government shall, by notification, constitute a Quality Review Board consisting of a Chairperson and not more than four Members:

Establishment of Quality Review Board.

Provided that in case the Board is constituted with two Members, one each shall be nominated by the Council and the Central Government, respectively.

(2) The Chairperson and Members of the Board shall be appointed from amongst the persons of eminence having experience in the field of law, education, economics, business, finance, accountancy or public administration.

(3) Two Members of the Board shall be nominated by the Council and other two Members shall be nominated by the Central Government.

44. The Board shall perform the following functions, namely:—

Functions of Board.

(a) to fix standards for the services provided by the members of the Institute;

(b) to review the quality of services provided by the members of the Institute including actuarial audit services; and

(c) to guide the members of the Institute to improve the quality of services and adherence to the various statutory and other regulatory requirements.

Procedure of Board.

45. The Board shall follow in its meeting and in discharging its functions such procedure as may be prescribed.

Terms and conditions of Chairperson and Members of Board.

46. The terms and conditions of service of the Chairperson and the Members of the Board, their place of meetings, remuneration and allowances shall be such as may be prescribed.

Expenditure of Board.

47. The expenditure of the Board shall be borne by the Council.

CHAPTER VIII

DISSOLUTION OF THE ACTUARIAL SOCIETY OF INDIA REGISTERED UNDER THE SOCIETIES REGISTRATION ACT

Dissolution of Actuarial Society of India.

48. On the appointed day,—

(a) the Society known as the Actuarial Society of India registered under the Societies Registration Act, 1860 and the Bombay Public Trusts Act, 1950 shall stand dissolved and thereafter no person shall make, assert or take any claims or demands or proceedings against the dissolved society or against any officer thereof in his capacity as such officer except in so far as may be necessary, for enforcing the provisions of this Act;

21 of 1860.
Bombay Act
XXXIX of
1950.

(b) the right of every member to, or in respect of, the dissolved society shall be extinguished, and thereafter no member of the society shall make, assert or take any claims or demands or proceedings in respect of that society except as provided in this Act.

Provisions respecting employees of dissolved society.

49. (1) Every person employed in the dissolved society and continuing in its employment immediately before the commencement of this Act shall, as from such commencement, become an employee of the Institute, shall hold his office or service therein by the same tenure and upon the same terms and conditions and with the same rights and privileges as to retirement benefits as he would have held the same under the dissolved society if this Act had not been passed, and shall, continue to do so unless and until his employment in the Institute is terminated or until his remuneration, terms and conditions of employment are duly altered by the Institute.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the services of any employee of the dissolved society to the Institute shall not entitle any such employee to any compensation under that Act or other law, and no such claims shall be entertained by any court, tribunal or other authority.

14 of 1947

CHAPTER IX

MISCELLANEOUS

Maintenance of more than one offices by Actuary.

50. (1) Where an Actuary in practice or a firm of such Actuaries has more than one offices within or outside India, each one of such offices shall be in the separate charge of a fellow member of the Institute:

Provided that the Council may in suitable cases exempt any Actuary in practice or firm of such Actuaries from the operation of this sub-section.

(2) Every Actuary in practice or a firm of such Actuaries maintaining more than one office shall send to the Council a list of offices and the person in charge thereof and shall keep the Council informed of any changes in relation thereto.

Reciprocity.

51. (1) Where any country, notified by the Central Government in this behalf in the Official Gazette, prevents persons of Indian domicile from becoming members of any

institution similar to the Institute or from practicing the profession of Actuaries or subjects them to unfair discrimination in that country, no subject of any such country shall be entitled to become a member of the Institute or practice the profession of Actuaries in India.

(2) Subject to the provisions of sub-section (1), the Council may specify the conditions, if any, subject to which foreign qualifications relating to actuarial science shall be recognised for the purposes of entry in the register.

52. (1) For the purposes of this Act, the Central Government may, from time to time, give to the Council such general or special directions as it thinks fit, and the Council shall, in the discharge of its functions under this Act, comply with such directions.

Power of Central Government to issue directions.

(2) If, in the opinion of the Central Government, the Council has persistently made default in giving effect to the directions issued under sub-section (1), it may, after giving an opportunity of being heard to the Council, by notification, dissolve the Council, whereafter a new Council shall be constituted in accordance with the provisions of this Act with effect from such date as may be decided by the Central Government.

(3) Where the Central Government has issued a notification under sub-section (2) dissolving the Council, it may, pending the constitution of a new Council in accordance with the provisions of this Act, authorise any person or body of persons to take over the management of the affairs of the Council and to exercise such functions as may be mentioned in the notification.

53. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Council or the Disciplinary Committee or the Tribunal or the Authority or the Board or the Prosecution Director or any officer of that Government, Council, Committee, Tribunal, Authority or Board, for anything which is in good faith done or intended to be done under this Act or any rule, regulation, notification, direction or order made thereunder.

Protection of action taken in good faith.

54. The Chairperson, Presiding Officer, Members and other officers and employees of the Authority, Tribunal and Board, and the Prosecution Director shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, etc., to be public servants.

55. (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) the manner of election and nomination in respect of members to the Council under sub-section (2) of section 12;

(b) the terms and conditions of service of the Presiding Officers and Members of the Tribunal, place of meeting, remuneration and allowances to be paid to them under sub-section (3) of section 16;

(c) the procedure of inquiry and submission of report by the Disciplinary Committee under sub-section (2) of section 26;

(d) the procedure of inquiry by the Prosecution Director under sub-section (2) of section 27;

(e) any act or omission which may be determined as professional misconduct under section 31;

(f) the procedure to be followed by the Board in its meetings and discharging its functions under section 45; and

(g) terms and conditions of service of the Chairman and Members of the Board under section 46.

Power to make regulations.

56. (1) The Council may, with the previous approval of the Central Government and subject to the previous publication, by notification in the Official Gazette, make regulations 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 examination and training for the purposes of clauses (b), (c) and (d) of sub-section (1) of section 6;

(b) the manner of making an application under sub-section (3) of section 6;

(c) the fees payable under sub-section (3) of section 6, sub-section (2) of section 9, clause (a) of sub-section (2) of section 19, sub-section (4) of section 23;

(d) the manner in which the honorary member may be chosen under sub-section (1) of section 8;

(e) the terms and conditions on which an affiliate member may be admitted under sub-section (2) of section 8;

(f) the academic qualifications for admission of a student member under sub-section (3) of section 8;

(g) qualifications required for a certificate of practice under sub-section (1) and the form in which an application may be made under sub-section (2) of section 9;

(h) the transaction of business by the Council for the discharge of its functions mentioned in sub-section (2) of section 19;

(i) terms and conditions of the services under sub-section (1) of section 20;

(j) the functions and conditions of the committees under sub-section (3) of section 21;

(k) the manner in which the register of the members of the Institute and other particulars to be maintained under sub-sections (1) and (2) of section 23;

(l) the manner in which the annual list of members of the Institute may be published under sub-section (3) of section 23;

(m) the conditions and requirements and payment of fee for re-entry in the register under section 25;

(n) salaries and allowances and conditions of service of the officers and other staff members of the Authority under sub-section (2) of section 35;

(o) the conditions subject to which foreign qualifications may be recognised under sub-section (2) of section 51; and

(p) any other matter which is required to be, or may be, prescribed under this Act.

Power of Central Government to issue directions for making or amending regulations.

57. (1) Where the Central Government considers it expedient so to do, it may, by order in writing, direct the Council to make any regulations or to amend or revoke any regulations already made within such period as it may specify in this behalf.

(2) If the Council fails or neglects to comply with such order within the specified period, the Central Government may itself make the regulations or amend or revoke the regulations made by the Council.

58. 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.

Laying of
rules and
regulations.

59. (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 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 two 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.

THE SCHEDULE

(See section 31)

PART I

Professional misconduct in relation to members of the Institute in practice

An Actuary in practice shall be deemed to be guilty of professional misconduct, if he—

(1) allows any person to practice in his name as an actuary unless such person is also an actuary in practice and is in partnership with or employed by himself; or

(2) pays by way of remuneration to an employee, pays or allows or agrees to pay or allow, directly or indirectly, any share, commission or brokerage in the fees or profits of his professional business, to any person other than a member of the Institute or a partner or a retired partner or the legal representative of a deceased partner; or

(3) enters into partnership with any person other than an Actuary in practice or a person resident outside India who but for his residence abroad would be entitled to be admitted as a member under clause (c) of sub-section (1) of section 6 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnership, provided the Actuary shares in the fees or profits of the business of the partnership both within and outside of India; or

(4) secures either through the services of a person who is not an employee of such Actuary or who is not qualified to be his partner or by means which are not open to an Actuary, any professional business; or

(5) accepts an assignment as Actuary previously held by another Actuary without first communicating with him in writing; or

(6) charges or offers to charge, accepts or offers to accept in respect of any professional employment fees which are based on a percentage of profit or which are contingent upon the findings or results of such employment, except as permitted under any regulation made under this Act; or

(7) engages in any business or occupation other than the profession of Actuaries unless permitted by the Council so to engage:

Provided that nothing contained herein shall disentitle an Actuary from being a director of a company; or

(8) accepts a position as an actuary previously held by some other Actuary in practice in such conditions as to constitute undercutting; or

(9) allows a person not being a member of the Institute in practice, or a member not being his partner to sign on his behalf or on behalf of his firm, any valuation report or financial statement; or

(10) discloses information acquired in the course of his professional engagement to any person other than his client so engaging him, without the consent of such client, or otherwise than as required by any law for the time being in force; or

(11) certifies or submits in his name, or in the name of his firm, a valuation report or a financial statement unless the examination of such statement and the related records has been made by him or by a partner or an employee in his firm or by another Actuary in practice; or

(12) expresses his opinion or valuation reports or financial statements of any business or any enterprise in which he, his firm, or a partner in his firm has a substantial interest, unless he has disclosed the interest also in his report; or

(13) fails to disclose a material fact known to him in a valuation report or a financial statement, but disclosures of which is necessary to make the valuation report or the financial statement not misleading where he is concerned with such valuation report or the financial statement in a professional capacity; or

(14) fails to report a material misstatement known to him to appear in a valuation report or financial statement with which he is concerned in a professional capacity; or

(15) is grossly negligent in the conduct of his professional duties; or

(16) fails to obtain sufficient information to warrant the formation of an opinion in regard to any matter contained in any valuation report or financial statement prepared by him or on his behalf; or

(17) fails to invite attention to any material departure from the generally accepted procedure or professional work applicable to the circumstances, in any valuation report or financial statement prepared by him or on his behalf.

PART II

Professional misconduct in relation to the members of the Institute in service

A member of the Institute (other than a member in practice) shall be deemed to be guilty of professional misconduct, if he being an employee of any company, firm or person,—

(1) pays or allows or agrees to pay directly or indirectly to any person any share in the emoluments of the employment undertaken by him; or

(2) accepts or agrees to accept any part of fees, profits or gains by way of commission or gratification; or

(3) discloses confidential information acquired in the course of his employment except as and when required by law or except as permitted by his employer.

PART III

Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he—

(1) includes in any statement, return or form to be submitted to the Council any particulars knowing them to be false; or

(2) not being a fellow member of the Institute acts himself as a fellow member of the Institute; or

(3) does not supply the information called for or does not comply with the requirements asked for by the Council or any of its Committees; or

(4) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council under clause (i) of sub-section (2) of section 19; or

(5) is guilty of such other act or omission as may be specified by the Council.

PART IV

Other misconduct in relation to member of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if—

(A) (1) he is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term not exceeding six months;

(2) in the opinion of the Council, he brings disrepute to the profession or the Institute as result of his action whether or not related to his professional work;

(B) he is held guilty by any civil or criminal court for an offence which is punishable with imprisonment for a term exceeding six months.

THE APPROPRIATION (No. 4) ACT, 2006

No. 36 OF 2006

[27th August, 2006.]

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 2006-07.

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

1. This Act may be called the Appropriation (No. 4) Act, 2006.
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 forty-seven thousand eight hundred sixty-eight crores and ninety-seven lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2006-07 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. 47868,97,00,000 out of the Consolidated Fund of India for the financial year 2006-07.

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 and Cooperation	Revenue	1,00,000	1,00,000	1,00,000
		Capital	1,00,000	1,00,000	2,00,000
2	Department of Agricultural Research and Education	Revenue	50,00,00,000	..	50,00,00,000
3	Department of Animal Husbandry, Dairying and Fisheries ..	Revenue	110,00,00,000	..	110,00,00,000
5	Atomic Energy	Revenue	9,68,00,000	..	9,68,00,000
		Capital	..	3,00,00,000	3,00,00,000
6	Nuclear Power Schemes	Capital	1313,33,00,000	..	1313,33,00,000
7	Department of Chemicals and Petrochemicals	Revenue	84,00,00,000	..	84,00,00,000
		Capital	339,69,00,000	..	339,69,00,000
8	Department of Fertilisers	Revenue	2770,37,00,000	..	2770,37,00,000
11	Department of Commerce	Revenue	1,00,000	..	1,00,000
17	Department of Consumer Affairs	Revenue	6,77,00,000	..	6,77,00,000
18	Department of Food and Public Distribution	Revenue	1,12,00,000	56,00,000	1,68,00,000
19	Ministry of Culture	Revenue	25,05,00,000	..	25,05,00,000
27	Capital Outlay on Defence Services	Capital	..	15,00,00,000	15,00,00,000
29	Ministry of Environment and Forests	Capital	..	60,00,000	60,00,000
30	Ministry of External Affairs	Revenue	101,03,00,000	..	101,03,00,000
31	Department of Economic Affairs	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	..	1,00,000
33	Payments to Financial Institutions	Revenue	4208,61,00,000	..	4208,61,00,000
		Capital	42,45,00,000	..	42,45,00,000
35	Transfers to State and Union territory Governments	Revenue	4500,00,00,000	..	4500,00,00,000
41	Department of Revenue	Revenue	1000,00,00,000	23,00,00,000	1023,00,00,000
44	Department of Disinvestment	Capital	1,00,000	..	1,00,000
45	Ministry of Food Processing Industries	Revenue	1,00,000	..	1,00,000
		Capital	16,50,00,000	..	16,50,00,000
46	Department of Health and Family Welfare	Revenue	1,00,000	..	1,00,000
		Capital	4,50,00,000	..	4,50,00,000
47	Department of Ayurveda, Yoga and Naturopathy, Unani, Sidha and Homocopathy (AYUSH)	Revenue	1,00,000	..	1,00,000
48	Department of Heavy Industry	Revenue	1992,30,00,000	..	1992,30,00,000
		Capital	2,00,000	..	2,00,000
52	Police	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	..	1,00,000
53	Other Expenditure of the Ministry of Home Affairs	Revenue	337,11,00,000	..	337,11,00,000
54	Transfers to Union territory Governments	Revenue	22,12,00,000	..	22,12,00,000
56	Department of Secondary Education and Higher Education ..	Revenue	2,00,000	..	2,00,000
61	Law and Justice	Revenue	1,00,000	..	1,00,000
64	Ministry of Non-Conventional Energy Sources	Revenue	1,00,000	..	1,00,000
69	Ministry of Personnel, Public Grievances and Pensions	Capital	1,00,00,000	..	1,00,00,000
70	Ministry of Petroleum and Natural Gas	Revenue	14150,01,00,000	..	14150,01,00,000
78	Department of Rural Development	Revenue	16205,00,00,000	..	16205,00,00,000
84	Department of Shipping	Capital	2,00,000	..	2,00,000
85	Department of Road Transport and Highways	Capital	1,00,000	..	1,00,000
91	Ministry of Textiles	Revenue	305,02,00,000	..	305,02,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
94	Andaman and Nicobar Islands Revenue	1,00,000	..	1,00,000
99	Department of Urban Development Revenue	30,00,00,000	..	30,00,00,000
	..... Capital	1,00,000	..	1,00,000
100	Public Works Revenue	21,86,00,000	..	21,86,00,000
	..... Capital	23,50,00,000	..	23,50,00,000
102	Ministry of Housing and Urban Poverty Alleviation (Previously Ministry of Urban Employment and Poverty Alleviation) Revenue	14,00,00,000	..	14,00,00,000
103	Ministry of Water Resources Revenue	1,00,000	..	1,00,000
104	Ministry of Youth Affairs and Sports Revenue	2,00,000	..	2,00,000
105	Ministry of Minority Affairs Revenue	123,23,00,000	..	123,23,00,000
 Capital	18,29,00,000	..	18,29,00,000
	TOTAL:	47826,79,00,000	42,18,00,000	47868,97,00,000

Total
 Rs.
 2,00,000
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THE APPROPRIATION (RAILWAYS) No. 4 ACT, 2006

No. 37 OF 2006

[27th August, 2006.]

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 2006-07 for the purposes of Railways.

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

Short title.

1. This Act may be called the Appropriation (Railways) No. 4 Act, 2006.

Issue of Rs.
150,00,90,000
out of the
Consolidated
Fund of India
for the
financial year
2006-07.

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 fifty crores and ninety thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2006-07, in respect of the services relating to Railways 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 India 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)

Services and purposes	2		3	
	Sums not exceeding			Total
	Voted by Parliament	Charged on the Consolidated Fund		
Rs.	Rs.		Rs.	
Assets—Acquisition, construction and replacement—				
Other Expenditure	150,00,10,000	..	150,00,10,000	
Capital	75,000	..	75,000	
Railway Funds	5,000	..	5,000	
Railway Safety Fund				
TOTAL:	150,00,90,000	..	150,00,90,000	

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THE GOVERNMENT SECURITIES ACT, 2006

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, application and commencement.
2. Definitions.
3. Forms of Government securities.
4. Subsidiary general ledger account.
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8. Right of survivors of joint holders or several payees.
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18. Legal effect of orders made by Bank.
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THE GOVERNMENT SECURITIES ACT, 2006

No. 38 OF 2006

[30th August, 2006.]

An Act to consolidate and amend the law relating to Government securities and its management by the Reserve Bank of India and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to consolidate and amend the law relating to Government securities and its management by the Reserve Bank of India;

AND WHEREAS Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution, resolutions have been passed by the Houses of the Legislatures of all the States, except the Legislature of the State of Jammu and Kashmir, to the effect that the matters aforesaid should be regulated in those States by Parliament by law;

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

1. (1) This Act may be called the Government Securities Act, 2006.
- (2) This Act applies to Government securities created and issued whether before or after the commencement of this Act by the Central Government or a State Government.

Short title,
application and
commencement.

(3) It applies in the first instance to whole of the States, except the State of Jammu and Kashmir, and to all the Union territories and it shall also apply to the State of Jammu and Kashmir which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(4) It shall come into force in all the States, except the State of Jammu and Kashmir, and in the Union territories on such date as the Central Government may, by notification in the Official Gazette, appoint and in the State of Jammu and Kashmir which adopts this Act under clause (1) of article 252 of the Constitution, on the date of such adoption; and any reference in this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act, comes into force in such State or Union territory.

Definitions.

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

(a) "agent" means a scheduled bank within the meaning of clause (e) of section 2 of the Reserve Bank of India Act, 1934, or any other person specified as such;

2 of 1934

(b) "Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934;

2 of 1934

(c) "bond ledger account" means an account with the Bank or an agent in which the Government securities are held in a dematerialised form at the credit of the holder;

(d) "constituents' subsidiary general ledger account" means a subsidiary general ledger account opened and maintained with the Bank by an agent on behalf of the constituents of such agent;

(e) "Government", in relation to any Government security, means the Central or State Government issuing the security;

(f) "Government security" means a security created and issued by the Government for the purpose of raising a public loan or for any other purpose as may be notified by the Government in the Official Gazette and having one of the forms mentioned in section 3;

(g) "prescribed" means prescribed by regulations made under this Act;

(h) "promissory note" includes a treasury bill;

(i) "specified" means specified by the Bank in the Official Gazette.

Forms of Government securities.

3. A Government security may, subject to such terms and conditions as may be specified, be in such forms as may be prescribed or in one of the following forms, namely:—

(i) a Government promissory note payable to or to the order of a certain persons;

or

(ii) a Learer bond payable to bearer; or

(iii) a stock; or

(iv) a bond held in a bond ledger account.

Explanation.—For the purpose of this section, "stock" means a Government security,—

(i) registered in the books of the Bank for which a stock certificate is issued; or

(ii) held at the credit of the holder in the subsidiary general ledger account including the constituents subsidiary general ledger account maintained in the books of the Bank,

and transferable by registration in the books of the Bank.

Subsidiary general ledger account.

4. (1) A subsidiary general ledger account including a constituents' subsidiary general ledger account and a bond ledger account may be opened and maintained by the Bank subject to such conditions and restrictions as may be specified and in such form and on payment of such fee as may be prescribed.

of 1988.

(2) Notwithstanding anything contained in the *Benami Transactions (Prohibition) Act, 1988*, or any other law for the time being in force, the Government securities may be held on behalf of a constituent in a constituents' subsidiary general ledger account under sub-section (1) and the holder of such account shall be deemed to be the holder of the securities held in that account:

Provided that the constituent as a beneficial owner of the Government security shall be entitled to claim from the holder all the benefits and be subjected to all the liabilities in respect of the Government securities held in the constituents' subsidiary general ledger account.

(3) The holder of a constituents' subsidiary general ledger account shall maintain such records and adopt such procedure for safeguarding the interests of the constituents as may be specified.

5. (1) No transfer of a Government security shall be valid if it does not purport to convey the full title to the security.

Transfer of Government securities.

(2) The transfer of the Government securities shall be made in such form and in such manner as may be prescribed.

(3) Any document relating to a Government security or any endorsement on a promissory note issued by the Government may, on the demand of a person who for any reason is unable to write, shall be executed on his behalf in such manner as may be prescribed.

(4) Nothing in this section shall affect any order made by the Bank under this Act, or any order made by a Court upon the Bank.

6. (1) In the case of any public office to which the Government may, by notification in the Official Gazette, declare this sub-section to apply, a Government security may be held in the name of the office.

Holding of Government securities by holders of public offices.

(2) When a Government security is so held, it shall be deemed to be transferred without any or further endorsement or transfer deed from each holder of the office to the succeeding holder of the office on and from the date on which the latter takes charge of the office.

(3) When the holder of the office transfers to a party not being his successor in office where a Government security so held, the transfer shall be made by the signature of the holder of the office and the name of the office in the manner laid down in section 5.

(4) Where the holder of the office is temporarily absent for more than a fortnight from his office for any reason, he may authorise in writing such other person, who would be in charge of this office during the period of such absence, to effect transfer of the Government securities.

(5) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

7. (1) Subject to the provisions of sub-sections (2) and (3), if on the death of a sole holder or death of all the joint holders of a Government security there is no nomination in force, the executors or administrators of the deceased sole holder or all the deceased joint holders, as the case may be, or the holder of a succession certificate issued under Part X of the Indian Succession Act, 1925 shall be the only person who may be recognised by the Bank as having any title to the Government security.

Recognition of title to Government security of deceased sole holder or joint holders.

(2) Nothing contained in this section shall bar the recognition by the Bank of any person as having a title to a Government security on the basis of a decree, order or direction passed by a competent court declaring the person as having title to the Government security or appointing a receiver to take possession of a security or on the basis of a certificate issued or order passed by any other authority who might have been empowered under any statute to confer on any such person a title to the Government security or on the basis of such other documents as may be prescribed.

39 of 1925.

(3) Notwithstanding anything contained in this section or in any other law for the time being in force, where the outstanding value of Government security held by a deceased sole holder or deceased joint holders, as the case may be, does not exceed an amount of rupees one lakh or such higher amount not exceeding rupees one crore as may be fixed by the Central Government by notification in the Official Gazette from time to time, the Bank may recognise a person as having title to such Government security of the deceased sole holder or deceased joint holders in such manner and subject to such conditions as may be prescribed.

Right of survivors of joint holders or several payees.

8. Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872 and subject to the provisions of sections 7 and 10,— 9 of 1872.

(a) when a Government security is held by two or more persons jointly, and either or any of them dies, the title to the Government security shall vest in the survivor or survivors of those persons; and

(b) when a Government security is payable to two or more persons severally and either or any of them dies, the Government security shall be payable to the survivor or survivors of those persons or to the representative of the deceased or to any one of them:

Provided that nothing contained in this section shall affect any claim which any representative of a deceased joint holder or deceased holders of a Government security or a surviving joint holder or holders of a Government security, as the case may be, may have against the survivor or survivors or representatives under or in respect of any Government security to which this section applies.

Explanation.—For the purposes of this section, a body incorporated or deemed to be incorporated under the Companies Act, 1956, or the Co-operative Societies Act, 1912, or any other enactment for the time being in force relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved. 1 of 1956. 2 of 1912.

Nomination by holders of Government securities.

9. (1) Notwithstanding anything contained in sections 7 and 8 or any other law for the time being in force, except the provisions of sub-section (2),—

(a) where a Government security other than in the form of promissory note or bearer bond is held by a person in his name or jointly with any other name or names, as the case may be, the sole holder or all the joint holders of the Government security together may nominate one or more persons in such form and in such manner as may be prescribed, who in the event of the death of the sole holder or the death of all the joint holders, as the case may be, would become entitled to the Government security and to payment thereon to the exclusion of all other persons, unless the nomination is varied or cancelled in the prescribed manner;

(b) where a nomination in respect of a Government security has been made in favour of two or more nominees and either or any of them is dead, the surviving nominee or nominees, as the case may be, shall be entitled to the Government security and payment thereon;

(c) where the nominee is a minor, it shall be lawful for the sole holder or all the joint holders of a Government security, as the case may be, to appoint in the prescribed manner any person in whom the Government security would be deemed to have vested in the event of death of such holder or joint holders of the Government security during the minority of the nominee;

(d) the recognition of right and claim of the nominee or nominees to the Government security held by a sole holder or joint holders, as the case may be, and any payment made by the Government or the Bank to the nominee or nominees shall constitute a full discharge and shall absolve the Government or the Bank of its liability in respect of the said Government security.

(2) Any nomination or appointment made under sub-section (1) shall become void if the nominee predeceases, or where there are two or more nominees, if all the nominees predecease the holder or joint holders of the Government security making the nomination.

(3) Where the amount due for the time being on a Government security is payable to two or more nominees and either or any of them dies, the title to the Government security shall vest in the survivor or survivors of those nominees and the amount for the time being due thereon shall be paid accordingly.

(4) A transfer of a Government security made in accordance with sub-section (2) of section 5 shall automatically cancel the nomination previously made:

Provided that where a Government security is in the possession of a person either as a pledge or by way of security for any purpose, such possession shall not have the effect of cancelling the nomination, but the right of the nominee shall be subject to the right of the person so possessing it.

(5) The Government may, on the recommendation of the Bank, by notification in the Official Gazette, extend the facility of nomination to any Government security as may be specified therein.

(6) Nothing contained in sub-section (1) shall affect the right or claim which any person may have against the person whose right and title to a Government security is recognised by the Government or the Bank or to whom the payment of the amount due on the Government security is made by the Government or the Bank under sub-section (1).

(7) No notice of any claim of any person, other than the person or persons in whose name a Government security is held or the nominees thereof, shall be receivable by the Bank or the Government, nor shall the Bank or the Government be bound by any such notice even though expressly given to it:

Provided that where any decree, order, certificate or other authority from a court of competent jurisdiction relating to such Government security is produced before the Bank or the Government, the Bank or the Government shall take due note of such decree, order, certificate or other authority.

10. (1) Where any Government security is held on behalf of a minor, the payment of the same for the time being due on a Government security either by way of outstanding principal or interest thereon may be made to the father or mother of such minor and where neither parent is alive or where the living parents are or only living parent is incapable of action, to a person entitled under the law for the time being in force to have care of the property of the minor.

(2) When a Government security belongs to a minor or a person who is insane and incapable of managing his affairs and the outstanding principal value of the Government security does not in the aggregate exceed rupees one lakh or such higher amount not exceeding rupees one crore as the Central Government may, by a notification in the Official Gazette from time to time, fix, the Bank may make such order as it thinks fit for the vesting of such Government security in such person as it considers represents the minor or insane person.

11. (1) If the person entitled to a Government security applies to the Bank alleging that the Government security has been lost, stolen or destroyed, or has been defaced or mutilated, the Bank may, on proof to its satisfaction of the loss, theft, destruction, defacement or mutilation of the Government security, and subject to such conditions and on payment of such fees as may be prescribed, order the issue of a duplicate Government security to the applicant.

(2) If the person entitled to a Government security applies to the Bank to have the Government security converted into a Government security of another form, or into a Government security issued in connection with another loan or to have it consolidated with other like Government securities, or to have it sub-divided, or to have it renewed, stripped or

Government securities belonging to minor or insane person.

Issue of duplicate securities and of new securities on conversion, consolidation, sub-division, renewal, stripping or reconstitution.

reconstituted, the Bank may, subject to such conditions and on payment of such fees as may be prescribed, cancel the Government security and order the issue of a new Government security or Government securities.

Explanation.—A Government security may be stripped separately for interest and principal or reconstituted on the application of the holder subject to such terms and conditions as may be specified.

(3) The person to whom a duplicate Government security or a new Government security is issued under this section shall be deemed for the purposes of section 18 to have been recognised by the Bank as the holder of the Government security; and a duplicate Government security or new Government security so issued to any person shall be deemed to constitute a new contract between the Government and such person and all persons deriving title thereafter through him:

Provided that the issue of new security under this section shall not affect the interest of third parties in whose favour a charge or other interest was lawfully created and was subsisting at the time of issue of the new security.

Summary determination by Bank of title to Government security in case of dispute.

12. (1) If the Bank is of opinion that a doubt exists as to the title to a Government security, it may proceed to determine, in accordance with such regulations as may be made, the person who shall for the purposes of the Bank be deemed to be the person entitled thereto.

(2) For the purpose of making any order which it is empowered to make under this Act, the Bank may request a District Magistrate to record or to have recorded the whole or any part of such evidence as any person whose evidence the Bank requires may produce and the District Magistrate so requested may either himself record, or may direct any Executive Magistrate empowered in this behalf by general or special order of the State Government to record the evidence, and shall forward a copy thereof to the Bank.

(3) For the purpose of making a vesting order under this Act, the Bank may direct one of its officers to record the evidence of any person whose evidence the Bank requires or may receive evidence upon affidavit.

(4) A Magistrate or an officer of the Bank acting in pursuance of this section may administer an oath to any witness examined by him.

Law applicable in regard to Government securities.

13. Notwithstanding that as a matter of convenience, the Government may have arranged for payments on a Government security to be made elsewhere than in India, the rights of all persons in relation to Government securities shall be determined in connection with all such questions as are dealt with by this Act by the law and in the Courts of India.

Postponement of payments and registration of transfers pending the making of vesting order.

14. Where the Bank contemplates making an order under this Act to vest a Government security in any person, the Bank may suspend payment of interest on or the maturity value of the Government security or postpone the making of any order under section 7, section 10, section 11 or section 12 or the registration of any transfer of the Government security, as the case may be, until the vesting order has been made.

Power of Bank to require bonds.

15. (1) Before making any order which it is empowered to make under this Act, the Bank may require the person in whose favour the order is to be made to execute an indemnity bond with one or more sureties in such form as may be prescribed or to furnish security not exceeding twice the value of the subject-matter of the order, to be held at the disposal of the Bank, to pay to the Bank or any person to whom the Bank may assign the indemnity bond or security in furtherance of sub-section (2) the amount thereof.

(2) A Court before which a claim in respect of the subject-matter of any such order is established may order the indemnity bond or security to be assigned to the successful claimant who shall thereupon be entitled to enforce the indemnity bond or realise the security to the extent of such claim.

16. Any notice required to be given by the Bank under this Act may be served by post, but every such notice shall also be published by the Bank in the Official Gazette or the Official Gazette of a State, according as the notice relates to a Government security, issued by the Central Government or a State Government, and on such publication shall be deemed to have been delivered to all persons for whom it is intended.

Publication of notices in Official Gazette.

17. (1) The Bank shall, while making a vesting order under section 7, section 10, section 11 or section 12, follow such procedure as may be prescribed.

Procedure and scope of vesting order.

(2) An order made by the Bank under this Act may either confer full title to a Government security or a title only to the accrued and accruing interest on the Government security pending a further order vesting full title.

18. No recognition by the Bank of a person as the holder of a Government security, and no order made by the Bank under this Act shall be called in question by any Court so far as such recognition or order affects the relations of the Government or the Bank with the person recognised by the Bank as the holder of a Government security or with any person claiming an interest in such security; and any such recognition by the Bank of any person or any order by the Bank vesting a Government security in any person shall operate to confer on that person a title to the security subject only to his personal liability to the rightful owner of the security for money had and received on his account.

Legal effect of orders made by Bank.

19. Where the Bank contemplates making with reference to any Government security any order which it is empowered to make under this Act, and before the order is made the Bank receives from a Court in India an order to stay the making of such order, the Bank shall either—

Stay of proceedings on order of Court.

(a) hold the security together with any interest unpaid or accruing thereon until further orders of the Court are received; or

(b) apply to the Court to have the security transferred to the Official Trustees appointed for the State in which such Court is situated, pending the disposal of the proceedings before the Court.

20. Where the Bank contemplates making an order under this Act vesting a Government security in any person, the Bank may, at any time before the order is made, cancel any proceedings already taken for that purpose and may, on such cancellation, proceed anew to the making of such order.

Cancellation by Bank of vesting proceedings.

21. Save as otherwise expressly provided in the terms of a Government security, no person shall be entitled to claim interest on such security in respect of any period which has elapsed after the earliest date on which demand could have been made for the payment of the amount due on such security.

Discharge in respect of interest on Government securities.

22. The Government shall be discharged from all liability on a bearer bond or on any interest coupon of such a bond on payment to the holder of such bond or coupon on presentation on or after the date when it becomes due of the amount expressed therein, unless before such payment, an order of a Court in India has been served on the Government restraining it from making payment.

Discharge in respect of bearer bonds.

23. (1) Where no shorter period of limitation is fixed by any law for the time being in force, the liability of the Government in respect of any interest payment due on a Government security shall terminate on the expiry of six years from the date on which the amount due by way of interest became payable:

Period of limitation of Government's liability in respect of interest.

Provided that the Government may allow a *bona fide* claim for payment of interest after the expiry of the period of six years in those cases where the holders of securities could not prefer their claims within the said period of six years.

(2) Notwithstanding anything contained in sub-section (1), the Bank may specify the securities in respect of which, the circumstances under which, and the terms and conditions subject to which, interest may be paid even after the expiry of the period specified in the said sub-section.

24. No person shall be entitled to inspect or to receive information derived from any Government security in the possession or custody of the Government or from any book, register or other document kept or maintained by or on behalf of the Government in relation to Government securities or any Government security, save in such circumstances and manner and subject to such conditions as may be prescribed.

Inspection of documents.

Micro films,
facsimile
copies of
documents,
magnetic tapes
and computer
print outs as
documents of
evidence.

25. (1) Notwithstanding anything contained in any other law for the time being in force,—

(a) a micro film of a document or the reproduction of the image or images embodied in such micro film (whether enlarged or not); or

(b) a facsimile copy of a document; or

(c) a statement contained in a document and included in a printed material produced by a computer, magnetic tape or any other form of mechanical or electronic data retrieval mechanism (hereinafter referred to as computer print out), if the conditions mentioned in sub-section (2) and the other provisions contained in this section are satisfied in relation to the statement and the computer in question,

shall be deemed to be also a document for the purposes of this Act and the regulations made thereunder and shall be admissible in any proceedings thereunder, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible.

(2) The conditions referred to in sub-section (1) in respect of a computer print out shall be the following, namely:—

(a) the computer print out containing the statement was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer;

(b) during the said period, there was regularly supplied to the computer in the ordinary course of the said activities, information of the kind contained in the statement or of the kind from which the information so contained is derived;

(c) throughout the material part of the said period, the computer was operating properly or, if not, then any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of the contents; and

(d) the information contained in the statement reproduced or is derived from information supplied to the computer in the ordinary course of the said activities.

(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a) of sub-section (2) was regularly performed by computers, whether—

(a) by a combination of computers operating over that period; or

(b) by different computers operating in succession over that period; or

(c) by different combinations of computers operating in succession over that period; or

(d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers,

all the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer; and references in this section to a computer shall be construed accordingly.

(4) In any proceeding under this Act and the regulations made thereunder where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say,—

(a) identifying the document containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;

(c) dealing with any of the matters to which the conditions mentioned in subsection (2) relate, and purporting to be signed by a person occupying a responsible official position in the Bank in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate),

shall be evidence of any matter stated in the certificate; and for the purposes of this subsection it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this section,—

(a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(b) whether in the course of activities carried on by any official, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(c) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

Explanation.—For the purposes of this section,—

(a) “computer” means any electronic, magnetic, optical or other high-speed data processing service device or system which performs logical, arithmetical and memory functions by manipulation of electronic, magnetic or optical impulses and includes all input, output, processing, storage, computer software or communication facilities which are connected or related to the computer in a computer system or computer network;

(b) “computer print out” shall include ledgers, day-books, account books and other records, maintained in the ordinary course of business of the Bank or of the agent, printed on paper from the information stored in the computer or derived from such information; and

(c) any reference to information being derived from other information shall be a reference to its being derived therefrom by calculation, comparison or any other process.

1 of 1872.
5 of 1908.

26. For the purposes of section 124 of the Indian Evidence Act, 1872, the provisions of Part IV of the Code of Civil Procedure, 1908 relating to suits by or against public officers in their official capacity, and the provisions of rule 27 of Order V, and rule 52 of Order XXI of the said Code, the Bank and any officer of the Bank acting in his capacity as such shall be deemed to be a public officer.

Bank and its officers to be public officers.

27. Where a subsidiary general ledger account is opened by the Bank in favour of any holder of a Government security in terms of section 4 and,—

(a) it comes to the notice of the Bank that the said account is being operated contrary to the terms and conditions subject to which the account was opened; or

(b) the subsidiary general ledger account transfer form has bounced due to insufficiency of Government security or funds; or

(c) the Bank is of opinion that the account is being operated contrary to the banking practice or in a manner prejudicial to the interests of the holders of Government securities in general; or

(d) the subsidiary general ledger account is being misused in any manner,

the Bank may, by order in writing, after giving an opportunity of being heard, debar the holder of such account from trading with the subsidiary general ledger account facility temporarily or permanently as it deems fit.

Misuse of subsidiary general ledger account facility.

Pledge,
hypothecation
or lien.

28. (1) Subject to such terms and conditions as may be prescribed, the holder of a Government security may create a pledge or hypothecation or lien in respect of such security.

(2) On receipt of notice of pledge or hypothecation or lien from the holder of the Government security, the Bank or any agent maintaining the account in respect of such security shall make necessary entry in its record and such entry shall be evidence of the pledge, hypothecation or lien thereof, as the case may be.

Power to call
for
information,
cause
inspection and
issue
directions.

29. (1) The Bank may at any time, for the purposes of this Act, call for such information as it deems necessary in relation to a Government security from any agent, or holder of subsidiary general ledger account including constituents' subsidiary general ledger account and cause an inspection or scrutiny to be made by one or more of its officers or other persons, of any agent or holder of a subsidiary general ledger account including constituents' subsidiary general ledger account.

(2) The Bank may, if it considers necessary so to do, issue such directions as it thinks fit, in relation to a Government security,—

(i) to the holders of the subsidiary general ledger accounts including constituents' subsidiary general ledger account;

(ii) to the agents maintaining bond ledger account; and

(iii) to any other person dealing with the Government securities,

for carrying out the purposes of this Act.

Contravention
and penalties.

30. (1) If any person, for the purpose of obtaining for himself or for any other person any title to a Government security, makes to any authority in any application made under this Act or in the course of any inquiry undertaken in pursuance of this Act any statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No Court shall take cognizance of any offence under sub-section (1) except on the complaint of the Bank.

(3) Without prejudice to any other action which the Bank may deem fit to take, the Bank, after giving a reasonable opportunity of being heard, may impose on any person who contravenes any provision of this Act, or contravenes any regulation, notification or direction issued under this Act, or violates the terms and conditions for opening and maintenance of a subsidiary general ledger account, including constituents' subsidiary general ledger account, a penalty, not exceeding five lakh rupees and where such contravention is a continuing one, further penalty which may extend to five thousand rupees for every day after first day during which the contravention continues.

Certain laws
not to apply to
Government
securities.

31. (1) The Public Debt Act, 1944 shall cease to apply to the Government securities to which this Act applies and to all matters for which provisions have been made by this Act.

18 of 1944.

(2) Notwithstanding such cessation anything done or any action taken in the exercise of any power conferred by or under that Act shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force at all material times.

(3) Nothing contained in the Depositories Act, 1996 or the regulations made thereunder shall apply to Government securities covered by this Act unless an agreement is executed to the contrary by any depository under the Depositories Act, 1996 with the Government or the Bank, as the case may be.

22 of 1996.

Power to
make
regulations.

32. (1) The Bank may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations to carry out the purposes 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 form in which and the terms and conditions subject to which the Government securities may be issued under section 3;

(b) the form in which and the fee to be charged for opening and maintenance of subsidiary general ledger account including constituents' subsidiary general ledger account and bond ledger account by the Bank under sub-section (1) of section 4;

(c) the form and manner in which Government securities shall be transferred under sub-section (2) of section 5 and the manner in which any document relating to any Government security or any endorsement on a promissory note may be executed on behalf of a person who is unable to write under sub-section (3) of that section;

(d) the documents to be produced for recognition of title to the Government security of a deceased sole holder or all deceased joint holders under sub-section (2) of section 7 and the manner in which and the conditions subject to which the Bank may recognise title to a Government security under sub-section (3) of that section;

(e) the form and the manner in which a nomination may be made, varied or cancelled and the manner in which any person may be appointed in whom the Government security would be deemed to have vested in the event of death of holder or joint holders of Government security during the minority of a nominee under section 9;

(f) the conditions governing the issue of duplicate Government securities and the fees to be paid therefor under section 11;

(g) the manner in which the Bank may determine title to a Government security under section 12;

(h) the form of bond under sub-section (1) of section 15;

(i) the procedure for making vesting order referred to in sub-section (1) of section 17;

(j) the circumstances and the manner in which and the conditions subject to which inspection of Government securities, books, registers and other documents may be allowed or information therefrom may be given under section 24;

(k) the terms and conditions subject to which pledge or hypothecation or lien be created under sub-section (1) of section 28.

(3) Every regulation made by the Bank 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 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.

33. Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, wherever, necessary, be constructed as including a reference to the corresponding law, if any, in force in that State.

Construction of references to laws not in force in Jammu and Kashmir.

34. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two 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.

Repeal and
saving.

35. (1) The Indian Securities Act, 1920 is hereby repealed.

10 of 1920.

(2) Notwithstanding such repeal anything done or any action taken in the exercise of any power conferred by or under the Act shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or action was taken.

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2006

No. 39 OF 2006

[3rd September, 2006.]

An Act further to amend the Wild Life (Protection) Act, 1972.

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

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2006.

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. After Chapter IVA of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), the following Chapters shall be inserted, namely:—

Insertion of new Chapters IVB and IVC.

'CHAPTER IVB

NATIONAL TIGER CONSERVATION AUTHORITY

38K. In this Chapter,—

Definitions.

(a) "National Tiger Conservation Authority" means the Tiger Conservation Authority constituted under section 38L;

(b) "Steering Committee" means the Committee constituted under section 38U;

(c) "Tiger Conservation Foundation" means the foundation established under section 38X;

(d) "tiger reserve State" means a State having tiger reserve;

(e) "tiger reserve" means the areas notified as such under section 38V.

*4.9.2006, vide Notification No. S.O. 1402(E) dated 4.9.2006.

Constitution
of National
Tiger
Conservation
Authority.

38L. (1) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereinafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Tiger Conservation Authority shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry of Environment and Forests—
Chairperson;

(b) the Minister of State in the Ministry of Environment and Forests—
Vice-Chairperson;

(c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(d) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development;

(e) Secretary, Ministry of Environment and Forests;

(f) Director General of Forests and Special Secretary, Ministry of Environment and Forests;

(g) Director, Wild Life Preservation, Ministry of Environment and Forests;

(h) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years;

(i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;

(j) Secretary, Ministry of Tribal Affairs;

(k) Secretary, Ministry of Social Justice and Empowerment;

(l) Chairperson, National Commission for the Scheduled Tribes;

(m) Chairperson, National Commission for the Scheduled Castes;

(n) Secretary, Ministry of Panchayati Raj;

(o) Inspector-General of Forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary,

to be notified by the Central Government, in the Official Gazette.

(3) It is hereby declared that the office of member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Term of office
and conditions
of service of
members.

38M. (1) A member nominated under clause (d) of sub-section (2) of section 38L shall hold office for such period not exceeding three years:

Provided that a member may, by writing under his hand addressed to the Central Government, resign from his office.

(2) The Central Government shall remove a member referred to in clause (d) of sub-section (2) of section 38L, from office if he—

(a) is, or at any time has been, adjudicated as insolvent;

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

(c) is of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the Tiger Conservation Authority, absent from three consecutive meetings of the said Authority; or

(f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

(3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such as may be prescribed.

(5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority.

38N. (1) The Tiger Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act:

Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service or until the expiry of the period of six months from that date if such employee opts not to be the employee of that Authority.

(2) The terms and conditions of service of the officers and other employees of the Tiger Conservation Authority shall be such as may be prescribed.

38-O. (1) The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:—

(a) to approve the Tiger Conservation Plan prepared by the State Government under sub-section (3) of section 38V of this Act;

(b) evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves;

(c) lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;

(d) provide for management focus and measures for addressing conflicts of men and wild animals and to emphasise on co-existence in forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;

(e) provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species, status of habitats, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

(f) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation;

(g) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority;

(h) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws;

Officers and employees of Tiger Conservation Authority.

Powers and functions of Tiger Conservation Authority.

(i) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan;

(j) facilitate ongoing capacity building programme for skill development of officers and staff of tiger reserves; and

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers and their habitat.

(2) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger or tiger reserves and such person, officer or authority shall be bound to comply with the directions:

Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes.

38P. (1) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit.

(2) The Chairperson or in his absence the Vice-Chairperson shall preside over the meetings of the Tiger Conservation Authority.

(3) The Tiger Conservation Authority shall regulate its own procedure.

(4) All orders and decisions of the Tiger Conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said Authority duly authorised by the Member-Secretary in this behalf.

38Q. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto—

(i) any grants and loans made to the Tiger Conservation Authority by the Central Government;

(ii) all fees and charges received by the Tiger Conservation Authority under this Act; and

(iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Authority and the expenses of the Tiger Conservation Authority incurred in the discharge of its functions under this Chapter.

38R. (1) The Tiger Conservation Authority 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 Tiger Conservation Authority 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 Tiger Conservation Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Tiger Conservation Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally 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 office of the Tiger Conservation Authority.

Procedure to be regulated by Tiger Conservation Authority.

Grants and loans to Tiger Conservation Authority and constitution of Fund.

Accounts and audit of Tiger Conservation Authority.

(4) The accounts of the Tiger Conservation Authority 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 Tiger Conservation Authority.

38S. The Tiger Conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report of Tiger Conservation Authority.

38T. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

Annual report and audit report to be laid before Parliament.

38U. (1) The State Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation of tiger, co-predators and prey animals within the tiger range States.

Constitution of Steering Committee.

(2) The Steering Committee shall consist of—

(a) the Chief Minister — Chairperson;

(b) the Minister in-charge of Wild Life — Vice-Chairperson;

(c) such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Government's Departments dealing with tribal affairs;

(d) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development;

(e) two members from the State's Tribal Advisory Council;

(f) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;

(g) Chief Wild Life Warden of the State shall be the Member-Secretary, *ex officio*,

to be notified by the State Government, in the Official Gazette.

38V. (1) The State Government shall, on the recommendation of the Tiger Conservation Authority, notify an area as a tiger reserve.

Tiger Conservation Plan.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary.

(3) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure—

(a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;

(b) ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill

over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;

(c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

(4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.

Explanation.— For the purposes of this section, the expression “tiger reserve” includes—

(i) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;

(ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in *Explanation (i)* above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.

(5) Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless—

(i) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;

(ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;

(iii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;

(iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy;

(v) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and

(vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

38W. (1) No alteration in the boundaries of a tiger reserve shall be made except on a recommendation of the Tiger Conservation Authority and the approval of the National Board for Wild Life.

Alteration and de-notification of tiger reserves.

(2) No State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life.

38X. (1) The State Government shall establish a Tiger Conservation Foundation for tiger reserves within the State in order to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco-development by involvement of people in such development process.

Establishment of Tiger Conservation Foundation.

(2) The Tiger Conservation Foundation shall, *inter alia*, have the following objectives:—

(a) to facilitate ecological, economic, social and cultural development in the tiger reserves;

(b) to promote eco-tourism with the involvement of local stake-holder communities and provide support to safeguard the natural environment in the tiger reserves;

(c) to facilitate the creation of, and/or maintenance of, such assets as may be necessary for fulfilling the above said objectives;

(d) to solicit technical, financial, social, legal and other support required for the activities of the Foundation for achieving the above said objectives;

(e) to augment and mobilise financial resources including recycling of entry and such other fees received in a tiger reserve, to foster stake-holder development and eco-tourism;

(f) to support research, environmental education and training in the above related fields.

CHAPTER IV C

TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU

38Y. The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Tiger and Other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control Bureau consisting of—

Constitution of Tiger and other Endangered Species Crime Control Bureau.

(a) the Director of Wildlife Preservation—Director *ex officio*;

(b) the Inspector-General of Police—Additional Director;

(c) the Deputy Inspector-General of Police—Joint Director;

(d) the Deputy Inspector-General of Forests—Joint Director;

(e) the Additional Commissioner (Customs and Central Excise)—Joint Director;

and

(f) such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

Powers and
functions of
the Wildlife
Crime
Control
Bureau.

38Z. (1) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to—

(i) collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action so as to apprehend the criminals and to establish a centralised wildlife crime data bank;

(ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;

(iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;

(iv) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for wildlife crime control;

(v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes;

(vi) advise the Government of India on issues relating to wildlife crimes having national and international ramifications, and suggest changes required in relevant policy and laws from time to time.

(2) The Wildlife Crime Control Bureau shall exercise—

(i) such powers as may be delegated to it under sub-section (1) of section 5, sub-sections (1) and (8) of section 50 and section 55 of this Act; and

(ii) such other powers as may be prescribed.”

Amendment
of section 51.

3. In section 51 of the principal Act, after sub-section (1B), the following sub-sections shall be inserted, namely:—

“(1C) Any person, who commits an offence in relation to the core area of a tiger reserve or where the offence relate to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable on first conviction with imprisonment for a term which shall not be less than three years but may extend to seven years, and also with fine which shall not be less than fifty thousand rupees but may extend to two lakh rupees; and in the event of a second or subsequent conviction with imprisonment for a term of not less than seven years and also with fine which shall not be less than five lakh rupees but may extend to fifty lakh rupees.

(1D) Whoever, abets any offence punishable under sub-section (1C) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence.”

Amendment
of section 55.

4. In section 55 of the principal Act, after clause (aa), the following clauses shall be inserted, namely:—

“(ab) Member-Secretary, Tiger Conservation Authority; or

(ac) Director of the concerned tiger reserve; or”.

Amendment
of section 59.

5. In section 59 of the principal Act, after the word, figures and letter “Chapter IVA”, the word, figures and letter “Chapter IVB” shall be inserted.

Amendment
of section 60.

6. In section 60 of the principal Act, in sub-section (3), after the word, figures and letter “Chapter IVA”, the word, figures and letter “Chapter IVB” shall be inserted.

Amendment
of section 63.

7. In section 63 of the principal Act, in sub-section (1), after clause (g), the following clauses shall be inserted, namely:—

“(g) qualifications and experience of experts or professionals under clause (d) of sub-section (2) of section 38-I;

(gii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38M;

(giii) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (2) of section 38N;

(giv) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (1) of section 38R;

(gv) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;

(gvi) other powers of the Wild Life Crime Control Bureau under clause (ii) of sub-section (2) of section 38Z.”

THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF
PARLIAMENT (AMENDMENT) ACT, 2006

No. 40 OF 2006

[12th September, 2006.]

An Act further to amend the Salary, Allowances and Pension of Members of
Parliament Act, 1954.

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

Short title and
commence-
ment.

1. (1) This Act may be called the Salary, Allowances and Pension of Members of
Parliament (Amendment) Act, 2006.

(2) Save as otherwise provided, it shall come into force on such date* for Ss. 3, 4, 6, 7,
8 and 9 as the Central Government may, by notification in the Official Gazette, appoint; and
different dates may be appointed for different provisions of this Act.

*15.9.2006, vide Notification No. G.S.R. 561(E) dated 15.9. 2006.

of 1954. 2. In section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), —

Amendment
of section 3.

(a) for the words “at the rate of four thousand rupees per mensem”, the words “at the rate of sixteen thousand rupees per mensem” shall be substituted;

(b) for the words “at the rate of four hundred rupees for each day”, the words “at the rate of one thousand rupees for each day” shall be substituted;

(c) for the second and third provisos, the following proviso shall be substituted, namely:—

“Provided further that the rates of salary and allowance specified in this section shall be applicable for a period of five years from the 14th day of September, 2006 or until it is refixed, whichever is later.”.

3. In section 4 of the principal Act, in sub-section (1), —

Amendment
of section 4.

(a) in clause (c), in sub-clause (ii), for the words “at the rate of eight rupees per kilometre”, the words “at the rate of thirteen rupees per kilometre” shall be substituted;

(b) after the second proviso, and before the *Explanation*, the following proviso shall be inserted, namely: —

“Provided also that the rate specified in sub-clause (ii) of clause (c) of this sub-section shall be applicable for a period of five years from the date of commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006.”;

(c) in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that the first proviso shall not be applicable to a member who, in the opinion of the Chairman of the Council of States or, as the case may be, the Speaker of the House of the People, is so incapacitated physically and cannot travel by air or train.”.

4. In section 5 of the principal Act,—

Amendment
of section 5.

(a) in sub-section (1A), for the words “seven days”, the words “five days” shall be substituted;

(b) in sub-section (2),—

(i) for the first proviso, the following proviso shall be substituted, namely:—

“Provided that the total number of such journeys under this sub-section shall be thirty-four journeys per year.”;

(ii) in the second proviso, for the words “less than thirty-two”, the words “less than thirty-four” shall be substituted;

(iii) in the third proviso, for the words “thirty-two journeys”, the words “thirty-four journeys” shall be substituted;

(iv) after the third proviso, the following proviso shall be inserted, namely:—

“Provided also that in case any member avails a total number of journeys by air more than thirty-four, such journeys permissible to him, in the year, he may be allowed to adjust not exceeding eight such journeys from the entitled number of journeys which may accrue in his credit in the next following year.”;

(c) after sub-section (2) and before *Explanation* I, the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in sub-section (2), there shall be paid to a member who, in the opinion of the Chairman of the Council of States or, as the case may be, the Speaker of the House of the People, is so incapacitated physically and therefore cannot perform air or train journey, road mileage for the entire road journey.”;

(d) in *Explanation* III, for the words “thirty-two journeys”, the words “thirty-four journeys” shall be substituted.

Amendment of section 6D.

5. In section 6D of the principal Act, after clause (ii), the following clause shall be added and shall be deemed to have been added with effect from the 17th day of May, 2004, namely:—

“(iii) by road as is referred to in section 4 or section 5, be entitled to an amount equal to one road mileage.”.

Amendment of section 7.

6. In section 7 of the principal Act, for the words “seven days”, the words “five days” shall be substituted.

Amendment of section 8A.

7. In section 8A of the principal Act,—

(a) for sub-section (1) and the proviso thereto, the following shall be substituted, namely:—

“(1) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006, there shall be paid a pension of eight thousand rupees per mensem to every person who has served for any period as a member of the Provisional Parliament or either House of Parliament:

Provided that where a person has served as a member of the Provisional Parliament or either House of Parliament for a period exceeding five years, there shall be paid to him an additional pension of eight hundred rupees per mensem for every year served in excess of five years.”;

(b) sub-section (1A) and the *Explanation* thereunder shall be omitted.

Amendment of section 8AA.

8. Section 8AA of the principal 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) Every person who is not a sitting member but has served for any period as a member from the Andaman and Nicobar Islands or the Lakshadweep, shall be entitled to travel by the highest class of accommodation in any steamer sailing between the Andaman and Nicobar Islands or, as the case may be, the Lakshadweep and the main land territory of India in addition to the facilities available to such member under sub-section (1), without payment of any charges on the basis of an authorisation issued for this purpose by the Secretariat of either House of Parliament.”.

Insertion of new section 8AC.

Family pension.

9. After section 8AB of the principal Act, the following section shall be inserted, namely:—

‘8AC. (1) On the death of a member of either House of Parliament during his term of office, his spouse, if any, or dependent of such member shall be paid during the remaining period of life of such spouse or, as the case may be, such dependent so long as such dependent continues to be a dependent within the meaning of clause (aa) of section 2, family pension equivalent to one-half of the pension which such member of Parliament would have received had he retired:

Provided that no such family pension shall be payable to a dependent if such dependent is a sitting member of Parliament or is drawing pension under section 8A.

(2) The family pension payable under sub-section (1) shall also be payable to the spouse or dependent of a person who was a member of either House of Parliament or the Provisional Parliament at any time before the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006 and died after serving as such member:

Provided that such spouse or dependent is not drawing any pension under this Act or is not entitled to draw family pension under the proviso to sub-section (1):

Provided further that no person shall be entitled to claim arrears of any family pension under this sub-section in respect of a period before the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006.

Explanation.— For the purposes of this section, “Provisional Parliament” shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution.

THE CANTONMENTS ACT, 2006

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THE CANTONMENTS ACT, 2006

No. 41 OF 2006

[13th September, 2006.]

An Act to consolidate and amend the law relating to the administration of cantonments with a view to impart greater democratisation, improvement of their financial base to make provisions for developmental activities and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Cantonments Act, 2006.

(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, 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.

Short title,
extent and
commencement.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "Assistant Health Officer" means the medical officer appointed by the General Officer Commanding-in-Chief, the Command, to be the Assistant Health Officer for a cantonment;

(b) "Board" means a Cantonment Board constituted under this Act;

(c) "boundary wall" means a wall which abuts on a street and which does not exceed two and a half metres in height;

(d) "building" means a house, outhouse, stable, latrine, shed, hut or other roofed structure whether of masonry, brick, wood, mud, metal or other material, and any part thereof, and includes a well and a wall other than a boundary wall but does not include a tent or other portable and temporary shelter;

(e) "casual election" means an election held to fill a casual vacancy;

(f) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board and includes a vacancy in such office, arising under sub-section (2) of section 16;

(g) "Chief Executive Officer" means the person appointed under this Act to be the Chief Executive Officer of a cantonment;

(h) "civil area" means an area declared to be a civil area by the Central Government under sub-section (1) of section 46;

(i) "civil area committee" means a committee appointed under section 47;

(j) "Command" means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Command for all or any of the purposes of this Act;

(k) "dairy" includes any farm, cattle-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for the sale into butter, ghee, cheese or curds, and, in relation to a dairyman who does not occupy any premises for the sale of milk, includes any place in which he keeps the vessels used by him for the storage or sale of milk;

(l) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or is intended to be offered for sale for human consumption, and any supplier of milk and any occupier of a dairy;

(m) "dangerous disease" means cholera, leprosy, enteric fever, smallpox, tuberculosis, diphtheria, plague, influenza, venereal disease, hepatitis, Acquired Immune Deficiency Syndrome and any other epidemic, endemic, infectious or communicable disease which the Board may by public notice, declare to be, an infectious, contagious or communicable disease for the purposes of this Act;

(n) "Defence Estates Circle" means one of the circles into which India is, for the purposes of defence estates management, for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Defence Estates Circle for all or any of the purposes of this Act;

(o) "Defence Estates Officer" means the officer appointed by the Central Government to perform the duties of the Defence Estates Officer for the purpose of this Act and the rules made thereunder;

(p) "Director General" means an officer of the Indian Defence Estates Service (IDES) appointed by the Central Government to perform the duties of the Director General, Defence Estates for the purpose of this Act and includes Senior Additional Director General and Additional Director General;

(g) "Director" means the officer appointed by the Central Government to perform the duties of the Director, Defence Estates, the Command, for the purposes of this Act and the rules made thereunder;

(r) "entitled consumer" means a person in a cantonment who is paid from the Defence Service Estimates and is authorised by general or special order of the Central Government to receive a supply of water for domestic purposes from the Military Engineer Services or the Public Works Department on such terms and conditions as may be specified in the order;

(s) "Executive Engineer" means the officer of the Military Engineer Services of that grade, having charge of the military works in a cantonment or where more than one such officer has charge of the military works in a cantonment such one of those officers as the Officer Commanding the station may designate in this behalf, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;

(t) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948;

63 of 1948.

(u) "Forces" means the regular Army, Navy and Air Force or any part of any one or more of them;

(v) "General Officer Commanding-in-Chief, the Command" (GOC-in-C, Command) means the Officer Commanding any of the Commands;

(w) "General Officer Commanding the Area" means the Officer Commanding any one of the areas into which India is for military purposes for the time being divided, or any sub-area which does not form part of any such area, or any area which the Central Government may, by notification in the Official Gazette, declare to be an area for all or any of the purposes of this Act;

(x) "Group Housing" means a group of houses for dwelling purposes and may comprise all or any of the following: namely, (a) a dwelling unit, (b) open spaces intended for recreation and ventilation, (c) roads, paths, sewers, drains, water supply and ancillary installations, street lighting and other amenities, (d) convenient shopping place, schools, community hall or other amenities for common use;

(y) "Government" in relation to this Act means the Central Government;

(z) "Health Officer" means the senior executive medical officer in military employ on duty in a cantonment;

(za) "hospital" includes family welfare centre, child welfare centre, maternity centre and health centre;

(zb) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;

(zc) "inhabitant", in relation to a cantonment, or local area means any person ordinarily residing or carrying on business or owning or occupying immovable property therein, or declared as such by the Chief Executive Officer and in case of a dispute, as decided by the District Magistrate;

(zd) "intoxicating drug" includes a narcotic drug and psychotropic substance as defined in the Narcotic Drugs and Psychotropic Substances Act, 1985 as modified from time to time;

61 of 1985.

(ze) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sales, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common

regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting, the market by the owner of the place or by any other person, but shall not include a single shop or group of shops not being more than six in number and shops within unit lines;

(zf) "military" includes Air Force, Navy and other defence related establishments;

(zg) "military officer" means a person who, being an officer within the meaning of the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950, is commissioned, gazetted or in pay as an officer doing army, naval or air force duty with the army, navy or air force, or is an officer doing such duty in any arm, branch or part of any of those forces;

46 of 1950.
62 of 1957.
45 of 1950.

(zh) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

(zi) "occupier" includes an owner in occupation of, or otherwise using his own land or building;

(zj) "Officer Commanding the station or Station Commander" means the military officer for the time being in command of the forces in a cantonment and if such officer is likely to be absent for more than thirty days, the General Officer Commanding-in-Chief, the Command may nominate, by an order, another military officer as "Officer Commanding the station or Station Commander";

(zk) "ordinary election" means an election held to fill a vacancy in the office of an elected member of a Board arising by efflux of time;

(zl) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant;

(zm) "party wall" means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons;

(zn) "Principal Director" means the Officer appointed by the Central Government to perform the duties of the Principal Director, Defence Estates, the Command for the purpose of this Act and the rules made thereunder;

(zo) "private market" means a market which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

(zp) "private slaughter-house" means a slaughter-house which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

(zq) "public market" means a market maintained by a Board;

(zr) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(zs) "public slaughter-house" means a slaughter-house maintained by a Board;

(zt) "resident", in relation to a cantonment, means a person who maintains therein a house or a portion of a house which is at all times available for occupation by himself or his family even though he may himself reside elsewhere, provided that he has not abandoned all intention of again occupying such house either by himself or his family;

(zu) "regulation" means a regulation made by a Cantonment Board under this Act by notification in the Official Gazette;

(zv) "rule" means a rule made by the Central Government under this Act by notification in the Official Gazette;

(zw) "shed" means a slight or temporary structure for shade or shelter;

(zx) "slaughter-house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(zy) "soldier" means any person who is a soldier or sailor or an airman subject to the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950, as the case may be, and who is not a military officer;

46 of 1950.
62 of 1957.
45 of 1950.

(zz) "spirituous liquor" means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the Central Government may, by notification in the Official Gazette, declare to be a spirituous liquor for the purposes of this Act;

(zza) "street" includes any way, road, lane, square, court, alley or passage in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the road-way or foot-way over any bridge or cause way;

(zzb) "sub-area" means one of the sub-areas into which India is for military purposes for the time being divided and includes, for all or any of the purposes of this Act, any territory which the Central Government may, by notification in the Official Gazette, declare to be a sub-area for such purposes;

(zzc) "trade or commercial premises" means any premises used or intended to be used for carrying on any trade, commerce or industry;

(zzd) "vehicle" means a wheeled conveyance of any description which is capable of being used on a street, and includes a motor-car, motor lorry, motor omnibus, cart, locomotive, tram-car, hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw;

(zze) "water-works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trucks, sluices mains, pipes, culverts, hydrants, stand-pipes, and conduits and all machinery, lands, buildings, bridges and things used for, or intended for the purpose of supplying water to a cantonment; and

(zzf) "year" means the year commencing on the first day of April.

CHAPTER II

DEFINITION AND DELIMITATION OF CANTONMENT

Definition of
cantonments.

3. (1) The Central Government may, by notification in the Official Gazette, declare any place or places along with boundaries in which any part of the Forces is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and may, by a like notification, declare that any cantonment shall cease to be a cantonment.

(2) The Central Government may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

(3) When any place is declared a cantonment under sub-section (1), the Central Government shall constitute a Board within a period of one year in accordance with the provisions of this Act:

Provided that the Central Government may, for the reasons to be recorded in writing, extend the said period of one year for a further period of six months at a time:

Provided further that the Central Government may, until a Board is constituted, by order make necessary provisions for the efficient administration of the cantonment.

(4) The Central Government may, by notification in the Official Gazette, direct that in any place declared a cantonment under sub-section (1) the provisions of any enactment relating to local self-government other than this Act shall have effect only to such extent or subject to such modifications, or that any authority constituted under any such enactment shall exercise authority only to such extent, as may be specified in the notification.

4. (1) The Central Government may after consulting the State Government and the Board concerned, by notification in the Official Gazette, declare its intention to include within the cantonment any local area situated in the vicinity thereof or to exclude from the cantonment any local area comprised therein.

Alteration of limits of cantonments.

(2) Any inhabitant of a cantonment or local area in respect of which notification has been published under sub-section (1) may, within eight weeks from the date of notification, submit in writing to the Central Government through the General Officer Commanding-in-Chief, the Command, an objection to the notification, and the Central Government shall take such objection into consideration.

(3) On the expiry of eight weeks from the date of the notification, the Central Government may after considering the objections, if any, which have been submitted under sub-section (2), by notification in the Official Gazette, include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.

5. When, by a notification under section 4, any local area is included in a cantonment, such area shall thereupon become subject to this Act and to all other enactments for the time being in force throughout the cantonment and to all notifications, rules, regulations, bye-laws, orders and directions issued or made thereunder.

The effect of including area in cantonment.

6. (1) When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the balance of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in such local authority, and the liabilities of the Board shall be transferred to such local authority.

Disposal of cantonment fund and cantonment development fund when area ceases to be a cantonment.

(2) When, in like manner, any cantonment ceases to be a cantonment and the local area comprised therein is not immediately placed under the control of a local authority, the balance of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in the Central Government, and the liabilities of the Board shall be transferred to that Government.

7. (1) When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a particular Board and is immediately placed under the control of some other local authority, such portion of the cantonment fund or the cantonment development fund and other property vesting in the Board and such portion of the liabilities of the Board, as the Central Government may, by general or special order, direct, shall be transferred to that other local authority.

Disposal of cantonment fund and cantonment development fund when area ceases to be included in a cantonment.

(2) When, in like manner, any local area forming part of a cantonment ceases to be under the control of a particular Board and is not immediately placed under the control of some other local authority; such portion of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in the Central Government, and such portion of the liabilities of the Board shall be transferred to that Government, as the Central Government may, by general or special order, direct.

8. Any cantonment fund or a cantonment development fund or a portion thereof or other property of a Board vesting in the Central Government under the provisions of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the Board transferred under such provisions to that Government, and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

Application of funds and property transferred under sections 6 and 7.

Limitation of operation of Act.

9. The Central Government may, by notification in the Official Gazette, exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment —

(a) situated within the limits of a metropolitan area; or

(b) in which the Board is superseded under section 60,

apply with such modification as may be so specified.

CHAPTER III

CANTONMENT BOARDS

Boards

Cantonment Board.

10. (1) For every cantonment there shall be a Cantonment Board.

(2) Every Board shall be deemed to be a municipality under clause (e) of article 243P of the Constitution for the purposes of—

(a) receiving grants and allocations; or

(b) implementing the Central Government schemes of social welfare, public health, hygiene, safety, water supply, sanitation, urban renewal and education.

Incorporation of Cantonment Board.

11. Every Board shall, by the name of the place by reference to which the cantonment is known, be a body corporate having perpetual succession and a common seal with power to acquire and hold property both movable and immovable and to contract and shall by the said name, sue and be sued.

Constitution of Cantonment Boards.

12. (1) Cantonments shall be divided into four categories, namely:—

(i) Category I Cantonments, in which the population exceeds fifty thousand;

(ii) Category II Cantonments, in which the population exceeds ten thousand, but does not exceed fifty thousand;

(iii) Category III Cantonments, in which the population exceeds two thousand five hundred, but does not exceed ten thousand; and

(iv) Category IV Cantonments, in which the population does not exceed two thousand five hundred.

(2) For the purposes of sub-section (1), the population shall be calculated in accordance with the latest official census, or, if the Central Government, by general or special order, so directs, in accordance with a special census taken for the purpose.

(3) In Category I Cantonments, the Board shall consist of the following members, namely:—

(a) the Officer Commanding the station as *ex officio* or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the General Officer Commanding-in-Chief, the Command;

(b) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;

(c) the Chief Executive Officer;

(d) the Health Officer *ex officio*;

(e) the Executive Engineer *ex officio*;

(f) three military officers nominated by name by the Officer Commanding the station by order in writing;

(g) eight members elected under this Act.

(4) In Category II Cantonments, the Board shall consist of the following members, namely:—

(a) the Officer Commanding the station as *ex officio* or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the General Officer Commanding-in-Chief, the Command;

(b) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;

(c) the Chief Executive Officer;

(d) the Health Officer *ex officio*;

(e) the Executive Engineer *ex officio*;

(f) two military officers nominated by name by the Officer Commanding the station by order in writing;

(g) seven members elected under this Act.

(5) In Category III Cantonments, the Board shall consist of the following members, namely:—

(a) the Officer Commanding the station as *ex officio* or, if the Central Government so directs in respect of any cantonment, such other military officer, as may be nominated in his place by the General Officer Commanding-in-Chief, the Command;

(b) the District Magistrate or an Executive Magistrate nominated by him;

(c) the Chief Executive Officer;

(d) the Health Officer *ex officio*;

(e) the Executive Engineer *ex officio*;

(f) one military officer nominated by name by the Officer Commanding the station by order in writing;

(g) six members elected under this Act.

(6) In Category IV Cantonments, the Board shall consist of the following members, namely:—

(a) the Officer Commanding the station *ex officio* or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the General Officer Commanding-in-Chief, the Command;

(b) the Chief Executive Officer;

(c) two members elected under this Act.

(7) The Officer Commanding the station may, if he thinks fit, with the sanction of the General Officer Commanding-in-Chief, the Command, nominate in place of any military officer whom he is empowered to nominate under clause (f) of sub-section (3), clause (f) of sub-section (4) or clause (f) of sub-section (5), any person, whether in the service of the Government or not, who is ordinarily resident in the cantonment or in the vicinity thereof.

(8) Every election or nomination of a member of a Board and every vacancy in the elected membership thereof shall be notified by the Central Government in the Official Gazette;

(9) The Member of Parliament and Member of Legislative Assembly representing constituencies which comprises wholly or partly the cantonment area, shall be special invitees for the meetings of the Board but without a right to vote.

13. (1) Notwithstanding anything contained in section 12, if the Central Government is satisfied,—

(a) that by reason of military operations, it is necessary, or

Power to vary
constitution
of Boards in
special
circumstances.

(b) that, for the administration of the cantonment, it is desirable, to vary the constitution of the Board in any cantonment under this section, the Central Government may, by notification in the Official Gazette, make a declaration to that effect.

(2) Upon the making of a declaration under sub-section (1), the Board in the cantonment shall consist of the following members, namely:—

(a) the Officer Commanding the station,

(b) the Chief Executive Officer, and

(c) one member, not being a person in the service of the Government, nominated by the Central Government in consultation with the General Officer Commanding-in-Chief, the Command.

(3) The nomination of a member of a Board constituted under this section, and the vacancy in the membership thereof shall be notified by the Central Government in the Official Gazette.

(4) The term of office of a Board constituted by a declaration under sub-section (1) shall not ordinarily extend beyond one year:

Provided that the Central Government may from time to time, by a like declaration, extend the term of office of such a Board by any period not exceeding one year at a time:

Provided also that the Central Government shall forthwith direct that the term of office of such a Board shall cease if, in the opinion of the Central Government, the reasons stated in the declaration whereby such Board was constituted or its term of office was extended, have ceased to exist.

(5) When the term of office of a Board constituted under this section has expired or ceased, the Board shall be replaced by the former Board which, but for the declaration under sub-section (1) or sub-section (4), would have continued to hold office, or, if the term of office of such former Board has expired, by a Board constituted under section 12.

Term of office
of members.

14. (1) Save as otherwise provided in this section, the term of office of a member of a Board shall be five years and shall commence—

(a) in case of an elected member, from the date of notification of his election under sub-section (8) of section 12, or from the date on which the vacancy has occurred to which he is elected, whichever is later; and

(b) in case of a nominated member, from the date of nomination under clauses (b) and (f) of sub-section (3), clauses (b) and (f) of sub-section (4) and clauses (b) and (f) of sub-section (5) of section 12, or the date of vacancy under clause (b) of sub-section (1) of section 13, whichever is later, and the member so nominated shall be able to take part in the proceedings of the Board:

Provided that the Central Government may, when satisfied that it is necessary in order to avoid administrative difficulty, extend the term of office of all the elected members of a Board by such period not exceeding one year, as it thinks fit:

Provided further that a member whose term of office has been so extended, shall cease to hold office on the date of the notification of the election of his successor under sub-section (8) of section 12.

(2) The term of office of an *ex officio* member of a Board shall continue so long as he holds the office by virtue of which he is such a member.

(3) The term of office of a member elected to fill a casual vacancy shall commence from the date of the notification of his election, and shall continue so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(4) An outgoing member shall, unless the Central Government otherwise directs, continue in office until the election of his successor is notified under sub-section (8) of section 12 or the nomination of his successor, as the case may be.

(5) Any outgoing member may, if qualified, be re-elected or re-nominated.

15. (1) Vacancies arising by efflux of time in the office of an elected member of a Board shall be filled by an ordinary election to be held on such date as the Central Government may, by notification in the Official Gazette, direct. Filling of vacancies.

(2) A casual vacancy shall be filled by a casual election the date of which shall be fixed by the Central Government by notification in the Official Gazette, and shall be, as soon as may be, after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within six months of any date on which the vacancy will occur by efflux of time, but such vacancy shall be filled at the next ordinary election.

16. (1) If for any cause at an election no member is elected, or if the elected member is unwilling to serve on the Board, fresh election shall be held to fill up such vacancy. Vacancies in special cases.

(2) If a person is elected to more than one seat in a Board, then, unless he resigns all but one of the seats within fourteen days from the date on which he is declared elected, or where the dates on which he is declared elected are different in respect of different seats, from the last of such dates, all the seats shall become vacant.

(3) Vacancies arising in any of the following cases shall be filled by nomination by the Central Government after consultation with the General Officer Commanding-in-Chief, the Command, namely:—

(a) where at a casual election no member is elected;

(b) where at an election held when a Board is constituted for the first time no member or an insufficient number of members is elected or an elected member is unwilling to serve on the Board.

(4) For the purposes of sub-section (2) of section 15, a member nominated in pursuance of sub-section (3) of this section shall where there has been a division of the cantonment into wards, be deemed to have been elected by such ward as the Central Government may at the time of making the nomination or at any time thereafter declare.

(5) The term of office of a member nominated under this section shall expire at the time at which it would have expired if he had been elected at the casual election.

17. Every person who is by virtue of his office, or who is nominated or elected to be, a member of the Board shall, before taking his seat, make and subscribe at a meeting of the Board an oath or affirmation of his allegiance to the Constitution of India in the following form, namely:— Oath or affirmation.

become

“I, A.B., having been elected been nominated a member of this Board, do

swear in the name of God that I will bear true faith and allegiance to the Constitution solemnly affirm of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.”

Resignation.

18. (1) (a) Any elected member of a Board who wishes to resign his office may give his resignation in writing to the President of the Board who shall forward it for acceptance and notification to the Central Government under intimation to the General Officer Commanding-in-Chief, the Command.

(b) Any nominated member of a Board who wishes to resign his office may forward his resignation in writing through the President of the Board to the General Officer Commanding-in-Chief, the Command for orders.

(2) If the Central Government or the General Officer Commanding-in-Chief, the Command, as the case may be, accepts the resignation, such acceptance shall be communicated to the Board, and thereupon the seat of the member resigning shall become vacant.

(3) Notwithstanding anything contained in sub-section (2), the resignation of any person elected to more than one seat in a Board from all but one of the seats in pursuance of sub-section (2) of section 16 shall take effect when such resignation is received by the President of the Board.

President and Vice-President.

19. (1) The Officer commanding the station if a member of the Board shall be the President of the Board:

Provided that when a military officer holding the office of the President ceases to be the Officer commanding the station merely by reason of a temporary absence from the station for a period not exceeding thirty consecutive days, he shall not vacate the office of President.

(2) Where the Officer commanding the station is not a member of the Board, the military officer nominated in his place under clause (a) of sub-section (3), sub-section (4), sub-section (5) or sub-section (6) of section 12 shall be the President of the Board.

(3) In every Board except in case of a Board falling under Category IV Cantonment there shall be a Vice-President elected by the elected members only from amongst them in accordance with such procedure as the Central Government may by rule prescribe.

(4) In case of a Board falling under Category IV Cantonment, the Vice-President shall be elected by draw of lot under the supervision of the President of the Board in such manner as he may decide.

Term of office of Vice-President.

20. (1) The term of office of a Vice-President shall be five years or his residual term of office as a member, whichever is less.

(2) A Vice-President may resign his office by notice in writing to the President and, on the resignation being accepted by the Board, the office shall become vacant.

(3) A Vice-President may be removed from his office, at a special meeting convened for the purpose on a requisition for the same by not less than one-half of the elected members of the Board holding office, by a resolution passed by a majority of not less than two-thirds of the total number of elected members then holding office and attending and no member, other than an elected member, shall have the right to vote on the resolution:

Provided that in case of Category IV Cantonments, the Vice-President may be removed if a resolution to this effect is passed by the Board and the other elected member shall become the Vice-President.

Duties of President.

21. (1) It shall be the duty of the President of every Board—

(a) unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to regulate the conduct of business thereat;

(b) to control, direct and supervise the financial and executive administration of the Board;

(c) to perform all the duties and exercise all the powers specifically imposed or conferred on the President by or under this Act; and

(d) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power for the purpose of carrying out the provisions of this Act and to be directly responsible for the fulfilment of the purposes of this Act;

(e) in case of gross misconduct during the course of meeting, to suspend a member other than a Chief Executive Officer from attending the uncompleted part of the meeting of the Board.

(2) The President may, by order in writing, empower the Vice-President to exercise all or any of the powers and duties referred to in clause (b) of sub-section (1) other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate.

(3) The exercise or discharge of any powers, duties or functions delegated by the President under this section shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the President and to the control of, and to revision by, the President.

(4) Every order made under sub-section (2) shall forthwith be communicated to the Board and to the General Officer Commanding-in-Chief, the Command.

22. (1) It shall be the duty of the Vice-President of every Board,—

Duties of Vice-President.

(a) in the absence of the President and unless prevented by reasonable cause, to preside at meetings of the Board and when so presiding to exercise the authority of the President under sub-section (1) of section 21;

(b) during the incapacity or temporary absence of the President or pending his appointment or succession to perform any other duty and exercise any other power of the President; and

(c) to exercise any power and perform any duty of the President which may be delegated to him under sub-section (2) of section 21.

23. The Vice-President and each elected member of the Board shall be entitled to receive such allowances, as the Central Government may, by rule, prescribe.

Allowances to Vice-President and members.

24. (1) For every cantonment there shall be a Chief Executive Officer appointed by the Central Government or by such person as the Central Government may authorise in this behalf:

Appointment of Chief Executive Officer.

Provided that, in the event of temporary absence of the Chief Executive Officer, not exceeding ninety days, the Principal Director shall designate an officer under his jurisdiction to perform the duties of the Chief Executive Officer during such period.

(2) Not less than one-half of the salary of the Chief Executive Officer shall be paid by the Central Government and the balance from the cantonment fund.

(3) The Chief Executive Officer shall be the Member-Secretary of the Board and of every Committee of the Board.

25. (1) Subject to the provisions of clause (c) and clause (d) of sub-section (1) of section 21, the Chief Executive Officer shall—

Duties of Chief Executive Officer.

(a) exercise all the powers and perform all the duties conferred or imposed upon him by or under this Act or any other law for the time being in force;

(b) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power to ensure that the administration of the Board is carried out in accordance with provisions of this Act;

(c) prescribe the duties of, and exercise supervision and control over the acts and proceedings of all, officers and employees of the Board;

(d) be responsible for the custody of all records of the Board;

(e) arrange for the performance of such duties relative to the proceedings of the Board or of any Committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him; and

(f) comply with every requisition of the Board on any matter pertaining to the administration of the cantonment.

Special power
of Chief
Executive
Officer.

26. (1) The Chief Executive Officer may direct the execution of any work or the doing of any act, in public interest and in accordance with the provisions of this Act and the rules made thereunder, and incur such expenditure as may be necessary in executing such work or doing such act, as the case may be, subject to the financial limits which the Board may by resolution determine subject to general guidelines issued by the Director General, Defence Estates with the approval of the Central Government.

(2) The Chief Executive Officer may, in case of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Board and immediate execution or doing of which is in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the cantonment fund:

Provided that—

(a) he shall not act under this section without the previous sanction of the President or, in his absence, of the Vice-President;

(b) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act; and

(c) he shall report forthwith the action taken under this section and the reasons therefor to the Board.

Elections

Electoral
rolls.

27. (1) The Board or, where a Board is not constituted in any place declared by notification under sub-section (1) of section 3 to be a cantonment, the Officer Commanding the station, shall prepare and publish an electoral roll showing the names of persons qualified to vote at elections to the Board and such roll shall be prepared, revised and finally published in such manner and on such date in each year as the Central Government may by rule prescribe.

(2) Every person whose name appears in the final electoral roll shall, so long as the roll remains in force, be entitled to vote at an election to the Board, and no other person shall be so entitled.

(3) When a cantonment has been divided into wards, the electoral roll shall be divided into separate lists for each ward.

(4) If a new electoral roll is not published in any year on the date prescribed, the Central Government may direct that the old electoral roll shall continue in operation until the new roll is published.

28. (1) Every person who, on such date as may be fixed by the Central Government in this behalf by notification in the Official Gazette hereinafter in this section referred to as "the qualifying date", is not less than eighteen years of age and who has resided in the cantonment for a period of not less than six months immediately preceding the qualifying date shall, if not otherwise disqualified, be entitled to be enrolled as an elector.

Qualification
of electors.

Explanation.—When any place is declared a cantonment for the first time, or when any local area is first included in a cantonment, residence in the place or area comprising the cantonment on the aforesaid date shall be deemed to be residence in the cantonment for the purposes of this sub-section.

(2) A person notwithstanding that he is otherwise qualified, shall not be entitled to be enrolled as an elector if he on the qualifying date—

(i) is not a citizen of India, or

(ii) has been adjudged by a competent court to be of unsound mind, or

(iii) is an undischarged insolvent, or

(iv) has been sentenced by a Criminal Court to imprisonment for a term exceeding two years for an offence which is declared by the Central Government to be such as to unfit him to become an elector or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code:

Provided that any disqualification incurred by a person under clause (iv) shall terminate on the lapse of three years from the expiry of the sentence or order.

(3) If any person having been enrolled as an elector in any electoral roll subsequently becomes subject to any of the disqualifications referred to in sub-section (2), his name shall be removed from the electoral roll unless, in the case referred to in clause (iv), the disqualification is removed by the Central Government.

29. (1) Save as hereinafter provided, every person, not being a person holding any office of profit under the Government, whose name is entered on the electoral roll of a cantonment shall be qualified for election as a member of the Board in that cantonment.

Qualification
for being a
member of
the Board.

(2) No person shall be qualified for nomination as a member of a Board if he is subject to any of the disqualifications specified in sub-section (2) of section 28.

(3) No person shall be qualified for being chosen whether by election or nomination as, and for being a member of a Board, if he—

(a) has been dismissed from the service of the Government and is debarred from re-employment therein, or is a dismissed employee of a Board;

(b) is debarred from practising his profession or calling by order of any competent authority;

(c) holds any place of profit in the gift or at the disposal of the Board, or is a police officer, or is the servant or employer of a member of the Board; or

(d) is interested in a subsisting contract made with, or in work being done for, the Board except as a shareholder other than a director in an incorporated company; or

(e) is an officer or employee, permanent or temporary, of a Board or of any other local authority; or

(f) is a member of any other local authority; or

(g) has, by the authority referred to in clause (f) of section 31, been found to have been guilty of any of the corrupt practices specified in sub-section (2) of section 30 unless a period of five years has elapsed since the date of the decision of the authority; or

(h) fails to pay any arrears of any kind due by him otherwise than as an agent, receiver, trustee or an executor, to the Board within thirty days after the notice in this behalf has been served upon him; or

(i) is disqualified under any other provision of this Act:

Provided that a person shall not be deemed to have any interest in such a contract or work as is referred to in clause (a) by reason only of his having a share or interest in—

(a) any lease or sale or purchase of immovable property or any agreement for the same; or

(b) any agreement for the loan of money or any security for the payment of money only; or

(c) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(d) the sale to the Board of any articles in which he regularly trades or the purchase from the Board of any articles, to a value in either case not exceeding twenty-five thousand rupees in the aggregate in any year during the period of the contract or work.

Interpretation.

30. (1) For the purposes of sections 27, 28 and 29, 'person' means an individual human being.

(2) The following shall be deemed to be corrupt practices within the meaning of clause (g) of sub-section (3) of section 29, namely:—

(1) "bribery" that is to say—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate at an election; or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for withdrawing or not withdrawing, from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation.—For the purposes of this clause, the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent with the free exercise of any electoral right:

Provided that—

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to interfere within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as national flag or the national emblem for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent or the use of such vehicle or vessel for the free conveyance of any elector other than the candidate himself, the members of his family or his agent to or from any polling station or place fixed for the poll:

Provided that the hiring of a vehicle or vessel by any elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance other than the giving of vote for the furtherance of the prospects of that candidate's election, from any person in the service of the Government or the Board:

Provided that where any person, in the service of the Government or the Board in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his agent whether by reason of the office held by the candidate or for any other reason, such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

Explanation.—In this section, the expression "agent" includes any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

Power to make rules regulating elections.

31. The Central Government may, either generally or specially for any cantonment or group of cantonments, after previous publication, make rules consistent with this Act to regulate all or any of the following matters for the purpose of the holding of elections under this Act, namely:—

- (a) the division of a cantonment into wards;
- (b) the determination of the number of members to be elected by each ward;
- (c) the preparation, revision and final publication of electoral rolls;
- (d) the reservation of wards for election of the Scheduled Castes, the Scheduled Tribes and women;
- (e) the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded;
- (f) the authority which may be an officer of the State Government by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and the powers and duties of such authority and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;
- (g) the fee to be paid for admission and consideration of any application relating to election or election disputes;
- (h) any other matter relating to elections or election disputes in respect of which the Central Government is empowered to make rules under this Chapter or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary.

Members

Member not to vote on matter in which he is interested.

32. (1) No member of a Board shall vote at a meeting of the Board or of any Committee of the Board on any question relating to his own conduct or vote or take part in any discussion on any matter, other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.

(2) Where any member of the Board present at the meeting of the Board or any committee of the Board believes that the person presiding over such meeting has pecuniary or other interest in any matter under discussion and moves a motion to that effect, the person so presiding—

- (a) shall not be entitled to vote on such motion, and

(b) shall, if such motion is carried, absent himself from the meeting during such discussion.

33. Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to, vested in, or entrusted to the management of, the Board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him either by the Board or by the Central Government.

Liability of members.

34. (1) The Central Government may remove from a Board any member thereof, who—

Removal of members.

(a) becomes or is found to have been at the time of his election or nomination subject to any of the disqualifications specified in sub-section (2) of section 28 or in section 29; or

(b) has absented himself for more than three consecutive meetings or three months (whichever is later) of the Board and is unable to explain such absence to the satisfaction of the Board.

Explanation.—In computing the aforesaid period of three consecutive months, no account shall be taken of any period of absence with the leave of the Board; or

(c) has knowingly contravened the provisions of section 32; or

(d) being a legal practitioner, acts or appears on behalf of any other person against the Board in any legal proceeding or against the Government in any such proceeding relating to any matter in which the Board is or has been concerned or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person; or

(e) has himself done or aided or abetted encroachments and illegal constructions on defence land in contravention of the provisions of this Act and the rules and bye-laws made thereunder.

(2) The Central Government may remove from a Board any member who, in the opinion of the Central Government, has so abused in any manner his position as a member of the Board as to render his continuance as a member detrimental to the public interests.

(3) The General Officer Commanding-in-Chief, the Command may, on receipt of a report from the Officer Commanding the station remove from a Board any military officer nominated as a member of the Board who is, in the opinion of the Officer Commanding the station, unable to discharge his duties as a member of the Board and has failed to resign his office.

(4) No member shall be removed from a Board under sub-section (1) or sub-section (2) of this section unless he has been given a reasonable opportunity of showing cause against his removal.

35. (1) A member removed under clause (b) of sub-section (1) or under sub-section (3) of section 34 shall, if otherwise qualified, be eligible for re-election or re-nomination.

Consequences of removal.

(2) A member removed under clause (c) or clause (d) of sub-section (1) of section 34 shall not be eligible for re-election or nomination for the period during which, but for such removal, he would have continued in office.

(3) A member removed under sub-section (2) of section 34 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.

36. Every member of the Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and clause (c) of section 2 of the Prevention of Corruption Act, 1988.

Member of the Board to be deemed a public servant.

Employees

Disqualification
of person as
an employee
of Board.

37. (1) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a Board, or in any employment under, by or on behalf of a Board, otherwise than as an employee of the Board, shall become or remain an employee of such Board.

(2) An employee of a Board who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Board or, in any employment under, by or on behalf of, the Board, otherwise than as an employee of the Board, shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

45 of 1860.

(3) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of a Board if the same is a share in a company contracting with, or employed by, or on behalf of, the Board or is a share or interest acquired or retained with the permission of the General Officer Commanding-in-Chief, the Command in any lease or sale to, or purchase by the Board of land or building or in any agreement for the same.

(4) Every person applying for employment as an employee of a Board shall, if he is related by blood or marriage to any member of the Board or to any person not being a lower grade employee, in receipt of remuneration from the Board, notify the fact and the nature of such relationship to the appointing authority before the appointment is made, and if he has failed to do so, his appointment shall be invalid but without prejudice to the validity of anything previously done by him.

Cantonment
employee to
be deemed a
public
servant.

38. Every officer or employee, permanent or temporary of a Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and clause (c) of section 2 of the Prevention of Corruption Act, 1988.

45 of 1860.
49 of 1988.*Procedure*

Meetings.

39. (1) Every Board shall meet at least once in a month to transact its business on such day as may be fixed by the President and in his absence by the Vice-President, and its notice shall be given in such manner as may be provided in the regulations made by the Board under this Chapter.

(2) The President may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.

(3) Any meeting may be adjourned until the next or any subsequent day, and an adjourned meeting may be further adjourned in like manner but not more than twice except in case of a public emergency.

Business to be
transacted.

40. Subject to any regulation made by the Board under this Chapter, any business may be transacted at any meeting:

Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless notice of the same and of the date fixed therefor has been sent to each member not less than seven days before that date.

Quorum.

41. (1) The quorum necessary for the transaction of business at a meeting of the Board shall be one-half of the number of members of the Board holding the office:

Provided that if the number of members of the Board holding office at a particular time is an odd number, the quorum shall be one-half of the number obtained by adding one to the number of such members.

(2) If a quorum is not present, the President or in his absence, the Vice-President or in the absence of both, the Member-Secretary shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present thereat shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

42. In the absence of—

(a) both the President and the Vice-President from any meeting of a Board in which there is more than one elected member,

(b) the President from a meeting of a Board constituted under sub-section (6) of section 12 or sub-section (2) of section 13,

the members present shall elect one from among their own members to preside.

43. (1) The minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the person presiding over the meeting and the Chief Executive Officer, before the close of the meeting and shall, at such times and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment and its authenticated copies may be made available to him on request, at a nominal cost to be decided by the Board.

(2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to every Member of the Board, the General Officer Commanding-in-Chief, the Command, the District Magistrate and the Defence Estate Officer and in cantonments where Navy or Air Force stations are located copies of the minutes shall be forwarded for information to the Command Headquarters of the Navy or, as the case may be, the Air Force.

44. Every meeting of a Board shall be open to the public unless in any case the person presiding over the meeting, for reasons to be recorded in the minutes, otherwise directs.

45. (1) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting.

(2) In the case of an equality of votes, the person presiding over the meeting, shall have a second or casting vote.

(3) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes, together with a short statement of the ground for such dissent.

46. (1) The Central Government may, by notification in Official Gazette, declare the civil area, in a cantonment, which is inhabited largely by civil population to be the civil area for the purposes of this Act.

(2) The Central Government may in consultation with the Board undertake, as and when required and shall undertake after every census, a review of the boundaries of the civil area in each cantonment.

47. (1) Every Board constituted under section 12 in a cantonment shall appoint a committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of the civil area in the cantonment as notified under section 46 of this Act and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 48.

(2) The Vice-President of the Board shall be the Chairman of the committee appointed under sub-section (1).

(3) The powers, duties and functions of the Board under sub-section (1) of section 137, section 143, section 147, section 149 and section 262 shall be exercised or discharged in respect of a civil area by the civil area committee:

Provided that if the Health Officer dissents from any decision arrived at by the committee under sub-section (1) of section 137, section 143, section 147 and section 149 on health grounds, the matter may be referred to the Board by the President for decision.

Presiding
Officer.

Minutes.

Meetings to
be public.

Method of
deciding
questions.

Civil area.

Committees
for civil areas.

Power to
make
regulations.

48. (1) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely:—

- (a) the time and place of its meetings;
- (b) the manner in which notice of the meeting shall be given;
- (c) the conduct of proceedings at meetings and the adjournments of meetings;
- (d) the custody of the common seal of the Board and the purposes for which it shall be used; and
- (e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws.

(2) No regulation made under clause (e) of sub-section (1) shall take effect until it has been approved by the Central Government.

(3) No regulation made under this section shall take effect until it has been published in such manner as the Central Government may direct.

Joint action
with other
local
authority.

49. (1) A Board may—

(a) join with any other local authority—

(i) in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee;

(ii) in delegation to such committee power to frame terms binding on the Board and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by the Board or by such other local authority; and

(iii) in making regulations for regulating the proceedings of any such committee relating to the purposes for which it has been appointed; or

(b) with the previous sanction of the General Officer Commanding-in-Chief, the Command, and the State Government concerned, enter into an agreement with any other local authority regarding the levy of any tax or toll whereby the said tax or toll respectively leviable by the Board and by such other local authority may be levied together instead of separately within the limits of the area hereafter in this section referred to as the aggregate area subject to the control of the Board and such other local authority.

(2) If any difference of opinion arises between any Board and other local authority acting together under this section, the decision thereon of the Central Government or of an officer appointed by the Central Government in this behalf shall be final.

(3) When any agreement such as is referred to in clause (b) of sub-section (1) has been entered into, then—

(a) where the agreement relates to octroi or terminal tax or toll, the party to the agreement (the Board, or as the case may be, such other local authority) which is specified in this behalf in the agreement,—

(i) shall have the same powers to establish octroi limits and octroi stations and places for the collection of octroi, terminal tax and toll within the aggregate area as it has within the area ordinarily subject to its control;

(ii) shall have the same powers of collecting such octroi, terminal tax or toll in the aggregate area and the provisions of any enactment in

force relating to the levy of such octroi, terminal tax or toll by it shall apply in the same manner as if the aggregate area were comprised within the area ordinarily subject to its control;

(b) the total of the collection of such octroi, tax or toll made in the aggregate area and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion, as may have been determined by the agreement.

50. (1) Every Board shall, as soon as may be after the close of the financial year and not later than the date fixed in this behalf by the Central Government, submit to the Central Government through the General Officer Commanding-in-Chief, the Command, a report on the administration of the cantonment during the preceding financial year, in such form and containing such details as the Central Government may direct.

Report on administration.

(2) The comments, if any, of the General Officer Commanding-in-Chief, the Command, on such report shall be communicated by him to the Board which shall be allowed a reasonable time to furnish a reply thereto, and the comments together with the reply, if any, shall be forwarded to the Central Government along with the report.

Control

51. The Central Government or such officer or authority as may be authorised by the Central Government in this behalf may at any time require a Board—

Power of Central Government to require production of documents.

(a) to produce any record, correspondence, plan or other document in its possession or under its control;

(b) to furnish any return, plan, estimate, statement, account or statistics relating to its proceedings, duties or works;

(c) to furnish or obtain and furnish any report.

52. The Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, may depute any person in the service of the Government to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a Board, and to report thereon, and the Board and its officers and employees shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the Board and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

Inspection.

53. The General Officer Commanding-in-Chief, the Command or the Principal Director, may, by order in writing,—

Power to call for documents.

(a) call for any book or document in the possession or under the control of the Board;

(b) require the Board to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties or works as he thinks fit.

54. If, on receipt of any information or report obtained under section 51 or section 52 or section 53, the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director is of opinion—

Power to require execution of work, etc.

(a) that any duty imposed on a Board by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner; or

(b) that adequate financial provision has not been made for the performance of any such duty,

it or he may direct the Board, within such period as it or he thinks fit, to make arrangements to its or his satisfaction for the proper performance of the duty, or as the case may be, to make financial provision to its or his satisfaction for the performance of the duty:

Provided that unless in the opinion of the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, as the case may be, the immediate execution of such order is necessary, it or he shall, before making any direction under this section, give the Board an opportunity of showing cause why such direction should not be made.

Power to provide for enforcement of direction under section 54.

55. If, within the period fixed by a direction made under section 54, any action the taking of which has been directed under that section has not been duly taken, the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General, or the Principal Director, as the case may be, may make arrangements for the taking of such action, and may direct that all expenses connected therewith shall be defrayed out of the cantonment fund.

Power to override decision of Board.

56. (1) If the President dissents from any decision of the Board which he considers prejudicial to the health, welfare, discipline or security of the Forces in the cantonment, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month and, if he does so, shall forthwith refer the matter to the General Officer Commanding-in-Chief, the Command.

(2) If the District Magistrate considers any decision of a Board to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the Board, refer the matter to the Central Government, and pending the disposal of the reference to the Central Government no action shall be taken on the decision.

(3) If any Magistrate who is a member of a Board, being present at a meeting, dissents from any decision which he considers prejudicial to the public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate; and the President shall, on receipt of such notice, direct the suspension of action on the decision for a period sufficient to allow of a communication being made to the District Magistrate and of his taking proceedings as provided in sub-section (2).

(4) If the Chief Executive Officer considers any decision of the Board taken at a meeting, to be in contravention of the provisions of this Act, rules, regulations or bye-laws made thereunder and the general guidelines issued by the Central Government from time to time in this regard, he may, for reasons to be recorded in writing and after informing the President in this behalf, forthwith refer the matter to the Principal Director who shall if considered appropriate direct the suspension of action on the said decision for a period not exceeding one month.

(5) The Principal Director shall, for reasons to be recorded in writing on the reference made under sub-section (4), refer the matter to the General Officer Commanding-in-Chief, the Command along with recommendation on whether or not the said decision of the Board should be revoked and inform the matter to Director General Defence Estates.

Power of Central Government to review.

57. The Central Government may, at any time, review any decision or order of the Board or the General Officer Commanding-in-Chief, the Command, and pass such orders thereon as it may deem fit:

Provided that where it is proposed to modify a decision or order of the Board reasonable opportunity shall be given to the Board to show cause why the decision or order in question should not be modified.

Power of General Officer Commanding-in-Chief, the Command, on reference under section 56 or otherwise.

58. (1) The General Officer Commanding-in-Chief, the Command, may at any time—

(a) direct that any matter or any specific proposal other than one which has been referred to the Central Government under sub-section (2) of section 56 be considered or reconsidered by the Board; or

(b) direct the suspension, for such period as may be stated in the order, of action on any decision of a Board, other than a decision which has been referred to him under sub-section (1) of section 56, and thereafter cancel the suspension or after giving the Board a reasonable opportunity of showing cause why such direction should not be made, direct that the decision shall not be carried into effect or that it shall be carried into effect with such modifications as he may specify.

(2) When any decision of a Board has been referred to him under sub-sections (1) and (4) of section 56, the General Officer Commanding-in-Chief, the Command, may, by order in writing,—

(a) cancel the order given by the President directing the suspension of action; or

(b) extend the duration of the order for such period as he thinks fit; or

(c) after giving the Board a reasonable opportunity of showing cause why such direction should not be made, direct that the decision shall not be carried into effect or that it shall be carried into effect by the Board with such modifications as he may specify.

59. (1) When any decision of a Board has been referred to the Central Government under sub-section (2) of section 56, the Central Government may, after consulting the General Officer Commanding-in-Chief, the Command, by order in writing,—

(a) direct that no action be taken on the decision; or

(b) direct that the decision be carried into effect either without modification or with such modifications as it may specify.

Power of Central Government on a reference made under section 56.

60. (1) If, in the opinion of the Central Government, any Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Central Government may by an order published, together with the statement of the reasons therefor, in the Official Gazette, declare the Board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order:

Supersession of Board.

Provided that no Board shall be superseded unless a reasonable opportunity has been given to it to show cause against the supersession.

(2) When a Board is superseded by an order under sub-section (1)—

(a) all members of the Board shall, on such date as may be specified in the order, vacate their offices as such members but without prejudice to their eligibility for election or nomination under clause (c);

(b) during the supersession of the Board, all powers and duties conferred and imposed upon the Board by or under this Act shall be exercised and performed by the Officer Commanding the station, or by such officer as may be authorised by the Central Government, subject to such reservation if any, as the Central Government may prescribe in this behalf; and

(c) before the expiry of the period of supersession elections shall be held and nominations made for the purpose of reconstituting the Board.

Validity of proceedings

61. (1) No act or proceeding of a Board or of any committee of a Board shall be invalid by reason only of the existence of a vacancy in the Board or committee.

Validity of proceedings, etc.

(2) No disqualification or defect in the election, nomination or appointment of a person acting as the President or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or committee if the majority of the persons present at the time of the act being done or the proceeding being taken were duly qualified members thereof.

(3) Any document or minutes which purport to be the record of the proceedings of a Board or any committee of a Board shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be, whereof all the members were duly qualified.

CHAPTER IV

DUTIES AND DISCRETIONARY FUNCTIONS OF BOARDS

Duties of
Board.

62. It shall be the duty of every Board, so far as the funds at its disposal permit, to make reasonable provision within the cantonment for—

- (i) lighting streets and other public places;
- (ii) watering streets and other public places;
- (iii) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation;
- (iv) regulating offensive, dangerous or obnoxious trades, callings and practices;
- (v) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places;
- (vi) securing or removing dangerous buildings and places;
- (vii) acquiring, maintaining, changing and regulating places for the disposal of the dead;
- (viii) constructing, altering and maintaining streets, culverts, bridges, causeways, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works and regulating their use;
- (ix) planting and maintaining trees on roadsides and other public places;
- (x) providing or arranging for a sufficient supply of potable water, where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used;
- (xi) registering births and deaths;
- (xii) preventing and checking spread of dangerous diseases; establishing and maintaining a system of public vaccination and inoculation for the said objective;
- (xiii) establishing and maintaining or supporting public hospitals, maternity and child welfare centres and dispensaries, and providing public medical relief;
- (xiv) establishing and maintaining or assisting primary schools;
- (xv) rendering assistance in extinguishing fires, and protecting light and property when fire occurs;
- (xvi) maintaining and developing the value of property vested in, or entrusted to, the management of the Board;
- (xvii) establishing and maintaining civil defence services;
- (xviii) preparing and implementing town planning schemes;
- (xix) preparing and implementing plans for economic development and social justice;
- (xx) naming and numbering of streets and premises;
- (xxi) according or refusing permission to erect or re-erect building;
- (xxii) organising, promoting or supporting cultural and sports activities;

(xxiii) celebrating Independence Day and Republic Day and incurring expenditure thereon;

(xxiv) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

63. A Board may, subject to any conditions imposed by the Central Government, manage any property entrusted to its management by the Central Government on such terms as to the sharing of rents and profits accruing from such property as may be determined by rule made under section 346.

Power to manage property.

64. (1) A Board may, within the cantonment, make provision for—

Discretionary functions of Board.

(i) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets;

(ii) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility;

(iii) reclaiming unhealthy localities;

(iv) furthering educational objects by measures other than the establishment and maintenance of primary schools;

(v) setting up or supporting higher schools, colleges and vocational, professional and special education;

(vi) constructing, and maintaining works and structures, including rainwater harvesting, for providing supply of water for public and private purposes;

(vii) constituting, maintaining and managing supply and distribution of electricity, including by exploiting non-conventional energy sources, to public and private premises;

(viii) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;

(ix) making a survey;

(x) giving relief on the occurrence of local epidemics, floods, famines or other natural calamities by the establishment or maintenance of relief work or otherwise;

(xi) securing or assisting to secure suitable places for the carrying on of any offensive dangerous or obnoxious trade, calling or occupation;

(xii) establishing and maintaining a farm or other place for the disposal of sewage;

(xiii) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power work;

(xiv) establishing and maintaining cattle pounds;

(xv) arranging for civic reception with prior approval of the Officer Commanding the Station;

(xvi) providing housing accommodation for any class of inhabitants;

(xvii) conservation and maintenance of ancient and historical monuments, archaeological sites and remains or place of public importance in the cantonment;

(xviii) developing land resources under the management of the Board;

- (xix) preparing and implementing group housing schemes;
- (xx) establishing and undertaking remunerative projects;
- (xxi) developing small-scale and cottage industries;
- (xxii) developing expertise in different areas of urban governance and local self-government to and able to provide consultancy to other Municipal and Development Authorities;
- (xxiii) adopting any measure, other than a measure specified in section 62 or in the foregoing provisions of this section likely to promote the safety, health or convenience of the inhabitants of the cantonment;
- (xxiv) establishing and maintaining or supporting libraries, museums, art galleries, botanical or zoological collections;
- (xxv) establishing and maintaining or supporting stadia, gymnasia, akharas and places for sports and games;
- (xxvi) establishing theatres and cinemas;
- (xxvii) organising and managing fairs and exhibitions;
- (xxviii) constructing and maintaining:—
 - (a) rest-houses;
 - (b) poor-houses;
 - (c) infirmaries;
 - (d) children's home;
 - (e) houses for deaf and dumb and for disabled and handicapped children;
 - (f) shelters for destitute and disabled persons;
 - (g) asylums for persons of unsound mind;
 - (h) old age homes;
 - (i) working women's hostels;
- (xxix) establishing and managing chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief;
- (xxx) providing relief to destitute and disabled persons;
- (xxxi) establishing and maintaining veterinary hospitals;
- (xxxii) constructing and maintaining warehouses and godowns;
- (xxxiii) constructing and managing garages, sheds and stands for vehicles and cattle sheds;
- (xxxiv) constructing and managing community halls and convention halls;
- (xxxv) holding seminars, workshops, public debates, and similar activities particularly on issues and rules and regulations of civic importance.

Explanation.—For the purposes of clause (xvii)—

(a) "conservation" means the supervision, management and maintenance of a place to retain its historical, architectural, aesthetic or cultural significance or of environment and includes the protection, improvement, preservation, restoration, reconstruction and adoption or a combination of more than one of these activities, and the use of such place in a way that ensures the social as well as economic benefits;

(b) "ancient and historical monuments, archaeological sites and remains or place of public importance" include buildings, artefacts, structures, areas, or precincts of historical or aesthetical or educational or scientific or cultural or environmental significance, and those natural features of environmental significance or scenic beauty, as may be declared by the Board.

(2) A Board may, either within or outside the cantonment, make provision for the doing of anything on which expenditure is declared by the Central Government, or by the Board with the sanction of the Central Government, to be an appropriate charge on the cantonment fund or the cantonment development fund.

65. A Board may make provision subject to availability of funds for—

- (i) educational objects in a cantonment;
- (ii) the objectives of public health and medical care;
- (iii) works relating to water-supply, drainage and lighting;
- (iv) the preservation, improvement and upgradation of environment,

outside the cantonment, if it is satisfied that the interests of the residents of the cantonment will be served thereby.

Power of expenditure of educational, health and other purposes outside the cantonment.

CHAPTER V

TAXES AND FEES

Imposition of taxation

66. (1) The Board shall, with the previous sanction of the Central Government, impose the following taxes for the purposes of this Act:—

General power of taxation.

- (a) property tax; and
- (b) tax on trades, professions callings and employments.

(2) In addition to the taxes specified in sub-section (1) the Board may, for the purposes of this Act, impose any tax which under any enactment for the time being in force may be imposed in any municipality in the State in which the cantonment is situated:

Provided that the Board shall revise every five years, the rates of taxes imposed under sub-sections (1) and (2):

Provided further that the Board shall not abolish any tax imposed under this section or vary it to the Board's financial disadvantage without the prior sanction of the Central Government and the tax mentioned in sub-section (2) shall not exceed the ceiling prescribed in this behalf by clause (2) of article 276 of the Constitution.

(3) The taxes specified in sub-sections (1) and (2) shall be imposed, assessed and collected in accordance with the provisions of this Act, rules and the bye-laws made thereunder.

(4) Any tax imposed under this section shall take effect from the date of its notification in the Official Gazette or where any later date is specified in this behalf in the notification, from such later date.

67. The Board shall, for the purposes of this Act, charge the following fees, namely:—

Charging of fees.

- (a) licence fee on vehicles and animals;
- (b) licence fee on advertisements other than advertisements in newspapers;
- (c) fee relating to maintenance of property records;
- (d) processing fee on buildings payable along with application for sanction of the building plan;
- (e) licence fee on entry of vehicles;
- (f) betterment fee on the increase in land value caused by the execution of any development work; and
- (g) such other fee which the Board may by regulation specify:

Provided that the fee charged under clause (g) of this section shall not be less than the cost incurred by the Board for or in connection with the specific service to which the fee relates.

Norms of
property tax.

68. Save as otherwise provided in this Act, the property tax shall be levied on lands and buildings in the cantonment and shall consist of not less than ten and not more than thirty per cent. of the annual rateable value of lands and buildings:

Provided that the Board may, when fixing the rate at which the property tax shall be levied during any year, determine that the rate leviable in respect of lands and buildings or portions of lands and buildings in which any particular class of trade or business is carried on shall be higher than the rate determined in respect of other lands and buildings or portions of other lands and buildings by an amount not exceeding one half of the rate so fixed:

Provided further that the tax may be levied on graduated scale, if the Board so determines.

Explanation.—Where any portion of a land or building is liable to a higher rate of the tax such portion shall be deemed to be a separate property for the purpose of municipal taxation alone.

Framing of
preliminary
proposals.

69. When a resolution has been passed by the Board proposing to impose a tax under section 66, the Board shall in the manner prescribed in section 319 publish a notice specifying—

(a) the tax which it is proposed to impose;

(b) the persons or classes of persons to be made liable and the description of the property or other taxable thing or circumstance in respect of which they are to be made liable; and

(c) the rate at which the tax is to be levied.

Objections
and disposal
thereof.

70. (1) Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 69, submit to the Board an objection in writing to all or any of the proposals contained therein and the Board shall take such objection into consideration and pass orders thereon by special resolution.

(2) Unless the Board decides to abandon its proposals contained in the notice published under section 69, it shall submit to the Central Government through the General Officer Commanding-in-Chief, the Command, all such proposals along with the objections, if any, received in connection therewith together with its opinion thereon and any modifications proposed in accordance with such opinion and the notice published under the said section.

Imposition of
tax.

71. The Central Government may authorise the Board to impose the tax either in the original form or, if any objection has been submitted, in that form or any such modified form as it thinks fit.

Power of
Central
Government
to issue
directions to
the Board.

72. (1) Where the Central Government is of opinion that for securing adequate financial provision for the efficient discharge of the duties and functions of a Board it is necessary so to do, it may issue directions to the Board requiring it to impose within the cantonment area any tax which it is empowered under this Act to impose and which is not already imposed within the said area or to enhance any existing tax in such a manner or to such an extent as the Central Government considers fit and the Board shall, in accordance with the direction, forthwith impose or enhance such tax in accordance with the provisions of this Chapter:

Provided that—

(a) no such directions shall be issued without giving the Board and the inhabitants of the cantonment area, an opportunity of showing cause why such directions should not be issued;

(b) the Central Government shall take into consideration any objection which the Board or any inhabitant of the cantonment area may make against the imposition or enhancement of such tax;

(c) it shall not be lawful for the Board to modify or abolish such tax when imposed or enhanced without the sanction of the Central Government.

(2) The Central Government may, at any time, cancel or modify any direction issued by it under sub-section (1) with effect from such date as may be specified in the direction and on and from the date so specified the imposition or enhancement of such tax, shall cease or be modified accordingly.

73. For the purposes of this Chapter, "annual rateable value" means—

Definition of "annual rateable value".

(a) in the case of hotels, colleges, schools, hospitals, factories and any other buildings which the Chief Executive Officer decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto; and

(b) in the case of building or land not assessed under clause (a), the gross annual rent for which such building exclusive of furniture or machinery therein or such land is actually let or, where the building or land is not let or in the opinion of the Chief Executive Officer is let for a sum less than its fair letting value, might reasonably be expected to let from year to year :

Provided that, where the annual rateable value of any building is, by reason of exceptional circumstances, in the opinion of the President Cantonment Board, excessive if calculated in the aforesaid manner, the President Cantonment Board may fix the annual rateable value at any less amount which appears to him to be just.

74. (1) Save as otherwise expressly provided in the notification imposing the tax, every tax assessed on the annual rateable value of buildings or lands or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or land or holds them on a building or other lease granted by or on behalf of the Government or the Board or on a building lease from any person.

Incidence of taxation.

(2) In any other case, the tax shall be primarily leviable as follows, namely:—

(a) if the property is let, upon the lessor;

(b) if the property is sub-let, upon the superior lessor;

(c) if the property is unlet, upon the person in whom the right to let the same vests.

(3) The liability of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms or separate tenements for the payment of such tax or any instalment thereof payable during the period of such ownership shall be joint and several.

(4) On failure to recover any sum due on account of such tax from the person primarily liable, these may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due such portion of the sum due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.

(5) An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount so paid from the amount of any rent from time to time becoming due from him to such person.

Assessment list

Assessment list.

75. When a tax assessed on the annual rateable value of buildings or lands or both is imposed, the Chief Executive Officer shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared in such form and in such manner as the Central Government may by rule prescribe.

Revision of assessment list.

76. (1) The Chief Executive Officer shall, at the same time, give public notice of a date, not less than one month thereafter, when he shall proceed to consider the valuation and assessments entered in the assessment list, and, in all cases in which any property is for the first time assessed or the assessment is increased shall also give written notice thereof to the owner and to any lessee or occupier of the property.

(2) Any objection to a valuation or assessment shall be made in writing to the Chief Executive Officer before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the Chief Executive Officer.

(3) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent by the Chief Executive Officer.

Authentication of assessment list.

77. (1) When all objections made under section 76 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signatures of the Chief Executive Officer and the President Cantonment Board, who shall, certify that except in the cases if any, in which amendments have been made as shown therein no valid objection has been made to the annual rateable value or any other matters entered in the said list:

Provided that whenever the General Officer Commanding-in-Chief, the Command or the Principal Director comes to the conclusion that the assessment lists or any entries therein have not been correctly prepared and are prejudicial to the interests of the Board or of the Central Government, they may *suo moto* re-open the said assessment and issue such directions as deemed fit.

(2) The assessment list so authenticated shall be deposited in the office of the Board, and shall there be open, free of charge, during office hours to all owners lessees and occupiers of property comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

Evidential value of assessment list.

78. Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 77 shall be accepted as conclusive evidence—

(a) for the purposes of assessing any tax imposed under this Act, of the annual rateable value or other valuation of all buildings and lands to which such entries respectively refer; and

(b) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.

Amendment of assessment list.

79. (1) The Chief Executive Officer may after obtaining the approval of President Cantonment Board amend the assessment list at any time—

(a) by inserting or omitting the name of any person whose name ought to have been or ought to be inserted or omitted; or

(b) by inserting or omitting any property which ought to have been or ought to be inserted or omitted; or

(c) by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake whether on the part of administration or assesses; or

(d) by revaluing or re-assessing any property the value of which has been increased; or

(e) in the case of a tax payable by an occupier, by changing the name of the occupier:

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the assessment is made.

(2) Before making any amendment under sub-section (1) the Chief Executive Officer shall give to any person affected by the amendment, notice of not less than one month that he proposes to make the amendment.

(3) Any person interested in any such amendment may tender an objection to the Chief Executive Officer in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent.

80. The Chief Executive Officer shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 75 to 79 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

Preparation
of new
assessment
list.

81. (1) Whenever the title of any person primarily liable for the payment of a tax on the annual rateable value of any building or land or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer to the Chief Executive Officer.

Notice of
transfers.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Chief Executive Officer within six months from the death of the deceased.

(3) The notice to be given under this section shall be in such form as may be determined by rules made under section 346, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Chief Executive Officer any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Chief Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Board, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

(5) The Chief Executive Officer shall record every transfer or devolution of title notified to him under sub-section (1) or sub-section (2) in the assessment list and other tax registers of the Board.

(6) Any failure to comply with the provisions contained in sub-sections (1) to (3) shall be punishable with fine which may extend to ten thousand rupees.

82. (1) If any building is erected or re-erected within the meaning of section 235, the owner shall give notice thereof to the Chief Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.

Notice of
erection of
buildings.

(2) Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to five thousand or ten times the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

Remission and refund

Demolition,
etc., of
buildings.

83. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Board may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the annual rateable value thereof as it thinks fit but no remission or refund shall take effect in respect of any period commencing more than two months before the delivery of such application.

Remission of
tax.

84. In a cantonment when any building or land has remained vacant and unproductive of rent for sixty or more consecutive days the Chief Executive Officer shall remit or refund, as the case may be, one-half of such portion of any tax assessed on the annual rateable value thereof as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent:

Provided that in any cantonment which the Central Government, by notification in the Official Gazette, has declared to be a hill cantonment and in respect of which the Central Government by the same or a like notification has declared a portion of the year to be the season for the cantonment—

(a) when any building or land is leased for occupation through the season only, but the rent charged is the full annual rent, no remission or refund shall be admissible under this section in respect of any time outside the season during which the building or land remains vacant;

(b) when such building or land has remained vacant and unproductive of rent, in respect of any time, not being less than sixty consecutive days during which within the season, the Chief Executive Officer shall remit or refund one-half of such portion of any tax assessed on the annual rateable value thereof as bears to the whole of the tax so assessed the same proportion as the number of days during which the building or land has remained vacant and unproductive of rent bears to the total length of the season.

Power to
require entry
in assessment
list of details
of buildings.

85. (1) For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Chief Executive Officer at the time of the assessment of the building, to enter in the assessment list, in addition to the annual rateable value of the whole building, a note recording in detail the annual rateable value of each separate tenement.

(2) When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for sixty or more consecutive days one-half of such portion of any tax assessed on the annual rateable value of the whole building shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

Notice to be
given of the
circumstances
in which
remission or
refund is
claimed.

86. No remission or refund under section 84 or section 85 shall be made unless notice in writing of the fact that the building, land or tenement has become vacant and unproductive of rent, has been given to the Chief Executive Officer and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice.

What
buildings, etc.,
are to be
deemed
vacant.

87. (1) For the purposes of sections 84 and 85 no building, tenement or land shall be deemed vacant if maintained as a resort or town or country house or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

(2) The burden of proving all facts entitling any person to claim relief under section 83 or section 84 or section 85 shall be upon him.

88. (1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 84 or section 85 shall give notice of the re-occupation of such building, tenement or land within fifteen days of such re-occupation.

(2) Any owner failing to give the notice required by sub-section (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to two thousand five hundred rupees, or to ten times the amount of the said tax, whichever sum is greater.

Notice to be given of every occupation of vacant building or house.

Charge on immovable property

89. A tax assessed on the annual rateable value of any building or land shall, subject to the prior payment of the land-revenue, if any, due to the Government thereon, be a first charge upon the building or land.

Tax on buildings and land to be a charge thereon.

Octroi, terminal tax and toll

90. Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll is leviable shall, when so required by an officer duly authorised by the Chief Executive Officer in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable—

Inspection of imported goods, octroi, terminal tax and toll, etc.

(a) permit that officer to inspect, examine or weigh such goods, vehicles or animals; and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such goods, vehicles or animals.

91. (1) Any person who takes or attempts to take past any octroi station or any other place appointed within a cantonment for the collection of octroi, terminal tax or toll any goods, vehicles or animals, on account of which octroi, terminal tax or toll is leviable and thereby evades, or attempts to evade, the payment of such octroi, terminal tax or toll and any person who abets any such evasion or attempt at evasion, shall be punishable with fine which may extend either to ten times the value of such octroi, terminal tax or toll, or to two thousand five hundred rupees, whichever is greater, and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be.

Power to seize, etc.

(2) In case of non-payment of any octroi or terminal tax or toll on demand, the officer empowered to collect the same may seize any goods, vehicles or animals on which the octroi, terminal tax or toll is chargeable or any part or number thereof which is of sufficient value to satisfy the demand and shall give a receipt specifying the items seized.

(3) The Chief Executive Officer, or an officer of the Board authorised by him, after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the goods, vehicles or animals were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and meet expenses occasioned by the seizure, custody and safe thereof, unless the demand and expenses are in the meantime paid:

Provided that the Chief Executive Officer may, in any case, order that any article of a perishable nature which cannot be kept for five days without serious risk of damage, or which cannot be kept safe at a cost which, together with the amount of octroi, terminal tax or toll, is likely to exceed its value, shall be sold after the lapse of such shorter times as he may, having regard to the nature of the article, think proper.

(4) If, at any time before the sale has begun, the person whose property has been seized tenders to the Chief Executive Officer the amount of all expenses incurred and of the octroi, terminal tax or toll, the Chief Executive Officer shall release the property seized.

(5) The surplus, if any, of the sale proceeds shall be credited to the cantonment fund, and shall, on application made to the Chief Executive Officer within six months after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall become the property of the Board.

Lease of
octroi,
terminal tax
or toll.

92. It shall be lawful for the Chief Executive Officer, with the previous sanction of the Board to lease the collection of any octroi, terminal tax or toll for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi, terminal tax or toll shall, in respect thereof,—

(a) be bound by any orders made by the Chief Executive Officer for their guidance;

(b) have such powers exercisable by officers or employees of the Board under this Act as the Board may confer upon them; and

(c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the Board for the management and collection of the octroi, terminal tax or toll, as the case may be:

Provided that no article distrained may be sold except under the orders of the Chief Executive Officer.

Appeals

Appeals
against
assessment.

93. (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Court.

(2) If the District Court, on the hearing of an appeal under this section, entertains reasonable doubt on any question as to the liability to, or the principle of assessment of, a tax, the Court may, either on its own motion or on the application of the appellant, draw up statement of the facts of the case and the point on which doubt is entertained, and refer the statement with its opinion on the point for the decision of the High Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in order XLVI of the First Schedule to the Code of Civil Procedure, 1908.

5 of 1908.

Explanation.— For the purposes of this section and sections 94, 95, 96, 97 and 102, "District Court", in relation to a cantonment, means the Principal Civil Court of original jurisdiction having jurisdiction over the area in which that cantonment is situated, and includes such other Civil Court having jurisdiction over that area as the Central Government may, by notification in the Official Gazette, specify in this behalf, in consultation with the High Court having jurisdiction over that area.

Costs of
appeal.

94. In every appeal the costs shall be in the discretion of the District Court hearing the appeal.

Recovery of
costs from
Board.

95. (1) If the Board fails to pay any cost awarded to an appellant within ten days after the date of the order for payment thereof, the District Court awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

(2) Where the appellant fails to pay any costs awarded to the Board within ten days after the date of the order for payment thereof, the same shall be recoverable by the Board in the same manner as moneys recoverable by the Board under section 324.

96. No appeal shall be heard or determined under this Chapter unless—

(a) the appeal is, in the case of a tax assessed on the annual rateable value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 77 (exclusive of the time required for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 79 and in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the District Court before whom the appeal is preferred that he had sufficient cause for not preferring it within that period;

(b) the amount including the assessed tax or duty, if any, in dispute in the appeal shall be deposited by the appellant every year on or before the due date in the office of the Board till the appeal is decided by the District Court.

Conditions of
right to
appeal.

97. The order of a District Court confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final:

Finality of
appellate
orders.

Provided that it shall be lawful for the District Court, upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.

Payment and recovery of taxes

98. Save as otherwise expressly provided under this Act, any tax imposed under the provisions of this Act shall be payable on such dates and in such manner, as the Chief Executive Officer may, by public notice, direct.

Time and
manner of
payment of
taxes.

99. (1) When any tax has become due the Chief Executive Officer shall cause a separate bill and public notice to be issued as well as published in a local newspaper specifying the tax and the period for which it is due for payment.

Public notice
for taxes due.

(2) The tax shall become due for payment from the date of issue of public notice under sub-section (1) above.

(3) Any non-receipt of a Bill by a person shall not be a cause for non-payment of the tax notified under sub-section (1).

100. (1) If the amount of tax for which public notice has been issued or a bill has been presented is not paid within thirty days from the issue of public notice or presentation of the bill, as the case may be, the Chief Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule I.

Notice of
demand.

(2) For every notice of demand which the Chief Executive Officer causes to be served on any person under this section, a fee of such amount, not exceeding two hundred rupees as shall in each case be fixed by the Chief Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

101. (1) If the person liable for the payment of any tax does not, within thirty days from the service of the notice of demand, pay the amount due, or show sufficient cause for non-payment of the same to the satisfaction of the Chief Executive Officer, such sum, with all costs of recovery, may be recovered under a warrant, issued in the form set forth in Schedule II, by distress and sale of the movable property or attachment and sale of the immovable property of the defaulter:

Recovery of
tax.

Provided that the Chief Executive Officer shall not recover any sum the liability for which has been remitted on appeal under this Chapter:

Provided further that the sale of any immovable property attached under this subsection shall not be made save under the orders of the Board.

(2) Every warrant issued under this section shall be signed by the Chief Executive Officer.

Interest payable on taxes due.

102. (1) If a person on whom a notice of demand has been served under section 100, does not, within thirty days from the service of such notice, pay the sum demanded in the notice, he shall be liable to pay by way of interest, in addition to the sum and other charges due one per cent., of the sum due for each complete month from the date of expiry of the period of thirty days as aforesaid.

(2) The amount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 324.

Provided that—

(a) where no appeal has been preferred, the Chief Executive officer with the previous sanction of the Board; and

(b) in any other case, the District Court hearing the appeal under section 93, may remit the whole or any part of the interest payable in respect of any period.

Distress.

103. (1) It shall be lawful for any official of the Board to whom a warrant issued under section 101 is addressed to distrain, wherever it may be found in the cantonment, any movable property of or standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemption, namely:—

(a) the following property shall not be distrained—

(i) the necessary wearing apparel and bedding of the defaulter or of his wife or of his children;

(ii) tools of artisans;

(iii) books of account; or

(iv) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood;

(b) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Chief Executive Officer, should not have been distrained, it shall forthwith be returned.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

Disposal of distrained property.

104. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Chief Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Chief Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 103, be sold by public auction by order of the Chief Executive Officer.

(3) For every distraint made under this Chapter a fee of such amount, not exceeding two hundred rupees, as shall in each case be fixed by the Chief Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

105. (1) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid in the office of the Board within fifteen days from the date of attachment.

Attachment and sale of immovable property.

(2) An order under sub-section (1) shall be displayed at some place on or adjacent to such property by pasting the same conspicuously and by publishing the same in a newspaper having circulation in the area in which the property is situated or by any other means or mode as may be considered appropriate by the Chief Executive Officer.

(3) Any transfer of or charge on the property attached or any interest thereon made without the written permission of the Chief Executive Officer shall be void as against all claims of the Board enforceable under the attachment.

(4) Where the sum due to the Board with the cost incurred by the Board in the sale of the property, including publication of notice in newspaper and a sum equal to five per cent. of the purchase money for payment to the purchaser is paid by the defaulter, before the confirmation of the sale under sub-section (5), the attachment, if any, of the immovable property shall be deemed to have been removed.

(5) After the sale of the property by auction as aforesaid, it shall be confirmed in writing by the Chief Executive Officer who shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(6) The Central Government may make rules for—

(a) regulating the manner of execution of warrants for the attachment and sale of immovable property;

(b) charging of fees for the attachment and sale of immovable property, to be included in the cost of recovery of the tax due;

(c) summary determination of any claim made by any person other than the person liable for the payment of any tax, in respect of any property attached in execution of warrant under this section.

106. (1) If the Chief Executive Officer has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to move from the cantonment, he may direct the immediate payment by such person of the sum so due or about to become due, and cause a notice of demand for the same to be served on such person.

Recovery from a person about to leave cantonment and refund of surplus sale proceeds, if any.

(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale of movable property or attachment and sale of immovable property in the manner hereinbefore provided in this Chapter, and the warrant of such distress and sale or attachment and sale may be issued and executed without any delay.

(3) The surplus of the sale proceeds arising out of section 104, section 105 and this section, if any, shall immediately after the sale of the property, be credited to the cantonment fund, and the notice of such credit shall immediately be given to the person whose property has been sold, or to his legal representative and, if such money is claimed, within a period of one year from the date of notice, a refund thereof shall be made to the said person or his representative.

(4) Any surplus of the sale proceeds not claimed within one year as aforesaid shall be the property of the Board.

Power to institute suit for recovery.

107. Instead of proceeding against a defaulter by distress and sale of movable property or attachment and sale of immovable property as hereinbefore provided in this Chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any court of competent jurisdiction.

Special provisions relating to taxation, etc.

Board to be a Municipality for taxation purposes.

108. A Board shall be deemed to be a municipal committee for the purposes of taxation as per the Municipal Taxation Act, 1881.

11 of 1881

Payment to be made to a Board as service charges by Central Government or State Government.

109. The Central or the State Government, as the case may be, shall pay to a Board annually service charges for providing collective municipal services or development work in a cantonment where the Central or the State Government properties are situated as worked out by the Board based on the guidelines issued in this behalf by the Central Government or the State Government.

Power to make special provision for conservancy in certain cases.

110. A Board may make special provisions for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payment thereof, which shall be determined by a written agreement with the person liable for payment of the conservancy or scavenging tax in respect of such factory, hotel, club or group of buildings or lands:

Provided that, in fixing the amount, proper regard shall be had to the probable cost to the Board of the services to be rendered.

Exemption in case of buildings.

111. (1) When in pursuance of section 110, a Board has fixed a special rate for the cleansing of any factory, hotel, club or group of buildings or lands, such premises shall be exempted from the payment of conservancy or scavenging tax imposed in the cantonment.

(2) The following buildings and lands shall be exempt from any property tax other than tax imposed to cover the cost of specific services rendered by the Board, namely:—

(a) places set apart for public worship and either actually so used or used for no other purpose and rendering services free of cost without deriving any income whatsoever;

(b) buildings used for educational purposes, public libraries, play grounds and dharamshalas which are open to the public and from which no income is derived;

(c) hospitals and dispensaries maintained wholly by charitable contributions;

- (d) burning and burial grounds, not being the property of the Government or a Board, which are controlled under the provisions of this Act;
- (e) buildings or lands vested in a Board; and
- (f) any buildings or lands, or portion of such buildings or lands, which are the property of the Government.

112. The Central Government may, by notification in the Official Gazette, exempt, either wholly or in part from the payment of any tax imposed under this Act, any person, or class of persons or any property or goods or class of property or goods.

General Power of exemption.

113. A Board may exempt, for a period not exceeding one year at a time from the payment of any tax, or any portion of a tax imposed under this Act, any person who in its opinion is by reason of poverty unable to pay the same.

Exemption of poor persons.

114. (1) The Board may, with the previous sanction of the General Commanding Officer-in-Chief, the Command, allow any person to compound for any tax.

Composition.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recoverable as if it were a tax.

115. The Board may write off any sum due on account of any tax or rate or of the costs of recovering any tax or rate if such sum is, in its opinion, irrecoverable:

Irrecoverable debts.

Provided that, where the sum written off in favour of any one person exceeds two thousand and five hundred rupees, the sanction of the General Officer Commanding-in-Chief, the Command shall be first obtained.

116. (1) The Chief Executive Officer, may, by written notice, call upon any inhabitant of the cantonment to furnish such information as may be necessary for the purpose of ascertaining—

Obligation to disclose liability.

- (a) whether such inhabitant is liable to pay, or has correctly paid, any tax imposed under this Act;
- (b) at what amount he should be assessed; or
- (c) the annual value of the building or land which he occupies and the name and address of the owner or lessee thereof.

(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Chief Executive Officer or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to five thousand rupees and shall also be liable to be assessed at such amount on account of tax as the Chief Executive Officer may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

117. No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment, charge or demand, if the directions contained in this Act and the rules and bye-laws made thereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover such compensation for the same, as the Board may decide.

Immaterial error not to affect liability.

118. No distress levied or attachment made under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand, warrant of distress or attachment and sale or other proceeding relating thereto; nor shall any such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover such compensation for the same, as the Board may decide.

Distraint not to be invalid by reason of immaterial defect.

CHAPTER VI

CANTONMENT FUND AND PROPERTY

Cantonment fund and cantonment development fund

Cantonment
fund and
cantonment
development
fund.

119. (1) There shall be formed for every cantonment a cantonment fund and there shall be placed to the credit thereof the following sums, namely:—

(a) the balance if any, of the cantonment fund formed for the cantonment under the Cantonments Act, 1924;

2 of 1924.

(b) all sums received by or on behalf of the Board.

(2) There shall also be formed for every cantonment, a cantonment development fund and there shall be placed to the credit, thereof the following sums, namely:—

(i) any sum received from the Central Government or the Government of any State by way of contributions, grants, subsidies or by any other way for the implementation of any specific scheme or for the execution of any specific project;

(ii) any sum received from any individual or association of individuals by way of gift or deposit; and

(iii) any sum raised or borrowed under section 121 for the execution of specific development projects.

Custody of
cantonment
fund and
cantonment
development
fund.

120. (1) The cantonment fund and the cantonment development fund shall be kept in separate accounts which shall be maintained in State Bank of India or any of its subsidiary banks or any nationalised bank or any scheduled commercial bank having its branch either in the cantonment or in the municipal area adjoining the cantonment.

Explanation.—In this section,—

(i) “nationalised bank” means corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;

5 of 1970.

40 of 1980.

(ii) “State Bank of India” means the State Bank of India constituted under the State Bank of India Act, 1955;

23 of 1955.

(iii) “subsidiary bank” means a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959.

38 of 1959.

(2) The Chief Executive Officer may with the previous sanction of the President Cantonment Board may invest any portion of cantonment fund or cantonment development fund in securities of Central Government or in such securities, including fixed deposits in banks in the best interest of the Board and may dispose of such investments or vary them for others of a like nature.

(3) The income resulting from any fixed deposit or from any such securities as is referred to in sub-section (2) or from the proceeds of the sale of any such security shall be credited to the cantonment fund or, as the case may be, the cantonment development fund.

(4) Every action taken under sub-sections (2) and (3) may be subsequently brought to the next meeting of the Board.

Power of
Board to
borrow
money.

121. A Board may from time to time by a resolution passed in this behalf borrow money from another Board, on mutually agreeable terms any sum of money which may be required for the schemes or projects covered under this Act.

Property

122. Subject to any special reservation made by the Central Government all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a Board shall vest in and belong to that Board, and shall be under its direction, management and control, that is to say,—

Property.

(a) all markets, slaughter-houses, manure and night-soil depots, and buildings of every description;

(b) all water-works for the supply, storage or distribution of water for public purposes and all bridges, buildings, engines, materials, and things connected therewith or appertaining thereto;

(c) all sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals collected by the Board from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the Board for such purposes;

(e) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all lands or other property transferred to the Board by the Central or a State Government, or by gift, purchase or otherwise for local public purposes; and

(g) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

123. The cantonment fund, cantonment development fund and all property vested in a Board shall be applied for the purposes, whether express or implied, for which, by or under this Act or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the Board:

Application of cantonment fund, cantonment development fund and property.

Provided that the Board shall not incur any expenditure for acquiring or renting land beyond the limits of the cantonment or for constructing any work beyond such limits except—

(a) with the sanction of the Central Government, and

(b) on such terms and conditions as the Central Government may impose:

Provided further that priority shall be given in the order hereinafter set forth to the following liabilities and obligations of a Board, that is to say,—

(a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the Board;

(b) to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loan Act, 1914 or under the provisions of this Act.

(c) to the payment of establishment charges;

(d) to the payment of any sum the payment of which is expressly required by the provisions of this Act or any rule or bye-law made thereunder.

124. When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a Board for the purposes of this Act, the Central Government may, on the recommendation of the Board, procure the acquisition thereof under the provisions of the Land Acquisition Act, 1894, and, on payment by the Board of the compensation

Acquisition of immovable property.

awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Board.

Power to make rules regarding cantonment fund, cantonment development fund and property.

125. The Central Government may make rules consistent with this Act to provide for all or any of the following matters, namely:—

(a) the conditions on which property may be acquired by Boards or on which property vested in a Board may be transferred by sale, mortgage, lease, exchange or otherwise; and

(b) any other matter relating to the cantonment fund or cantonment development fund or cantonment property, in respect of which no provision or insufficient provision is made by or under this Act and provision is, in the opinion of the Central Government necessary.

CHAPTER VII

CONTRACTS

Contracts by whom to be executed.

126. Subject to the provisions of this Chapter, every Board shall be competent to enter into and perform any contract necessary for the purposes of this Act.

Sanction.

127. (1) Every contract —

(a) for which budget provision does not exist, or

(b) which involves a value or amount exceeding rupees fifty thousand shall require the sanction of the Board.

(2) Every contract other than a contract such as is referred to in sub-section (1) shall be sanctioned by the Chief Executive Officer on behalf of the Board.

Execution of contract.

128. (1) Every contract made by or on behalf of a Board, the value or amount of which exceeds fifty thousand rupees, shall be in writing, and every such contract shall, be signed by two members, of whom the President or the Vice-President shall be one, and be countersigned by the Chief Executive Officer and be sealed with the common seal of the Board.

(2) Where the Chief Executive Officer executes a contract on behalf of the Board sanctioned under sub-section (2) of section 127, he shall submit a report, on the execution of the contract, to the Board at its next meeting.

Contracts improperly executed not to be binding on a Board.

129. If any contract is executed by or on behalf of a Board, otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the Board.

CHAPTER VIII

SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE

Sanitary authorities

Responsibility for sanitation.

130. The following officers shall, for the purposes of sanitation, have control over, and be responsible for maintaining in a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say:—

(a) the Officer Commanding the army in the cantonment—all buildings and lands which are occupied or used for army purposes;

(b) the Officer Commanding the navy in the cantonment—all buildings and lands which are occupied or used for naval purposes;

(c) the Officer Commanding the air force in the cantonment—all buildings and lands which are occupied or used for air force purposes;

(d) the Officer Commanding the station in the cantonment—all buildings and lands, occupied or used for any defence purpose, other than those referred to in clauses (a), (b) and (c);

(e) the head of any civil department or railway administration occupying as such any part of the cantonment—all buildings and lands in his charge as head of that department or administration;

(f) the head of any establishment or installation of the Defence Research and Development Organisation in the cantonment—buildings and lands which are occupied or used for the purposes of the Defence Research and Development Organisation in the cantonment;

(g) the head of a Public Sector Undertaking—the buildings and lands belonging to such undertaking in the cantonment;

(h) the Chief Executive Officer—the buildings and lands in the civil area of the cantonment and all other buildings and lands not covered in clauses (a) to (g) above.

131. (1) The Health Officer shall be the Advisor to the Board in all matters relating to sanitation and exercise a general sanitary supervision over the cantonment and shall periodically submit a report along with his recommendations at least once in every month to the Board.

General duties
of Health
Officer.

(2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Board, allotted to him by the Health Officer.

Conservancy and sanitation

132. All public latrines and urinals provided or maintained by a Board shall be so constructed as to provide separate compartments for each sex and the compartments so constructed shall be made accessible to and barrier free for the persons with disabilities and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

Public latrines,
urinals and
conservancy
establishments.

133. (1) It shall be the duty of an occupier of a building or land—

(a) to make adequate arrangements for the house scavenging of the building or land;

(b) to provide receptacles of the type and in the manner prescribed by the Chief Executive Officer for the collection therein of all filth, rubbish and other offensive matter from such building or land and to keep such receptacle in good condition and repair;

(c) to cause all filth, rubbish and other offensive matter collected in receptacles and to be removed and deposited in the public receptacles, depots or places provided or appointed under sub-section (1) of section 135.

Duty of
occupier to
collect and
deposit
rubbish, etc.

(2) For the purpose of this section and section 134, "house scavenging" means the removal of filth, rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool or other common receptacle for such matter.

134. (1) On the application or with the consent of the occupier of any building or land, or, where the occupier of any building or land fails to make arrangements to the satisfaction of the Chief Executive Officer for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, the Chief Executive Officer may undertake the house scavenging of any building or land in the cantonment for such period as he thinks fit on such terms as he may specify in this behalf.

Power of
Board to
undertake
private
conservancy
arrangement.

(2) Where the Chief Executive Officer has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of the Board.

Deposits and disposal of rubbish, etc.

135. (1) Every Board shall provide or appoint, in proper and convenient situations, public receptacles, depots or places for the temporary deposit or disposal of household rubbish, offensive matter, carcases of dead animals and sewage.

(2) The Chief Executive Officer may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

(3) All matter deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Board.

Cesspools, receptacles, for filth, etc.

136. The Chief Executive Officer of any cantonment may, by notice in writing—

(a) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to close any cesspool appertaining to the land or building which, in the opinion of the Chief Executive Officer, is a nuisance, or

(ii) to keep in a clean condition, in such manner as may be prescribed by notice, any receptacle for filth or sewage accumulating on the land or in a building, or

(iii) to prevent the water of any private latrine, urinal, sink or bathroom or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place, or into any water-course or into any drain not intended for the purpose, or

(iv) to collect and deposit for removal by the conservancy establishment of the Board, within such time and in such receptacle or place, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land; or

(b) require any person to desist from making or altering any drain leading into a public drain; or

(c) require any person having the control of a drain in the cantonment to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

Filling up of tank, etc.

137. (1) Where any well, tank, cistern, reservoir container, desert cooler or any other, receptacle or place in the cantonment where water is stored or accumulated, whether within any private enclosure or not, is in such a condition as to create a nuisance or, in the opinion of the Health Officer, is or is likely to be a breeding place for mosquitoes, the Board may, by notice in writing, require the owner, lessee or occupier thereof within such period as may be specified in the notice, to fill up or cover the well, cistern, reservoir or receptacle, or to fill up the tank, or to drain off or remove the water, as the case may be.

(2) The Board may from time to time take such measures as are necessary in its opinion for prevention of breeding of mosquitoes, insects or any bacterial or viral carriers of disease in public places under the control or management of the Board.

(3) The Board may, if it thinks fit, meet the whole or any portion of the expenses incurred in execution of work mentioned in sub-sections (1) and (2) of this section.

Provision of latrines, etc.

138. The Chief Executive Officer may, by notice in writing, require the owner or lessee of any building or land in the cantonment to provide, in such manner as may be specified in the notice, any latrine, urinal, cesspool, dust-bin or other receptacle for filth, sewage, or rubbish, or any additional latrine, urinal, cesspool or other receptacle as aforesaid, which should, in his opinion, be provided for the building or land.

139. Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or labourers, and every person managing or having control of a market, school, theatre or other place of public resort, in a cantonment shall give notice of the fact to the Chief Executive Officer, and shall provide such latrines and urinals, and shall employ such number of sweepers, as the Chief Executive Officer thinks fit, and shall cause the latrines and urinals to be kept clean and in proper order:

Sanitation in
factories, etc.

63 of 1948.

Provided that nothing in this section shall apply in the case of a factory to which the Factories Act, 1948 applies.

46 of 1993.

140. Subject to the provisions of the Employment of Manual Scavenger and Construction of Dry Latrine (Prohibition) Act, 1993, the Chief Executive Officer or any official of the Board authorised by him may, by notice in writing,—

Private
latrines.

(a) require the owner or other person having the control of any private latrine, or, urinal in the cantonment not to put the same to public use; or

(b) where any plan for the construction of private latrines or urinals has been approved, and copies thereof may be obtained free of charge on application—

(i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by an official of the Board authorised by the Chief Executive Officer, or under the direction of the Health Officer and approved by him as conforming with such plan; or

(ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan; or

(c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the Chief Executive Officer, constitutes a nuisance, to remove the latrine or urinal; or

(d) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighborhood, or

(ii) to cleanse in such manner as the Chief Executive Officer may specify in the notice any latrine or urinal belonging to the land or building;

(e) require any person being the owner and having the control of any drain in the cantonment to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

141. (1) All solid waste material generated in a cantonment shall be removed by the Board and be brought to the compost sites or sanitary land sites or trenching sites earmarked by it for the purpose.

Special
provisions for
collection of
rubbish and
solid waste
management.

(2) The Board shall also devise schemes for collecting rubbish and garbage from each house in the cantonment and may, if considers necessary, associate residents' welfare associations or such other non governmental organisation for this purpose.

(3) As far as possible the Board shall devise appropriate system to ensure that all compostable or bio-degradable waste in the cantonment is recycled and used for generating manure, bio-gas or any other form of energy.

142. (1) Where it appears to a Board that any block of buildings in the cantonment is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of—

Removal of
congested
buildings.

(a) the Health Officer,

(b) the Civil Surgeon of the district or, if his services are not available, some other medical officer in the service of the Government,

(c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf, and

(d) two non-official members of the Board.

(2) The committee shall make a report in writing to the Board regarding the sanitary condition of the block, and, if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise to endanger the public health, it shall clearly indicate on a plan verified by the Executive Engineer or the person deputed by him to serve on the committee, the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the Board is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:

Provided that the Board shall make compensation as it thinks fit to the owners for any buildings so removed which have been erected under proper authority:

Provided further that the Board may if it considers it equitable in the circumstances so to do pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.

(4) For the purposes of this section "buildings" includes enclosure, walls and fences appertaining to buildings.

Overcrowding
of dwelling
houses.

143. (1) Where it appears to a Board that any building or part of a building in the cantonment which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice.

(2) Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to two thousand five hundred rupees, and, in the case of a continuing offence, to an additional fine which may extend to two hundred fifty rupees for every day after the first during which the failure has continued.

Power to
require repair
or alteration
of building.

144. (1) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the Board, in an insanitary state, the Board may, by notice in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose of removing such defects.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously pasted on the building to which it relates.

(3) A notice issued under sub-section (1) shall be deemed to have been complied with, if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

Power to
require land or
building to be
cleansed.

145. (1) If any building or land, whether tenantable or otherwise, is—

(i) in an insanitary, filthy or unwholesome state; or

(ii) in the opinion of the Chief Executive Officer, a nuisance to persons residing in the neighbourhood; or

(iii) overgrown with prickly-pear or rank and noisome vegetation the Chief Executive Officer may, by notice in writing, require the owner, lessee or occupier of such building or land to clean, lime-wash internally or externally, clear, or otherwise put such building or land in a proper state within such period as may be specified in the notice.

(2) Any person who fails to comply with the notice issued under sub-section (1) shall be punishable with fine which may extend to five thousand rupees, and, in the case of a continuing offence, with an additional fine which may extend to two hundred fifty rupees for each day after the first during which the offence continues.

146. No owner, occupier, lessee or any other occupant of the premises shall allow or cause to be allowed any air pollutant above the standards, laid down under clause (g) of sub-section (1) of section 17 of the Air (Prevention and Control of Pollution) Act, 1981.

Prohibition in respect of air pollutant.

147. If a Board is satisfied that any building or part of a building in the cantonment which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be pasted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation, or allowing it to be so used, until it has been rendered fit for such use to the satisfaction of the Board.

Power to order disuse of house.

148. The Chief Executive Officer may, by notice in writing, require the owner, lessee, or occupier of any land in the cantonment to clear away and remove any thick or noxious vegetation or undergrowth which appears to him to be injurious to health or offensive to persons residing in the neighbourhood.

Removal of noxious vegetation.

149. Where, in the opinion of a Board, the cultivation in the cantonment of any description of crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner is likely to be injurious to the health of persons dwelling in the neighbourhood, the Board may, by public notice, prohibit such cultivation, use or irrigation after such date as may be specified in the notice, or may, by a like notice, direct that it shall be carried out subject to such conditions as the Board thinks fit :

Agriculture and irrigation.

Provided that if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the Board shall, if it directs that the notice is to take effect on a date earlier than that by which the crop would ordinarily be sown or reaped, as the case may be, make compensation to all persons interested in the land or crop for the loss, if any, incurred by them respectively by reason of compliance with the notice.

Burial and burning grounds

150. The Chief Executive Officer may, by notice in writing, require the owner or person in-charge of any burial or burning ground in the cantonment to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

Power to call for information regarding burial and burning grounds.

151. (1) No place in a cantonment which has not been used as a burial or burning ground before the commencement of this Act shall be so used without the permission in writing of the Board.

Permission for use of new burial or burning ground.

(2) Such permission may be granted subject to any conditions which the Board thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood.

Power to
require closing
of burial or
burning
ground.

152. (1) Where a Board, after making or causing to be made local inquiry, is of opinion that any burial or burning ground in the cantonment has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the Central Government by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

(2) Where the Central Government sanctions the issue of any notice under sub-section (1) it shall declare the conditions on which the burial or burning ground may be reopened, and a copy of such declaration shall be annexed to the notice.

(3) Where the Central Government sanctions the issues of any such notice, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, the Central Government shall require a grant to be made from the cantonment fund towards the cost of the same.

(4) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

Exemption
from
operation of
sections 150
to 152.

153. The provisions of sections 150, 151 and 152 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government.

Removal of
corpses.

154. The Board may, by public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning grounds.

Prevention of infectious, contagious or communicable diseases

Obligation
concerning
infectious,
contagious or
communicable
diseases.

155. (1) Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from a contagious, communicable or infectious disease, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any person is so suffering, shall forthwith give information to the Board respecting the existence of such disease.

(2) No person shall—

(a) knowing that he is suffering from a contagious, communicable or an infectious disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place;

(b) having the care of a person whom he knows to be suffering from a contagious, communicable or an infectious disease cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid;

(c) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish any matter which he knows or has reason to believe to have been exposed to infection from a contagious, communicable or an infectious disease and which has not been disinfected properly;

(d) throw or cause to be thrown into any latrine or urinal any matter which he knows or has reason to believe to have been exposed to infection from a contagious, communicable or an infectious disease and which has not been disinfected properly.

(3) Nothing contained in sub-section (1) or sub-section (2) shall apply in the case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is by reason of his habits and conditions of life and residence unlikely to spread the disease.

(4) Whoever—

(a) fails to give information or gives false information to the Board respecting the existence of such disease as is referred to in sub-section (1), or

(b) contravenes the provisions of sub-section (2), shall be punishable with fine which may extend to one thousand rupees:

Provided that no person shall be punishable for failure to give information if he had reasonable cause to believe that the information had already been duly given.

156. Subject to the provisions of any Act made in this regard and the rules and regulations made thereunder, whoever, being in charge of a blood bank or any other establishment which collects or supplies blood, plasma, marrow or any other substance for transfusion or treatment of patients or for any other medical use, fails to take adequate precautions or exercise adequate supervision thereby leading to or resulting in the supply of infected or contaminated blood, plasma, marrow or any other substance, shall be punishable with imprisonment which may extend to five years or with fine which may extend to one lakh rupees or with both.

Blood bank.

157. (1) In the event of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Officer Commanding the Station, if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment are insufficient for the purpose, may, with the previous sanction of the Central Government—

Special measures in case of outbreak of infectious or epidemic diseases.

(a) take such special measures, and

(b) by public notice, make such temporary regulations to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or the spread of the disease:

Provided that where in the opinion of the Officer Commanding the Station, immediate measures are necessary, he may take action without such sanction as aforesaid and, if he does so, shall forthwith report such action to the Central Government.

(2) Whoever commits a breach of any temporary regulation made under sub-section (1) shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

of 1860.

158. Where it is certified to the Chief Executive Officer by a medical practitioner that the outbreak or spread of any infectious or contagious disease in the cantonment is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Chief Executive Officer may, by notice in writing, require the dairyman, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

Power to require names of dairyman's customers.

159. Where it is certified to the Chief Executive Officer by the Health Officer that it is desirable, with a view to prevent the spread of any infectious or contagious disease in the cantonment, that the Health Officer should be furnished with a list of the customers of any washerman, the Chief Executive Officer may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Health Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

Power to require names of a washerman's customers.

Explanation.—For the purposes of this section, the expression “washerman” shall mean an individual, body corporate, association of persons engaged in washing clothes in a cantonment.

Power to require names of patients or customers of a medical practitioner or paramedical workers.

160. Where it is certified to the Chief Executive Officer by the Health Officer or a doctor in the employment of the Board that there is apprehension of the outbreak or spreading of any infectious or contagious or communicable disease in the cantonment because of use of contaminated needles, syringes or any other such equipment by a medical practitioner or by any paramedical worker, the Chief Executive Officer may, by notice in writing, require the medical practitioner or the paramedical worker, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers or patients within the cantonment, or to give him such information as will enable him to trace the persons whom the medical practitioner or the paramedical worker has attended to or treated in the six weeks preceding the date of issuing the notice.

Report after inspection of dairy or washerman or medical practitioner's place of business.

161. Where, after inspection the Health Officer is of opinion that any infectious, contagious or communicable disease is caused or is likely to arise in the cantonment from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, or from use of contaminated needles, syringes or other such equipment by a medical practitioner or any paramedical staff, he shall report the matter to the Chief Executive Officer.

Action on report submitted by Health Officer.

162. Upon receipt of a report submitted by the Health Officer under section 161, the Chief Executive Officer may, by notice in writing,—

(a) prohibit the supply of milk from the dairy until the notice has been withdrawn; or

(b) prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner, or washes by process, as the Chief Executive Officer may direct in the notice; or

(c) prohibit the medical practitioner or the paramedical worker from using any such needles, syringes or other such equipment unless the notice is withdrawn or rectification as may be required in the notice is carried out.

Examination of milk, washed clothes or needles, syringes, etc.

163. The Health Officer or a doctor in the employment of the Board may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 158, or of any clothes or other articles which are or have recently been in the possession of any washerman, on whom a notice has been served under section 159, or any needles, syringes or such other equipment which are or have recently been in the possession of the medical practitioner or paramedical worker to whom a notice under section 160 has been issued and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Board shall pay from the cantonment fund all the costs of the process and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

Contamination of public conveyance.

164. Whoever in a cantonment—

(a) uses a public conveyance while suffering from an infectious or contagious disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any such disease, or

(c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to

the owner, driver or person incharge of the conveyance, and further to report without delay to the Chief Executive Officer the number of the conveyance and the name of the person so notified.

165. (1) Where any person suffering from, or the corpse of any person who has died from, an infectious, communicable or contagious disease has been carried in a public conveyance which ordinarily plies in a cantonment, the driver thereof shall forthwith report the fact to the Chief Executive Officer who shall forthwith cause the conveyance to be disinfected if that has not already been done.

Disinfection of public conveyance.

(2) No such conveyance shall be brought again into use until the Chief Executive Officer has granted a certificate stating that it can be used without causing risk of infection.

166. Whoever fails to make to the Chief Executive Officer any report which he is required to make by section 164 or section 165 shall be punishable with fine which may extend to one thousand rupees.

Penalty for failure to report.

167. Notwithstanding anything contained in any law for the time being in force, no owner, driver or person incharge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of a cantonment any person suffering from an infectious or contagious disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum fixed by the Chief Executive Officer from time to time, to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

Driver of conveyance not bound to carry person suffering from infectious or contagious disease.

168. Where a Board is, upon the advice of the Health Officer, of opinion that the cleansing and disinfection of any building or part of a building in the cantonment or of any articles in any such building or part which are likely to retain infection, or the renewal of the flooring of any such building or part of such building, would tend to prevent or check the spread of any infectious or contagious disease, the Board may by notice in writing, require the owner or occupier to cleanse and disinfect, the said building, part or articles, as the case may be, or to renew the said flooring, within such time as may be specified in the notice:

Disinfection of building or articles therein.

Provided that where, in the opinion of the Board the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Board may, at the expense of the cantonment fund, cleanse and disinfect the building, part or articles, or as the case may be, renew the flooring.

169. (1) Where the destruction of any hut or shed in a cantonment is, in the opinion of the Board, necessary to prevent the spread of any infectious or contagious disease, the Board may, by notice in writing, require the owner to destroy the hut or shed and the materials thereof within such time as may be specified in the notice.

Destruction of infectious hut or shed.

(2) Where the President of a Board is satisfied that the destruction of any hut or shed in the cantonment is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith, or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.

(3) The Board shall pay compensation to the owner of any hut or shed destroyed under this section.

170. The Board shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disease has appeared who have been compelled to leave their dwelling by reason of any proceedings taken under section 168 or section 169, and who desire such shelter or accommodation as aforesaid to be provided for them.

Temporary shelter for inmates of disinfected or destroyed building or shed.

Disinfection of building before letting the same.

171. (1) Where in a cantonment any building or part of a building is intended to be let, in which any person has, within six weeks immediately preceding, been suffering from an infectious or contagious disease, the person letting the building or part shall before doing so disinfect the same in such manner as the Chief Executive Officer may, by public or special notice, direct, together with all articles therein liable to retain infection.

(2) For the purposes of this section, the keeper of a hotel, lodging house or sarai shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

Disposal of infected article without disinfection.

172. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any infectious or contagious disease and is likely to be used in, or taken into, a cantonment.

Means of disinfection.

173. (1) Every Board shall—

(a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;

(b) cause conveyances, clothing or other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as the Chief Executive Officer may fix.

(2) The Chief Executive Officer may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and, if it does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The Chief Executive Officer may direct the destruction of any clothing, bedding or other article in the cantonment likely to retain infection, and may give such compensation as he thinks fit for any article so destroyed.

Making or selling of food, etc., or washing clothes by infected person.

174. Whoever, while suffering from, or in circumstances in which he is likely to spread, any infectious or contagious disease,—

(a) makes, carries or offers for sale in a cantonment or takes any part in the business of making, carrying or offering for sale therein any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

(b) takes any part in the business of the washing or carrying of clothes, shall be punishable with fine which may extend to five thousand rupees.

Power to restrict or prohibit sale of food or drink.

175. When a cantonment is visited or threatened by an outbreak of any infectious or contagious disease, the Chief Executive Officer on behalf of the Board may, by public notice, restrict in such manner or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animals so specified.

Control over wells, tanks, etc.

176. (1) If the Chief Executive Officer on the advice given by the Health Officer is of opinion that the water in any well, tank or other place is likely, if used for drinking, to endanger, or cause the spread of, any disease, it may,—

(a) by public notice, prohibit the removal or use of such water for drinking;

(b) by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or

(c) take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of a cantonment or any part of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease, the Health Officer or any person authorised by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking, and may further take such steps as he thinks fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

177. Where any person has died in a cantonment from any infectious or contagious disease, the Chief Executive Officer, may, by notice in writing,—

Disposal of infectious corpse.

(a) require any person having charge of the corpse to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or

(b) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

Hospitals and dispensaries

178. (1) A Board may—

Maintenance or aiding of hospitals or dispensaries.

(a) provide and maintain either within or without the cantonment as many hospitals and dispensaries as it thinks fit; or

(b) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary or veterinary hospital, whether within or without the cantonment, not maintained by it.

(2) Every hospital or dispensary maintained or aided under sub-section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious diseases.

(3) The Medical Officer appointed by the Board shall be in charge of every Hospital and dispensary maintained or aided under this section and be responsible to the Health Officer for medical activities and to the Chief Executive Officer for over all administrative activities of the hospital.

179. (1) Every hospital or dispensary maintained or aided under section 178 shall be maintained in accordance with any general or special orders of the Central Government for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the Central Government may think fit.

Medical supplies, appliances, etc.

(2) The Board shall cause every such hospital or dispensary to be provided with all requisite drugs, instruments, apparatus, furniture and appliances and with sufficient cots, bedding and clothing for in-patients.

180. At every hospital or dispensary maintained or aided under section 178, the sick poor of the cantonment, and other inhabitants of the cantonment suffering from infectious, communicable or contagious disease, and, with the sanction of the Board, any other sick persons, may receive medical or surgical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the Board may fix.

Free patients.

181. Any sick person who is ineligible to receive medical or surgical treatment free of cost in any hospital or dispensary under section 180 may be admitted for treatment therein upon such terms as the Board thinks fit.

Paying patients.

182. (1) If the Health Officer or the Medical Officer in charge of a hospital or dispensary maintained or aided under section 178 has reason to believe that any person living in the cantonment is suffering from an infectious, communicable or contagious

Power to order person to attend hospital or dispensary.

disease, he may, by notice in writing, call upon such person to attend for examination at any such hospital or dispensary at such time as may be specified in the notice and not to quit it without the permission of the Medical Officer in charge; and, on the arrival of such person at the hospital or dispensary, the Medical Officer in charge thereof may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious, communicable or contagious disease:

Provided that, if, having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Health Officer or Medical Officer, as the case may be, considers that the attendance of such person at a hospital or dispensary is likely to prove unnecessary or inexpedient, he shall examine such person at such person's own residence.

(2) If any person on examination under sub-section (1), is found to be suffering from an infectious or contagious disease, the Health Officer or Medical Officer, as the case may be, may cause him to be detained in hospital until he is free from the infection or contagion:

Provided that, if having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, he considers that the detention of such person at a hospital or dispensary is unnecessary or inexpedient, he shall discharge such person and take such measures or give such directions in the matter as he thinks necessary.

Power to exclude from cantonment persons refusing to attend hospital or dispensary.

183. (1) If the Health Officer or the Medical Officer in charge of a hospital or dispensary maintained or aided under section 178 reports in writing to the Officer Commanding the station that any person having received a notice under section 182 has refused or omitted to attend at the hospital or dispensary, specified in the notice, or that such person, having attended the hospital or dispensary, has quitted it without the permission of such Medical Officer, or that any person has failed to comply with any direction given to him under section 182, the Officer Commanding the station may, by order in writing, direct such person to be removed from the cantonment within twenty-four hours and not to re-enter it without his permission in writing.

(2) No person who has under sub-section (1) been ordered to be removed from and not to re-enter a cantonment shall enter any other cantonment without the written permission of the Officer Commanding the station.

Control of traffic for hygienic purposes

Routes for pilgrims and others.

184. (1) A Board may provide or prescribe suitable routes for the use of persons passing through the cantonment—

(a) on their way to or from fairs or places of pilgrimage or other places of public resort; or

(b) during times when an infectious or contagious disease is prevalent, and may, by public notice, require such persons as aforesaid to use such routes and no others.

(2) All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the Board.

Special conditions regarding essential services

Conditions of service of safai karamcharis and others.

185. (1) No person employed in any service, or being employed in connection with the working of any system of public conservancy or sanitation or water supply or hospitals or dispensaries or electric supply or public transport services or such other essential services under a Board in any cantonment area, shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty he shall be punishable with imprisonment which may extend to one month; and the conditions of service specified herein shall, invariably be mentioned in the appointment letter of the persons employed to said services.

(2) The Central Government may, by notification in the Official Gazette, direct that on and from such date as may be specified in the notification, the provisions of this section shall apply in the case of any specified class of employees employed by a Board whose functions intimately concern the public health or safety.

CHAPTER IX

WATER-SUPPLY, DRAINAGE AND SEWAGE COLLECTION

Water-supply

186. (1) In every cantonment where a sufficient supply of potable water for domestic use does not exist, the Board shall provide or arrange for the provision of such a supply.

Maintenance of water-supply.

(2) The Board shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year, and that the water shall be at all times fit for human consumption.

(3) It shall be the duty of every Board to practise and propagate the scientific methods of water harvesting including harvesting of rain water for use and make arrangement for recharging the sources of ground water including underground aquifers and to preserve rivers, streams, springs and other natural sources of water within and in the vicinity of the cantonment.

187. In this Chapter, unless the context otherwise requires, the following words and expression in relation to water supply shall have the respective meanings given below, namely :—

Terms of water-supply.

(1) "communication pipe" means :—

(a) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

(b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also,—

(i) where the communication pipe ends at in a stopcock, that stopcock, and

(ii) any stopcock fitted on the communication pipe between the end thereof and the main.

(2) "main" means a pipe laid by the Board for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe.

(3) "service pipe" means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap.

(4) "supply pipe" means so much of any service pipe as is not a communication pipe.

(5) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk.

(6) "water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

Board to carry out survey and formulate proposals.

188. (1) The Board may, when so required,—

(a) carry out a survey of the existing consumption of and demand for water supplies in cantonment and of the water resources in or likely to be made available in the cantonment;

(b) prepare an estimate of the future water supply requirements of the cantonment;

(c) carry out a survey of the existing quantity of sewage collection;

(d) formulate proposals as to—

(i) the existing or future water supply requirements of the cantonment;

(ii) the existing or future sewage collection requirement in cantonment including proposals for the manner in which and the place or places at which sewage should be carried, collected and treated.

(2) If the Board is of the opinion that the works and other properties for the time being vested in the Board, are inadequate for the purpose of sufficient supply of water or for the purpose of efficient collection of sewage under this Act it may take steps in accordance with the provisions of this Act for the construction of additional works, whether within cantonment or outside the cantonment with the approval of the Principal Director and for the acquisition of additional properties for such works.

Control over sources of public water-supply.

189. (1) The Board may, with the previous sanction of the Central Government, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment other than a source of water-supply under the control and in use of the Military Engineer Services or the Public Works Department from which water is or may be made available for the use of the public in the cantonment to be source of public water-supply.

(2) Every such source shall be under the control of the Board and it shall be the duty of the Board to preserve and maintain such source.

Power to require maintenance or closing of private source of public drinking water-supply.

190. The Chief Executive Officer may, by notice in writing, require the owner or any person having the control of any source of public water-supply which is used for drinking purposes—

(a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying vegetation; or

(b) to protect the same from contamination in such manner as the Chief Executive Officer may direct; or

(c) if the water therein is proved to the satisfaction of the Chief Executive Officer to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water:

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Board for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Board shall undertake the control and supervision of the well.

Supply of water.

191. (1) Subject to the guidelines made by the Board in this regard, the Chief Executive Officer may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water-supply by means of communication pipes of such size and description as may be specified for the purpose of obtaining water for domestic use.

(2) The occupier of every building so connected with the water-supply shall be entitled to have for domestic use, in return for the water tax, if any, such quantity of water as the Chief Executive Officer may determine.

(3) All water supplied in excess of the quantity to which such supply is limited under sub-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section, shall be paid for at such rate as the Board may fix keeping in view its financial viability.

(4) The supply of water for domestic use shall not be deemed to include any supply for—

- (a) animals or for washing vehicles where such animals or vehicle are kept for sale or hire;
- (b) any trade, manufacture or business;
- (c) fountains, swimming baths or any ornamental of mechanical purpose;
- (d) gardens or for purposes of irrigation;
- (e) making or watering roads or paths; or
- (f) building purposes.

192. If it appears to the Chief Executive Officer that any building or land in the cantonment is without a proper supply of potable water, the Chief Executive Officer may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from a source of public water-supply such quantity of water, as is, adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purposes.

Power to require water-supply to be taken.

193. (1) Subject to the guidelines made by the Board in this regard, the Chief Executive Officer may, by agreement, supply, from any source of public water-supply, the owner, lessee or occupier of any building or land in the cantonment with any water for any purpose, other than a domestic purpose, on such terms and conditions, consistent with this Act and the rules and bye-laws made thereunder, as may be agreed upon between the Chief Executive Officer and such owner, lessee or occupier.

Supply of water under agreement.

(2) The Chief Executive Officer may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

194. Notwithstanding any obligation imposed on Boards under this Act, a Board shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless, in the case of an agreement for the supply of water under section 193, the Board has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

Board not liable for failure of supply.

195. Notwithstanding anything hereinbefore contained or contained in any agreement under section 193, the supply of water by a Board to any building or land shall be, and shall be deemed to have been granted subject to the following conditions, namely:—

Conditions of universal application.

- (a) the owner, lessee or occupier of any building or land in or on which water supplied by the Board is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, give notice of the same to such officer as the Chief Executive Officer may appoint in this behalf;

(b) the Chief Executive Officer or any other officer or employee of the Board authorised by him in writing in this behalf may enter into or on any premises supplied with water by the Board, for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;

(c) the Chief Executive Officer may, after giving notice in writing, cut off the connection between any source of public water-supply and any building or land to which water is supplied for any purpose therefrom, or turn off such supply if—

(i) the owner or occupier of the building or land neglects to pay the water tax or water rate or other charges connected with the water supply within one month from the date on which such tax or rate or charge falls due for payment;

(ii) the occupier refuses to admit the Chief Executive Officer or other authorised officer or employee of the Board into the building or land for the purpose of making any examination or inquiry authorised by clause (b) or prevents the making of such examination or inquiry;

(iii) the occupier wilfully or negligently misuses or causes waste of water;

(iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the water works;

(v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination by any other officer or employee of the Board authorised by the Chief Executive Officer in writing in this behalf, to be out of repair to such an extent as to cause waste of water;

(d) the expense of cutting off the connection or of turning off the water in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land;

(e) no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

Supply to
persons
outside
cantonment.

196. A Board may allow any person not residing within the limits of the cantonment to take or be supplied with water for any purpose from any source of public water supply on such terms as it may prescribe, and may at any time withdraw or curtail such supply.

Penalty.

197. Whoever—

(a) uses for other than domestic purposes any water supplied by a Board for domestic use; or

(b) where water is supplied by agreement with a Board for a specified purpose, uses that water for any other purposes shall be punishable with fine which may extend to two thousand five hundred rupees, and in addition, the Board shall be entitled to recover from him the cost of the water misused.

Water, drainage and other connections

Power of
Board to lay
wires,
connections,
etc.

198. A Board may carry any cable, wire, pipe, drain, sewer or channel of any kind,—

(a) for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage, or sewerage, through, across, under or over any road or street, or any place laid out or intended as a road or street, or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up side of any building, situated within the cantonment;
or

(b) for the purpose of supplying water or of the introduction or distribution of outflow of water or for the removal or outflow of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up side of any building, situated outside the cantonment and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used:

Provided that no nuisance shall be caused in excess of what is reasonably necessary for the proper execution of the work:

Provided further that compensation shall be payable to the owner or occupier for any damage sustained by him which is directly occasioned by the carrying out of any such operation.

199. In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up side of any building, such cable, wire, pipe, drain sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and compensation shall be payable by the Board in respect of any substantial interference with the right to any such enjoyment.

Wires, etc., laid above surface of ground.

200. No person shall, for any purpose whatsoever, without the permission of the Board at any time make or cause to be made any connection or communication with any cable, wire, pipe, drain, sewer or channel constructed or maintained by, or vested in, a Board.

Connection with main not to be made without permission.

201. The Chief Executive Officer may prescribe the size of the ferrules to be used for the supply of gas, if any, and may establish meters or other appliances for the purpose of measuring the quantity of any water or gas or testing the quality thereof supplied to any premises by the Board.

Power to prescribe ferrules and to establish meters, etc.

202. The ferrules, communication pipes, connections, meters, stand pipes and all fittings thereon or connected therewith leading from water mains or from pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by a Board, and the pipes, fittings, and works inside any such house or within the limits of any such land, shall in all cases be installed or executed subject to the inspection and to the satisfaction of the Chief Executive Officer.

Power of inspection.

203. A Board may fix the charges to be made for the establishment by them or through their agency or communications from, and connections with, mains, or pipes for the supply of water, or gas, or for meters or other appliances for measuring the quantity, or testing the quantity thereof supplied, and may levy such charges accordingly.

Power to fix rates and charges.

Application of this Chapter to Government water-supplies

204. (1) Where in any cantonment there is a water-supply (other than a public water-supply under the control of the Board) under the control of the Military Engineer Services or the Public Works Department, the Officer of the Military Engineer Services or of the Public Works Department, as the case may be, in charge of such water-supply (hereafter in this Chapter referred to as the Officer) may publish in the cantonment in such manner as he thinks fit a notice declaring any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment other than a source of public water-supply and the officer may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the Board to exercise any power conferred upon it by section 190.

Government water-supply.

(2) In the case of any water-supply such as is referred to in sub-section (1), the following provisions of this Chapter, namely, the provisions of sections 191, 193, 194, 195, 197, 198, 199, 200, 201, 202 and 203 shall, as far as may be, be applicable in respect of the supply of water to the cantonment, and for the purpose of such application references to the Board shall be construed as references to the Officer, and references to the Chief Executive Officer or other officer or employee of the Board shall be construed as references to such person as may be authorised in this behalf by the Officer.

(3) The provisions of section 193 shall be applicable in respect of the supply of water by agreement to the Board by the Officer for use for any purpose other than a domestic purpose in like manner as they are applicable to such supply to the owner, lessee or occupier of any building or land in the cantonment.

(4) In order to preserve the underground water level, the Board may make regulations for the digging or use of bore wells in the cantonment.

Water supply
for domestic
consumption.

205. (1) Where it appears to the Chief Executive Officer that any dwelling house in the cantonment is without supply of water for domestic consumption and that such a supply can be given from mains which is not more than one hundred feet distance from any part of such dwelling house, the Chief Executive Officer may by notice require the owner to obtain supply and to execute all such works as may be necessary for this purpose.

(2) It shall not be lawful for the owner of any premises which may be constructed or reconstructed, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Chief Executive Officer that there is provided within, or within a reasonable distance of, the house supply of wholesome water as appears to the Chief Executive Officer to be sufficient for domestic consumption and use of the inmates of the house.

Recovery of
charges.

206. In any case in which the provisions of section 204 apply and in which the Board is not receiving a bulk supply of water under section 207, the water-tax, if any, imposed in the cantonment and all other rates arising out of the supply of water which may be imposed under the provisions of this Chapter as applied by section 204 shall be recovered by the Board, and all monies so recovered, or such proportion thereof as the Central Government may in each case determine, shall be paid by the Board to the Officer.

Supply of
water from
Government
water-supply
to the Board.

207. (1) Where in any cantonment there is a water-supply such as is referred to in sub-section (1) of section 204, the Board may, and so long as the Board is unable to provide a water-supply of its own, it shall receive from the Military Engineer Services or the Public Works Department, as the case may be, at such point or points as may be agreed upon between the Board and the Military Engineer Services or Public Works Department, a supply of water adequate to the requirements for domestic use of all persons in the cantonment other than entitled consumers.

(2) Any supply of water received under sub-section (1) shall be a bulk supply, and the Board shall make such payments to the Military Engineer Services or Public Works Department for all water so received as may be agreed upon between the Board and the Military Engineer Services or Public Works Department, or, in default of such agreement, as may be determined by the Central Government to be reasonable having regard to the actual cost of supplying the water in the cantonment and the rate charge for water in any adjacent municipality:

Provided that, notwithstanding anything contained in this Act, the Board shall not charge for the supply to persons in the cantonment of water received by the Board under this section a rate calculated to produce more than the sum of the payments made to the Military Engineer Services or Public Works Department for water received and the actual cost of the supply thereof by the Board to consumers.

(3) If any dispute arises between the Board and the Military Engineer Services or Public Works Department regarding the rate and amount of water adequate to the requirements of persons in the cantonment other than entitled consumers, the disputes shall be referred to the Central Government whose decision shall be final.

Functions of
the Board in
relation to dis-
tribution of
bulk supply.

208. Where under the provisions of sub-section (1) of section 207 a bulk supply of water is received by the Board, the Board shall be solely responsible for the supply of water to all persons in the cantonment other than entitled consumers; and the provisions of this Act shall apply as if such bulk supply were a source of public water-supply under

the control of the Board and as if the communications from and connections with such bulk supply for the purpose of supplying water to such persons were a system of water-supply established and maintained by the Board.

209. (1) All public drains, all drains in, alongside or under any public street, except those vesting in the Military Engineer Services or any Department of the Central Government or a State Government or any autonomous body under the Central Government or a State Government and all sewage collection works, whether constructed out of the cantonment fund or otherwise and all works, material and things appertaining thereto, which are situated in the cantonment shall vest in the Board.

Special provisions concerning drainage and sewage.

(2) All public and other drains, which are vested in the Board are hereafter in this Act referred to as cantonment drains.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such drain or sewage collection work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed also to vest in the Board.

(4) All drains and ventilation shafts, pipes and all appliances and fittings connected with drainage works constructed, erected or set up out of the cantonment fund in or upon premises not belonging to the Board whether—

(a) before or after the commencement of this Act; and

(b) for the use of the owner or occupier of such premises or not, shall unless the Board has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Board.

210. (1) All cantonment drains, all sewage collection and all works, materials and things appertaining thereto shall be under the control of the Board.

Construction of and control of drains and sewage collection and disposal works.

(2) The Chief Executive Officer shall maintain and keep in repair all cantonment drains and sewage collection and sewage disposal works when authorised by the Board.

(3) The Board shall construct as many new drains and sewage collection and sewage disposal works as may from time to time be necessary for effectual drainage and sewage collection.

(4) The Board shall ensure that the sewage effluents are treated in accordance with the norms laid down under the relevant laws relating to pollution before it is dispersed into a river, stream, lake or open land.

211. No person shall throw, empty or turn into any cantonment drain or into any drain communicating with a cantonment drain—

Certain matters not to be passed into cantonment drains.

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical, refuse or waste stream, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or stream which, or liquid which when so heated is, either alone or in combination with the contents of the drain be dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any dangerous petroleum.

Explanation.—In this section, the expression “dangerous petroleum” has the same meaning as in the Petroleum Act, 1934.

212. (1) Subject to such conditions as may be prescribed by bye-laws made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within cantonment may apply to the Chief Executive Officer to have his drain made to communicate with the cantonment drains and thereby to discharge foul water and surface water from those premises or that private drain:

Application by owners and occupiers to drain into cantonment drains.

Provided that nothing in this sub-section shall entitle any person—

(a) to discharge directly or indirectly into any cantonment drain—

(i) any trade effluent from any trade premises except in accordance with bye-laws made in this behalf; or

(ii) any liquid or other matter the discharge of which into cantonment drains is prohibited by or under this Act or any other law; or

(b) where separate cantonment drains are provided for foul water and for surface water to discharge directly or indirectly—

(i) foul water into a drain provided for the surface water; or

(ii) except with the permission of the Chief Executive Officer, surface water into a drain provided for foul water; or

(c) to have his drains made to communicate directly with a storm-water overflow drain.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Chief Executive Officer notice of his proposals, and at any time within one month after receipt thereof, the Chief Executive Officer may by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the drainage system, and for the purpose of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

(3) The Chief Executive Officer may, if he thinks fit, construct such parts of the work necessary for having a private drain made to communicate with a cantonment drain, as is in or under a public street and in such a case, the expenses incurred by the Chief Executive Officer shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of tax under this Act.

Drainage of undrained premises.

213. (1) Where any premises are in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage and a cantonment drain or some place approved by the Chief Executive Officer for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty metres from any part of the said premises, he may, by written notice, require the owner of the said premises—

(a) to make a drain emptying into such cantonment drain or place;

(b) to provide and set up all such appliances and fittings as may appear to the Chief Executive Officer necessary for the purposes of gathering and receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a close drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;

(e) to provide and set up all such appliances and fitting as may appear to the Chief Executive Officer to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage, he may, by written notice, require the owner of the premises—

(a) to construct a drain up to a point to be prescribed in such notice but not at a distance or more than thirty meters from any part of the premises; or

(b) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

214. (1) It shall not be lawful to erect or to re-erect any premises in a cantonment or to occupy any such premises unless—

New premises not to be erected without drains.

(a) a drain be constructed of such size, materials and description, at such level and with such fall as shall appear to the Chief Executive Officer to be necessary for the effectual drainage of such premises;

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Chief Executive Officer to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a cantonment drain situated at a distance of not exceeding thirty meters from the premises; but if no cantonment drain is situated within that distance then such drain shall empty into a cesspool situated within that distance to be specified by the Chief Executive Officer for the purpose.

215. (1) If it appears to the Chief Executive Officer that any group or block of premises may be drained more economically or advantageously in combination than separately, and a cantonment drain of sufficient size already exists or is about to be constructed within thirty metres of any part of that group or block of premises, the Chief Executive Officer may cause that group or block of premises to be drained by a combined operation.

Power to drain group or block of premises by combined operations.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Chief Executive Officer may determine and shall be recoverable from them as an arrears of tax under this Act.

(3) Not less than fifteen days before any such work is commenced, the Chief Executive Officer shall give to each such owner—

(a) written notice of the nature of the proposed work; and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Chief Executive Officer may require the owners of such groups or block or premises to maintain the work executed under this section.

216. Where a drain connecting any premises with a cantonment drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not in the opinion of the Chief Executive Officer, adapted to the general system of drainage in the cantonment, he may, by written notice addressed to the owner of the premises, direct—

Power to close or limit the use of private drains in certain cases.

(a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that—

(i) no drain may be closed, discontinued or destroyed by the Chief Executive Officer under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any cantonment drain which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Board and of any work done under clause (a) may be paid out of the cantonment fund.

Use of drain by a person other than the owner.

217. (1) Where the Chief Executive Officer either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a cantonment drain is through a drain belonging to another person, the Chief Executive Officer may by notice in writing require the owner of such a drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Chief Executive Officer invalid or insufficient, the Chief Executive Officer may by order in writing either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to—

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;

(c) the entry upon the land in which the aforesaid drain is situate with assistants and workmen at all reasonable hours;

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

Sewage and rain water drains to be distinct.

218. Wherever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Chief Executive Officer to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate cantonment drains or other suitable places.

Power to require owner to carry out certain works for satisfactory drainage.

219. For the purpose of efficient drainage of any premises, the Chief Executive Officer may, by notice in writing,—

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in such manner as may be approved by the Chief Executive Officer; and

(b) require such paving to be kept in proper repair.

Appointment of places for the emptying of drains and collection of sewage.

220. The Chief Executive Officer may cause any or all of the cantonment drains to empty into, and all sewage to be collected of at, such place or places as he considers suitable:

Provided that no place which has not been before the commencement of this Act used for any of the purposes specified in this section shall, after such commencement be used therefor without the approval of the Board:

Provided further that on and after such date as may be appointed by the Central Government in this behalf no sewage shall be discharged into any water course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

Miscellaneous

221. Without the written permission of the Chief Executive Officer, no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communicate with any drain referred to in section 210 or any water works, constructed or maintained by, or vested in, the Board.

Connection with water works and drains not to be made without permission.

222. (1)(a) No railway works shall be constructed on any cantonment drain or any water works constructed or maintained by, or vested in the Board, without the approval of the Central Government.

Buildings, railways and private streets not to be erected or constructed over drains or water works without permission.

(b) If any railway works are constructed on any drains or water works as aforesaid without the written permission of the Central Government, the Chief Executive Officer may remove or otherwise deal with the same as he thinks fit.

(2)(a) No private street shall be constructed and no building, wall, fence or other structure shall be erected on any cantonment drain or on any water works constructed or maintained by, or vested in, the Board without the approval of the Board.

(b) If any private street is constructed or any building, wall, fence or structure erected on any drain or water works as aforesaid without the written permission of the Board, the Chief Executive Officer may remove or otherwise deal with the same as he may think fit.

(3) The expenses incurred by the Chief Executive Officer in doing so shall be paid by the owner of the private street or of the building, fence wall or other structure or, as the case may be, by the railway administration or the person offending and shall be recoverable as an arrears of tax under this Act.

223. (1) The Chief Executive Officer may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property whether within or without the local limits of the cantonment without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains or pipes or drains, enter on any property over, under, along or across which the aqueducts, conduits or lines of mains or pipes, or drains have been placed:

Rights of user of property for aqueducts, lines, etc.

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct, conduit or line of mains or pipes, or drain is placed.

(2) The power conferred under sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central Government or railway administration or vested in any local authority save with the permission of the Central Government or railway administration or the local authority, as the case may be, and in accordance with any bye-laws made in this behalf:

Provided that the Chief Executive Officer may, without such permission, repair; renew, or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or collection of sewage or is such that delay would be dangerous to health, human life or property.

(3) In exercise of the powers conferred upon him by this section, the Chief Executive Officer shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him.

Power of owner of premises to place pipes and drains through land belonging to other persons.

224. (1) If it appears to the Chief Executive Officer that the only or most convenient means of water supply to, and drainage of, any premises is by placing or carrying any pipe or drains over, under, along or across the immovable property of another person, the Chief Executive Officer may, by order in writing, authorise the owner of the premises to place or carry such pipe or drain over, under, along or across such immovable property:

Provided that before making any such order the Chief Executive Officer shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the making of an order, under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(a) cause the pipe or drain to be placed or carried with the least practicable delay;

(b) fill in, re-instate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe or drain; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.

(4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Chief Executive Officer, shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Chief Executive Officer it is necessary or expedient for the construction of proposed building or the safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.

Power to require railway level, etc., to be raised or lowered.

225. If the Board places or carries any pipe or drain or does any other work connected with the water supply or drainage across any railway line, it may, with the sanction of the Central Government and at the cost of the cantonment fund, require the railway administration to raise or lower the level thereof.

Power to execute work after giving notice to the person liable.

226. (1) When under the provisions of this Chapter, any person may be required or is liable to execute any work, the Chief Executive Officer may, in accordance with the provisions of this Act and of any bye-laws made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.

(2) The expenses incurred or likely to be incurred by the Chief Executive Officer in the execution of any such work shall be payable by the said person and the expenses incurred by the Chief Executive Officer in connection with the maintenance of such work or the enjoyment of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and conveniences.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrears of tax under this Act.

227. For the purpose of ventilating any drain or cesspool, whether vested in the Board or not, the Chief Executive Officer may, in accordance with bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.

Power to affix shafts, etc., for ventilation of drain or cesspool.

228. (1) Where it appears to the Chief Executive Officer that there are reasonable grounds for believing that a private drain or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private drain communicating directly or indirectly with a cantonment drain is so defective as to admit sub-soil water, he may examine its condition, and for that purpose may apply any test, other than a test by water under pressure, and if he deems it necessary, open the ground.

Power to examine and test drains, etc., believed to be defective.

(2) If on examination the drain or cesspool is found to be in proper condition, the Chief Executive Officer shall, as soon as possible, re-instate any ground which has been opened by him and make good any damage done by him.

229. (1) The Board shall deliver in bulk all the sewage to, the authority prescribed by the Central Government or the State Government, subject to such charges for the delivery of sewage of the area of cantonment as may be determined by means of an agreement entered into between that other authority and the Board.

Bulk delivery of sewage by the Board.

(2) The agreement mentioned in sub-section (1) shall provide also for a stipulation therein that in case of any dispute about the payments to be made to that other authority by the Board, the matter shall be referred to the Central Government whose decision thereon shall be final and binding on both parties.

230. The Central Government may, for reason to be recorded, direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Board under this Chapter, shall be carried out on behalf of the Board by the Central Government and the Board shall pay the charges therefor at the rates and subject to the terms for the time being applicable in the case of works constructed by that Government on behalf of a local authority.

Employment of Government agencies for repair, etc.

231. (1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber:

Works to be done by licensed plumber.

Provided that if, in the opinion of the Chief Executive Officer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Chief Executive Officer the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Chief Executive Officer without prejudice to the right of the Board to prosecute under this Act the person at whose instance such work has been executed.

(4) The Board may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to a plumber by the Board.

(5) The Board may, from time to time, prescribe the charges to be paid to licensed plumber for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor, under that sub-section.

(7) The Board shall make bye-laws providing for—

(a) the exercise of adequate control on all licensed plumbers;

(b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

Prohibition
of certain
acts.

232. (1) No person shall—

(a) wilfully obstruct any person acting under the authority of the Board, or the Chief Executive Officer, in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Board; or

(c) unlawfully obstruct the flow of or flush, draw off, or divert, or take water from any water work belonging to the Board; or

(d) unlawfully obstruct the flow of or flush, draw off, or divert, or take sewage from any sewage work belonging to the Board or break or damage any electrical transmission line maintained by the Board; or

(e) obstruct any officer or other employee of the Board in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water or sewage work; or

(f) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water work or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause the water of any sink, or drain or any steam-engine or boiler or any polluted water to turn or be brought into any water work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

CHAPTER X

TOWN PLANNING AND CONTROL OVER BUILDINGS, ETC.

Preparation
of land use
plan.

233. (1) On the commencement of this Act, the Chief Executive Officer shall with the approval of the Board, cause to be prepared a spatial plan for land use to be followed in the cantonment which shall include—

(a) earmarking of zones for residential, institutional, commercial and other activities; and

(b) improvement schemes for areas considered sub-standard on account of narrowness of streets, poor lighting, poor ventilation or irregular line of buildings in a street.

(2) The Board shall give publicity to the land use plan prepared under sub-section (1), by publishing a gist of the plan in a local newspaper.

234. No person shall erect or re-erect a building on any land in a cantonment—

Sanction for building.

(a) in an area, other than the civil area, except with the previous sanction of the Board;

(b) in a civil area, except with the previous sanction of the Chief Executive Officer,

nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings:

Provided that if an erected or re-erected building is meant for public purposes, then it shall be made accessible to and barrier free for the persons with disabilities.

235. (1) Whoever intends to erect or re-erect any building in a cantonment shall apply for-sanction by giving notice in writing of his intention—

Notice of new buildings.

(a) where such erection or re-erection is in an area, other than the civil area, to the Board;

(b) where such erection or re-erection is in a civil area, to the Chief Executive Officer.

(2) For the purposes of this Act, a person shall be deemed to erect or re-erect a building who—

(a) makes any material alteration or enlargement of any building; or

(b) converts into a place for human habitation any building not originally constructed for human habitation; or

(c) converts into more than one place for human habitation a building originally constructed as one such place; or

(d) converts two or more places of human habitation into a greater number of such places; or

(e) converts into a stable, cattle-shed or cow-house any building originally constructed for human habitation; or

(f) converts into a dispensary, stall, shops, warehouse, godown, factory or garage any building originally constructed for human habitation; or

(g) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene; or

(h) makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Act.

236. (1) A person giving the notice required by section 235 shall specify the purpose for which it is intended to use the building to which such notice relates.

Conditions of valid notice.

(2) No notice shall be valid until the information required under the sub-section (1) and any further information and plans and undertakings which may be required under bye-laws made under this Act have been furnished to the satisfaction of the Chief Executive Officer, along with the notice.

Powers of Board under certain sections exercisable by Chief Executive Officer.

Power of Board to sanction or refuse.

237. The powers, duties and functions of the Board under section 238, sub-section (1) of section 241, section 243, section 245 and section 248 excluding the provisions to sub-section (1) and the proviso to sub-section (2) of the said section 248 shall be exercised or discharged in a civil area by the Chief Executive Officer.

238. (1) The Board may either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely:—

(a) the free passage or way to be left in front of the building;

(b) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire;

(c) the ventilation of the building, the minimum cubic area of the rooms and the number of height of the storeys of which the building may consist;

(d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth;

(e) the level and width of the foundation, the level of the lowest floor and the stability of the structure;

(f) the line of frontage with neighbouring buildings if the building abuts on a street;

(g) the means to be provided for egress from the building in case of fire;

(h) the materials and method of construction to be used for external and party walls for rooms, floors, fire-places and chimneys;

(i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and

(j) any other matter affecting the ventilation and sanitation of the buildings, and the person erecting or re-erecting the building shall obey all such written directions in every particular.

(2) The Board may refuse to sanction the erection or re-erection of any building on any grounds sufficient in the opinion of the Board affecting the particular building:

Provided that the Board shall refuse to accord sanction the erection or re-erection of any building if such erection or re-erection is not in conformity with any general scheme sanctioned under section 240.

(3) The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the Defence Estates Officer, shall refer the application to the Defence Estates Officer for ascertaining whether there is any objection on the part of the Government to such erection or re-erection; and the Defence Estates Officer shall return the application together with his report thereon to the Board within thirty days after it has been received by him.

(4) The Board may refuse to sanction the erection or re-erection of any building—

(a) when the land on which it is proposed to erect or re-erect the building is held on a lease from the Government, if the erection or re-erection constitutes a breach of the terms of the lease; or

(b) when the land on which it is proposed to erect or re-erect the building is entrusted to the management of the Board by the Government if the erection or re-erection constitutes a breach of the terms of the entrustment of management or

contravenes any of the instructions issued by the Government regarding the management of the land by the Board; or

(c) when the land on which it is proposed to erect or re-erect the building is not held on a lease from the Government, if the right to build on such land is in dispute between the person applying for sanction and the Government.

(5) If the Board decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given.

(6) Where the Board neglects or omits, for one month after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the Board calls the attention of the Board to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the Board shall be deemed to have given sanction to the erection or re-erection, as the case may be:

Provided that, in any case to which the provisions of sub-section (3) apply, the period of one month herein specified shall be reckoned from the date on which the Board has received the report referred to in that sub-section.

239. (1) Where the erection of any building or execution of any work has been commenced or is being carried on without or contrary to the sanction, but has not been completed, referred to in section 238 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provision of this Act or bye-laws made thereunder, the Chief Executive Officer may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(2) If an order made by the Chief Executive Officer under sub-section (1) directing any person to stop the erection of any building or execution of any work is not complied with, the Chief Executive Officer may require any police officer to remove such person and all his assistants and workmen from the premises or to seize any construction material, tool, machinery, scaffolding or other things used in the erection of any building or execution of any work within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) Any of the things caused or to be seized by the Chief Executive Officer under sub-section (2) shall be disposed of by him in a manner specified in sub-sections (6) and (7).

(4) After the requisition under sub-section (2) has been complied with the Chief Executive Officer may, if he thinks fit, depute by a written order a police officer or an officer or an employee of the Board to watch the premises in order to ensure that the erection of the building or the execution of work is not continued.

(5) Where a police officer or an officer or an employee of the Board has been deputed under sub-section (4) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

(6) Any of the things caused to be removed by the Chief Executive Officer under this section shall unless the owner thereof turns up to take back such things and pays to the Chief Executive Officer charges for removal and storage of such things be disposed of by the Chief Executive Officer by a public auction or in such other manner as he thinks fit:

Provided that such things shall only be disposed of by the Chief Executive Officer on the expiry of fifteen days in case of non perishable things and twenty-four hours in case of perishable things from the date and time of seizure.

Order of stoppage of building or works in certain cases and disposal of things removed.

(7) The charges for removal and storage and sale of things sold under sub-section (6) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the things sold on a claim being made therefor within a period of one year from the date of sale and if no such claim is made within the said period, shall be credited to the cantonment fund.

Power to sanction general scheme for prevention of overcrowding, etc.

240. The General Officer Commanding-in-Chief the Command in Consultation with the Principal Director may sanction a general scheme of erection or re-erection of buildings within such limits as may be specified in the sanction for the prevention of overcrowding or for purpose of sanitation, or in the interest of persons residing within those limits or for any other purpose, and may, in pursuance of such scheme, impose restrictions on the erection or re-erection of buildings within those limits:

Provided that no such scheme shall be sanctioned by the General Officer Commanding in Chief, the Command unless an opportunity has been given by a public notice to be published locally by the Chief Executive Officer requiring persons affected or likely to be affected by the proposed scheme, to file their objections or suggestions in the manner specified in the notice, within a period of thirty days of the publication of such notice, and the Chief Executive Officer shall after considering such objections and suggestions, if any, forward the same along with his recommendations to the Principal Director.

Compensation.

241. (1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the Board of sanction to the erection of any building or in respect of any direction issued by it under sub-section (1) of section 238.

(2) The Board shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street:

Provided that the Board shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

Completion notice.

242. Every person to whom sanction for the erection or re-erection of any building in any area in a cantonment has been given under section 237 or section 238 by the Chief Executive Officer or, as the case may be, by the Board shall, within thirty days after completion of the erection or re-erection of the building give a notice of completion in writing to the Chief Executive Officer or the Board, as the case may be, and the Chief Executive Officer or the Board shall on receipt of such notice cause the building to be inspected in order to ensure that the building has been completed in accordance with the sanction given by the Chief Executive Officer or the Board, as the case may be.

Lapse of sanction.

243. Every sanction for the erection or re-erection of a building given or deemed to have been given as hereinbefore provided shall be available for two years from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun unless the Chief Executive Officer, on application made therefor has allowed an extension of that period.

Restrictions on use of buildings.

244. (1) No person shall, without the written permission of the Board or otherwise than in conformity with the conditions, if any, of such permission,—

(a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and the bye-laws made thereunder;

(b) change or allow the change of the use of any land or building;

(c) convert or allow the conversion of one kind of tenement into another kind.

(2) Any person who contravenes the provisions of sub-section (1) shall on conviction be punishable with a fine which may extend to one lakh rupees and in the case of continuing contravention with an additional fine of rupees ten thousand for every day during which the contravention continues after the date it comes to the notice.

245. A Board, when sanctioning the erection or re-erection of a building as hereinbefore provided, shall specify a reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Board on application made therefor has allowed an extension of that period:

Period for completion of building.

Provided that not more than two such extensions, each for not more than one year, shall be allowed in any case.

246. The Chief Executive Officer shall on receipt of the notice under section 242 of this Act cause the building to be inspected either by himself or by the officer authorised by him in his behalf in order to ensure that the building has been completed in accordance with the sanction given and issue completion certificate provided that the person seeking the completion certificate shall assist the Chief Executive Officer in inspection of such building:

Completion certificate.

Provided that the building shall not be occupied for habitation unless a certificate is issued by the Chief Executive Officer or an officer authorised by him in this behalf:

Provided further that if the Chief Executive Officer fails within a period of thirty days after the receipt of the notice of completion, to communicate his refusal to issue such certificate, such certificate shall be deemed to have been granted.

247. Whoever begins, continues or completes the erection or re-erection of a building—

Illegal erection and re-erection.

(a) without having given a valid notice as required by sections 235 and 236, or before the building has been sanctioned or is deemed to have been sanctioned; or

(b) without complying with any direction made under sub-section (1) of section 238; or

(c) when sanction has been refused, or has ceased to be available or has been suspended by the General Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 58,

shall be punishable with fine which may extend to fifty thousand rupees and the cost of sealing the illegal construction and its demolition.

248. (1) A Board may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the Board considers that such erection or re-erection is an offence under section 247 and may, in any such case or in any other case in which the Board considers that the erection or re-erection of a building is an offence under section 247, within twelve months of the completion of such erection or re-erection in like manner, direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected:

Power to stop erection or re-erection or to demolish.

Provided that the Board may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable:

Provided further that the Board shall not, without the previous concurrence of the General Officer Commanding-in-Chief, the Command, accept any sum by way of composition

under the foregoing proviso in respect of any building on land which is not under the management of the Board.

(2) A Board shall by notice in writing direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the order under section 238 sanctioning the erection or re-erection has been suspended by the General Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 58, and shall in any such case in like manner direct the demolition or alteration, as the case may be, of the building or any part thereof so erected or re-erected where the General Officer Commanding-in-Chief, the Command, thereafter directs that the order of the Board sanctioning the erection or re-erection of the building shall not be carried into effect or shall be carried into effect with modifications specified by him:

Provided that the Board shall pay to the owner of the building compensation for any loss actually incurred by him in consequence of the demolition or alteration of any building which has been erected or re-erected prior to the date on which the order of the General Officer Commanding-in-Chief, the Command, has been communicated to him.

Power to seal unauthorised constructions.

249. (1) It shall be lawful for the Chief Executive Officer, at any time, before or after making an order of demolition under section 248 or of the stoppage of erection of any building, or execution of any work, to make an order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed at the cost of the offender in such manner as may be prescribed by rules for the purpose of carrying out the provisions of this Act or for preventing any dispute as to the nature and extent of such erection or work.

(2) Where any erection or work or any premises in which any erection or work is being carried on, has or, has been sealed, the Chief Executive Officer may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.

(3) No person shall remove such seal except—

(a) under an order made by the Chief Executive Officer under sub-section (2);

or

(b) under an order of an appellate authority in an appeal made under this Act.

(4) Any person who contravenes the provisions contained in sub-section (3) shall be punishable with imprisonment which may extend to six months or with fine which may extend to twenty thousand rupees, or with both.

Courts not to entertain proceedings in certain cases.

250. (1) After the commencement of this Act, no court shall entertain any suit, application or other proceedings in respect of any order or notice unless an appeal under section 340 is preferred and the same is disposed of by the appellate authority under sub-section (3) of section 343 of this Act.

(2) Notwithstanding anything contained in sub-section (1), every suit, application or other proceedings pending in any court immediately before the commencement of this Act shall continue to be dealt with and disposed of by that court as if the said section has not been brought into force.

Power to make bye-laws.

251. A Board may make bye-laws prescribing—

(a) the manner in which notice of the intention to erect or re-erect a building in the cantonment shall be given to the Board or, as the case may be, the Chief Executive Officer and the information and plans to be furnished with the notice;

(b) the manner in which and the form in which a notice of completion of erection or re-erection of any building in the cantonment shall be given to the Board or, as the

case may be, the Chief Executive Officer and the information and plans to be furnished with the notice;

(c) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in the cantonment or any part thereof;

(d) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;

(e) the fees payable on provision by the Board of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof;

(f) the circumstances in which mosque, temple or church or other sacred building may be erected or re-erected; and

(g) with reference to the erection or re-erection of buildings, or of any class of buildings, or any of the following matters, namely:—

(i) the line of frontage where the building abuts on a street;

(ii) the space to be left about the building to secure free circulation of air and facilities for scavenging and for the prevention of fire;

(iii) the materials and method of construction to be used for external and party walls, roofs and floors;

(iv) the position, the materials and the method of construction of stair-cases, fire places, chimneys, drains, latrines, privies, urinals and cess-pools;

(v) height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(vi) the level and width of the foundation, the level of the lowest floor, the stability of the structure and the protection of building from dampness arising from sub-soil;

(vii) the number and height of the storeys of which the building may consist;

(viii) the means to be provided for egress from the building in case of fire;

(ix) the safeguarding of wells from pollution; or

(x) the materials and method of construction to be used for godowns intended for the storage of foodgrains in excess of eighteen quintals in order to render them rat proof.

252. (1) No person shall, except with the permission of the Chief Executive Officer, erect or set up any wall, fence, nail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

Prohibition of structures or fixtures which cause obstruction in streets.

(2) The Chief Executive Officer may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Act, the Chief Executive Officer shall make compensation for any damage caused by the removal or alteration.

(3) The Chief Executive Officer may, by order in writing, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall at such height from the level ground or street as may be specified in the order.

Unauthorised buildings over drains, etc.

253. The Chief Executive Officer may, by notice in writing require any person who has, without his permission in writing, newly erected or re-erected any structure over any public sewer, drain, culvert, water-course or water-pipe in the cantonment to pull down or otherwise deal with the same as he thinks fit.

Drainage and sewer connections.

254. (1) The Chief Executive Officer may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as he thinks fit, to put up and keep in good condition, proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such buildings or land and a drain or sewer or a water harvesting structure or facility.

(2) For the purpose of efficiently draining any building or land in the cantonment, the Chief Executive Officer may, by notice in writing, require the owner or lessee of the building or land—

(a) to pave, with such materials and in such manner as he thinks fit, any courtyard, alley or passage between two or more buildings; or

(b) to keep any such paving in proper repair; or

(c) to make such arrangements as may be specified by the Board under by-laws to deliver rain water from roof top to the water harvesting facility created or arranged by the Board.

Power to attach brackets for lamps and other accessories.
Maintenance of Roads.

255. The Chief Executive Officer may attach to the outside of any building, or to any tree in the cantonment, brackets for lamps or any accessories for non-conventional sources of energy in such manner as not to occasion injury thereto or inconvenience.

256. (1) All roads in the civil area of a cantonment shall be maintained by the Board.

(2) All roads outside the civil area as have been vested in the Board shall also be maintained by the Board.

Streets

Temporary occupation of street, land, etc.

257. (1) The Chief Executive Officer may, by order in writing, permit the temporary occupation of any street, or of any land vested in the Board, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as the Board may prescribe for the safety or convenience of the public, and may charge a fee for such permission and may in his discretion withdraw such permission.

(2) Where any article or thing is placed on any street or land under the management of the Board or the Defence Estates Officer so as to form an obstruction thereto or any encroachment thereon, the Chief Executive Officer or, as the case may be, the Defence Estates Officer, may cause such article or thing to be removed and recover from the person who placed such article or thing the expenses incurred in that behalf in the same manner as moneys recoverable by the Board under section 324 and may also, if such person fails to offer satisfactory explanation, order the confiscation of such article or thing.

Closing and opening of streets.

258. (1) A Board may open any street for public use.

(2) A Board shall not permanently close any street without the prior permission of the General Officer Commanding in Chief, or the Principal Director;

Provided that no such street shall be closed for reasons other than the security reasons and without giving a public notice inviting objections and suggestions from the general public.

(3) The Chief Executive Officer may, by public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water-supply or lighting or any other work which he is by or under this Act required or permitted to carry out:

Provided that where, owing to any works or repairs or from any other cause, the condition of any street or of any water-works, drain, culvert or premises vested in the Board, is such as to be likely to cause danger to the public, the Board shall—

(a) take all reasonable means for the protection of the adjacent buildings and land and provide reasonable means of access thereto;

(b) cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

259. (1) A Board may determine the name or number by which any area, street or public place in the cantonment shall be known and may cause name or number to be affixed on any building in the cantonment in such place as it thinks fit and may also cause a number to be affixed to any such building.

Names of streets and numbers of buildings.

(2) Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the Board shall be punishable with fine which may extend to one thousand rupees.

(3) When a name or number has been affixed to any building under sub-section (1), the owner of the building shall maintain the name or number in order, and shall replace it if removed or defaced, and if he fails to do so the Chief Executive Officer may by notice in writing require him to replace it.

260. A Board, may in accordance with the bye-laws framed for the purpose, allow the Group Housing Schemes for construction of houses.

Group Housing Schemes.

261. (1) No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the Chief Executive Officer.

Boundary walls, hedges and fences.

(2) The Chief Executive Officer may, by notice in writing, require the owner or lessee of any land in the cantonment—

(a) to remove from the land any boundary wall, hedge or fence which is in his opinion unsuitable, unsightly or otherwise objectionable; or

(b) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice; or

(c) to maintain the boundary walls, hedges or fences of such lands in good order:

Provided that in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the Chief Executive Officer or which was in existence at the commencement of this Act, the Board shall make compensation for any damage caused by the removal thereof.

(3) The Chief Executive Officer may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

Felling,
lopping and
trimming of
trees.

262. (1) Where, in the opinion of a Board, the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the Board may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

(2) A Board may—

(a) cause to be lopped or trimmed any tree standing on land in the cantonment which belongs to the Government; or

(b) by public notice require all owners, lessees or occupiers of land in the cantonment, or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

Digging of
public land.

263. Whoever, without the permission in writing of the Chief Executive Officer, digs up the surface of any open space in the cantonment, which is not private property, shall be punishable with fine which may extend to two thousand five hundred rupees and in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence continues.

Improper use
of land.

264. (1) If, in the opinion of the Chief Executive Officer, the working of a quarry in the cantonment, or the removal of stone, earth or other material from the soil in any place in the cantonment, is dangerous to persons residing in or frequenting the neighbourhood or such quarry or place, or creates, or is likely to create, a nuisance, the Chief Executive Officer may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such working or removal, from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as he may direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

(2) If, in any case referred to in sub-section (1), the Chief Executive Officer is of opinion that such a course is necessary in order to prevent imminent danger, he may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

CHAPTER XI

MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS

Public
markets and
slaughter-
houses.

265. (1) A Board may provide and maintain, on the land under its control, public markets and public slaughter-houses, to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighing or measurement of goods sold therein.

(2) When such market or slaughter-house is situated beyond cantonment limits, the Board shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits.

(3) The Board may at any time, by public notice, close any public market or public slaughter-house or any part thereof.

(4) Nothing in this section shall be deemed to authorise the establishment of a public market or public slaughter-house within the limits of any area administered by any local authority other than the Board, without the permission of such local authority or otherwise than on such conditions as such local authority may approve.

Use of public
market.

266. (1) No person shall, without the general or special permission in writing of the Chief Executive Officer, sell or expose for sale any animal or article in any public market.

(2) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Chief Executive Officer or any official of the Board authorised by him in this behalf.

267. (1) The Board may transfer by public auction, for any period not exceeding five years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter-house or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter-house:

Power to transfer by public auction, etc.

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief, the Command or in his absence, the Principal Director,—

(a) either levy such stallages, rents or fees as it thinks fit; or

(b) farm the stallages, rents and fees leviable under clause (a) for any period not exceeding one year at a time:

Provided further that the enjoyment of any such aforesaid right by any person for any length of time shall never be deemed to create or confer any tenancy right in such stall, shop, standing, shed, pen, public market or public slaughter-house.

(2) The Board may transfer by public auction or otherwise any immovable property other than in a public market or a public slaughter house if such property is capable of being put to remunerative use for such period and on such terms and conditions as may be approved by the General Officer Commanding-in-Chief, the Command or in his absence, the Principal Director.

268. A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter-house, printed in English language or in such other language or languages as the Board may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

Stallages, rents, etc., to be published.

269. (1) No place in a cantonment other than a public market shall be used as a market, and no place in a cantonment other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house, as the case may be, by the Board:

Private markets and slaughter-houses.

Provided that nothing in this sub-section shall apply in the case of a slaughter-house established and maintained by the Central Government or the State Government, as the case may be.

(2) Nothing in sub-section (1) shall be deemed—

(a) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Chief Executive Officer with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf; or

(b) to prevent the Chief Executive Officer, with the sanction of the Board, from setting apart places for the slaughter of animals in accordance with religious custom.

(3) Whoever omits to comply with any condition imposed by the Chief Executive Officer under clause (a) of sub-section (2) shall be punishable with fine which may extend to five thousand rupees and, in the case of continuing offence, with an additional fine which may extend to one thousand rupees for every day after the first during which the offence is continued.

(d) the manner in which animals shall be stalled at a slaughter-house;

(e) the manner in which animals may be slaughtered;

(f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;

(g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption; and

(h) any other matter with respect to the regulation of such markets and slaughter-houses.

Trades and occupations

276. (1) A Board may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use thereof as it thinks fit.

Provision of washing places.

(2) Where the Board has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place in the cantonment:

Provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

(3) Whoever contravenes any prohibition contained in a notice issued under subsection (2) shall be punishable with fine which may extend to five hundred rupees.

277. (1) No person of any of the following classes, namely:—

Licences required for carrying on of certain occupations.

(a) butchers and vendors of poultry, game or fish;

(b) persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered within or without cantonment;

(c) persons keeping milch cattle or milch goats for profit;

(d) persons keeping for profit any animals other than pigs, milch cattle or milch goats;

(e) dairymen, buttermen and makers and vendors of ghee;

(f) makers of bread, biscuits or cake and vendors of bread, biscuits or cake made within or without cantonment;

(g) vendors of fruits or vegetables;

(h) manufacturers of aerated or other potable waters or of ice or ice-cream, and vendors of the same;

(i) vendors of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters or ice or ice-cream) which are of a perishable nature;

(j) vendors of spirituous liquor;

(k) vendors of water to be used for drinking purposes;

(l) washermen;

(m) dealers in hay, straw, wood, charcoal or other inflammable material;

(n) dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit;

(o) tanners and dyers;

(p) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;

(q) vendors of wheat, rice and other grain or of flour;

(r) makers and vendors of sugar or sweetmeats;

(s) barbers and keepers of shaving saloons;

(t) any other person carrying on such other trade, calling or occupation as the Central Government may, by notification in the Official Gazette, specify in this behalf,

shall carry on his trade, calling or occupation in any part of a cantonment unless he has applied for and obtained a licence in this behalf from the Board.

(2) A licence granted under sub-section (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the Board unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public or that the premises in which the business is intended to be established or maintained are unfit or unsuitable for the purpose.

(3) Notwithstanding anything contained in sub-section (1),—

(a) no person who was, at the commencement of this Act, carrying on his trade, calling or occupation in any part of a cantonment shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the Board not less than three month's notice in writing of his obligation to do so, and if the Board refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal;

(b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a licence for such sale, storage, or possession for sale by or under the Petroleum Act, 1934, or the Poisons Act, 1919.

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(4) The Board may charge for the grant of licences, under this section such reasonable fees, as it may fix keeping in view the fees levied in this regard in a municipality in the State wherein such cantonment is situated.

Power to stop use of premises used in contravention of licences.

278. If the Chief Executive Officer is of opinion that any eating house, lodging house, hotel, boarding house, tea shop, coffee house, café, restaurant, refreshment room or other place where public is admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, cinema hall, circus, dancing hall or similar other place of public resort, recreation or amusement is kept open without a license or otherwise than in conformity with the terms of a license granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

Conditions which may be attached to licences.

279. A licence granted to any person under section 277 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the Board thinks fit to impose in accordance with bye-laws made under this Act.

General provisions

Power to vary licence.

280. If the Board is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the Board may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alternations, additions, or improvements as will, in the opinion of the Board, render it no longer a nuisance or dangerous.

(2) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Chief Executive Officer or any official of the Board authorised by him in this behalf.

267. (1) The Board may transfer by public auction, for any period not exceeding five years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter-house or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter-house:

Power to transfer by public auction, etc.

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief, the Command or in his absence, the Principal Director,—

(a) either levy such stallages, rents or fees as it thinks fit; or

(b) farm the stallages, rents and fees leviable under clause (a) for any period not exceeding one year at a time:

Provided further that the enjoyment of any such aforesaid right by any person for any length of time shall never be deemed to create or confer any tenancy right in such stall, shop, standing, shed, pen, public market or public slaughter-house.

(2) The Board may transfer by public auction or otherwise any immovable property other than in a public market or a public slaughter house if such property is capable of being put to remunerative use for such period and on such terms and conditions as may be approved by the General Officer Commanding-in-Chief, the Command or in his absence, the Principal Director.

268. A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter-house, printed in English language or in such other language or languages as the Board may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

Stallages, rents, etc., to be published.

269. (1) No place in a cantonment other than a public market shall be used as a market, and no place in a cantonment other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house, as the case may be, by the Board:

Private markets and slaughter-houses.

Provided that nothing in this sub-section shall apply in the case of a slaughter-house established and maintained by the Central Government or the State Government, as the case may be.

(2) Nothing in sub-section (1) shall be deemed—

(a) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Chief Executive Officer with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf; or

(b) to prevent the Chief Executive Officer, with the sanction of the Board, from setting apart places for the slaughter of animals in accordance with religious custom.

(3) Whoever omits to comply with any condition imposed by the Chief Executive Officer under clause (a) of sub-section (2) shall be punishable with fine which may extend to five thousand rupees and, in the case of continuing offence, with an additional fine which may extend to one thousand rupees for every day after the first during which the offence is continued.

(q) vendors of wheat, rice and other grain or of flour;

(r) makers and vendors of sugar or sweetmeats;

(s) barbers and keepers of shaving saloons;

(t) any other person carrying on such other trade, calling or occupation as the Central Government may, by notification in the Official Gazette, specify in this behalf,

shall carry on his trade, calling or occupation in any part of a cantonment unless he has applied for and obtained a licence in this behalf from the Board.

(2) A licence granted under sub-section (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the Board unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public or that the premises in which the business is intended to be established or maintained are unfit or unsuitable for the purpose.

(3) Notwithstanding anything contained in sub-section (1),—

(a) no person who was, at the commencement of this Act, carrying on his trade, calling or occupation in any part of a cantonment shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the Board not less than three month's notice in writing of his obligation to do so, and if the Board refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal;

(b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a licence for such sale, storage, or possession for sale by or under the Petroleum Act, 1934, or the Poisons Act, 1919.

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(4) The Board may charge for the grant of licences, under this section such reasonable fees, as it may fix keeping in view the fees levied in this regard in a municipality in the State wherein such cantonment is situated.

Power to stop use of premises used in contravention of licences.

278. If the Chief Executive Officer is of opinion that any eating house, lodging house, hotel, boarding house, tea shop, coffee house, café, restaurant, refreshment room or other place where public is admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, cinema hall, circus, dancing hall or similar other place of public resort, recreation or amusement is kept open without a license or otherwise than in conformity with the terms of a license granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

Conditions which may be attached to licences.

279. A licence granted to any person under section 277 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the Board thinks fit to impose in accordance with bye-laws made under this Act.

General provisions

Power to vary licence.

280. If the Board is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the Board may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alternations, additions, or improvements as will, in the opinion of the Board, render it no longer a nuisance or dangerous.

281. Whoever carries any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 280, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to five thousand rupees and, in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence is continued.

Carrying on trade, etc., without licence or in contravention of section 280.

282. Whoever feeds or allows to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used as food for, the inhabitants of a cantonment or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the Board shall be punishable with fine which may extend to one thousand rupees.

Feeding animals on dirt, etc.

Entry, inspection and seizure

283. (1) The President or the Vice-President, the Chief Executive Officer, the Health Officer, the Assistant Health Officer, or any other official of a Board authorised by it in writing in this behalf—

Powers of entry and seizure.

(a) may at any time enter into any market, building, shop, stall or other place in the cantonment for the purpose of inspecting, and may inspect, any animal, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;

(b) may seize any such animal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food, drink or medicine, as the case may be.

(2) Any article seized under sub-section (1) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub-section (1) shall, if it is not destroyed under sub-section (2), be taken before a Magistrate who shall give orders as to its disposal.

(4) The owner or person in possession, at the time of seizure under sub-section (1), of any animal or carcass which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (b) of sub-section (1), shall be punishable with fine which may extend to five thousand rupees, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the Board or to be destroyed or to be so disposed of as to prevent it being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

Explanation I.—If any such article, having been exposed or stored in, or brought to, any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

Explanation II.—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation III.—The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health:

Provided that —

(a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof; or

(b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith; or

(c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added; or

(d) such owner or person has purchased the article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

Import of cattle and flesh

Import of
cattle and
flesh.

284. (1) No person shall, without the permission in writing of the Chief Executive Officer, bring into a cantonment any animal intended for human consumption, or the flesh of any animal slaughtered outside the cantonment otherwise than in a slaughter-house maintained by the Central Government or the State Government or the Board:

Provided that the Chief Executive Officer shall not grant such permission unless he has considered the recommendation of the Health Officer made in this behalf.

(2) Any animal or flesh brought into a cantonment in contravention of sub-section (1) may be seized by the Chief Executive Officer or by any official of the Board and sold or otherwise disposed of as the President of the Board may direct, and, if it is sold, the sale proceeds may be credited to the cantonment fund.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two thousand five hundred rupees.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through a cantonment for consumption outside thereof, or to meat brought into a cantonment by any person for his immediate domestic consumption:

Provided that the Board may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

CHAPTER XII

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS

Unauthorised
sale of
spirituous
liquor or
intoxicating
drug.

285. If within a cantonment, or within such limits adjoining a cantonment as the Central Government may, by notification in the Official Gazette, define, any person not subject to Army, Navy or Air Force law, or any person subject to Army, Navy or Air Force law, otherwise than as a military officer or a soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or soldier's wife or minor child without the written permission of the Officer Commanding the station, or of some person authorised by the Officer Commanding

the station, to grant such permission, he shall be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

286. If within a cantonment, or within any limits defined under section 285 —

(a) any person subject to, Army, Navy or Air Force law, otherwise than as a military officer or a soldier; or

(b) the wife or servant of any such person or of a soldier,

has in his or her possession, except on behalf of the Central Government or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt-liquor, without the written permission of the Officer Commanding the station or of some person authorised by the Officer Commanding the station, to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to two thousand five hundred rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees.

Unauthorised possession of spirituous liquor.

287. (1) Any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, arrest any person whom he finds committing an offence under section 285 or section 286, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections.

(2) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged, commission of the subsequent offence, belonged to, or was in the possession of, such person.

(3) The court convicting a person of an offence under section 285 or section 286 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).

(4) Subject to the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973, anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken.

2 of 1974.

288. The foregoing provisions of this Chapter shall not apply to the sale or supply of any article in good faith for medicinal purposes by a medical practitioner, chemist or druggist authorised in this behalf by a general or special order of the Officer Commanding the station.

Saving of articles sold or supplied for medicinal purposes.

CHAPTER XIII

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

General Nuisances

289. (1) Whoever —

(a) in any street or other public place within a cantonment, —

(i) is drunk and disorderly or drunk and incapable of taking care of himself; or

(ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned; or

(iii) eases himself, or willfully or indecently exposes his person; or

Penalty for causing nuisances.

- (iv) loiters, or begs importunately, for alms; or
 - (v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or
 - (vi) carries meat exposed to public view; or
 - (vii) is found gaming; or
 - (viii) pickets animals, or collects vehicles; or
 - (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, willfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or
 - (x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or
 - (xi) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or
 - (xii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act; or
 - (xiii) without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with the pavement, gutter, storm water- drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the Board in any such street or public place, or extinguishes a public light; or
 - (xiv) carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health or annoyance to passers-by or to persons dwelling in the neighbourhood; or
 - (xv) carries night-soil or other offensive matter or rubbish at any hour prohibited by the Chief Executive Officer by public notice, or in any pattern of vehicle or receptacle which has not been approved for the purpose by the Chief Executive Officer, or fails to close such vehicle or receptacle when in use; or
- (b) carries night-soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the Chief Executive Officer by public notice; or
- (c) deposits, or causes or permits to be deposited, earth or materials of any description, or any offensive matter or rubbish, in any place not intended for the purpose in any street or other public place or waste or unoccupied land under the management of the Board; or
- (d) having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death; or
- (e) makes any grave or buries or burns any corpse in any place not set apart for such purpose; or
- (f) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house, or assists in conducting the business of any common gaming house; or
- (g) at any time or place at which the same has been prohibited by the Chief Executive Officer by public or special notice, beats a drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music; or

(h) disturbs the public peace or order by singing, screaming or shouting or by using megaphone or loud-speaker; or

(i) lets loose any animal so as to cause, or negligently allows any animal to cause, injury, danger, alarm or annoyance to any person; or

(j) being the occupier of any building or land in or upon which an animal dies, neglects within three hours of the death of the animal, or, if the death occurs at night, within three hours after sunrise, either —

(i) to report the occurrence to the Chief Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcass by the public conservancy establishment; or

(ii) to remove and dispose of the carcass in accordance with any general directions given by the Board by public notice or any special direction given by the Chief Executive Officer on receipt of such report as aforesaid; or

(k) save with the written permission of the Chief Executive Officer and in such manner as he may authorise, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell; or

(l) uses or permits to be used as a latrine any place not intended for the purpose; or

(m) uses or permits to be used without previous permission of the Chief Executive Officer any premises for any trade involving offensive smell or smoke;

shall be punishable with fine which may extend to two thousand five hundred rupees.

(2) Whoever does not take reasonable means to prevent any child under the age of twelve years being in his charge from easing himself in any street or other public place within the cantonment shall be punishable with fine which may extend to two hundred-fifty rupees.

(3) The owner or keeper of any animal found picketed or staying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to one thousand rupees.

(4) Any animal found picketed or straying as aforesaid may be removed by any officer or employee of the Board to a pound.

(5) Whoever in a cantonment manufactures, supplies, carries or uses for packaging or any other purposes material of non-biodegradable nature including polythene bags shall be punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months.

Dogs

290. (1) A Board may make bye-laws to provide for the registration of all dogs kept within the cantonment.

Registration
and control of
dogs.

(2) Such bye-laws shall —

(a) require the registration, by any officer authorised in this behalf of all dogs kept in the cantonment;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week; and may provide for such other matters as the Board thinks fit.

(3) The Chief Executive Officer may —

(a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed, and cause them to be destroyed accordingly.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(5) Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without being muzzled and without being secured by a chain lead in any case in which—

(a) he knows that the dog is likely to annoy or intimidate any person; or

(b) the Board has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads,

shall be punishable with fine which may extend to one thousand rupees.

(6) Whoever in a cantonment—

(a) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled; or

(b) sets on or urges any dog or other animal to attack, worry or intimidate any person, or

(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the Chief Executive Officer or gives information which is false,

shall be punishable with fine which may extend to two thousand rupees.

Traffic

Traffic rule
of the road.

291. Whoever in driving, leading or propelling a vehicle along a street fails, except in a case of actual necessity,—

(a) to keep to the left when passing a vehicle coming from the opposite direction;

or

(b) to keep to the right when passing a vehicle going in the same direction as himself,

shall be punishable with fine which may extend to five hundred rupees.

Prevention of fire, etc.

Use of inflam-
mable materi-
als for building
purposes.

292. (1) The Chief Executive Officer may, by public notice, direct that within such limits in the cantonment as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission in writing of the Chief Executive Officer be made or renewed of grass, mats, leaves or other inflammable materials, and may,

by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.

(2) The Chief Executive Officer may, by notice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the Chief Executive Officer or before the issue of such public notice:

Provided that, in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the Chief Executive Officer, it shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

293. A Board may, by a public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the cantonment, or within any limits therein, which may be specified in the notice:

Stacking or collecting inflammable materials.

Provided that Chief Executive Officer may, in case of imminent danger to public life or property, enforce such prohibition in consultation with the President or the Vice-President in the absence of the President.

294. No person shall set a naked light on or near any building in any street or other public place in a cantonment in such manner as to cause danger of fire:

Care of naked lights.

Provided that nothing in this section shall be deemed to prohibit the use of lights for purpose of illumination on the occasion of a festival or public or private entertainment.

295. (1) Notwithstanding anything contained in any other law relating to sanctioning of cinematograph films for exhibition, no exhibition of pictures or other optical effects by means of a cinematograph or other like apparatus for the purpose of which inflammable films are used, and no public dramatic performance, pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement, shall be given in any cantonment elsewhere than in premises for which a licence has been granted by the Chief Executive Officer under this section.

Regulation of cinematographic and dramatic performances.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes any part in any public dramatic performance, pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement, in contravention of the provisions of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to five thousand rupees, and, in the case of continuing offence, with an additional fine which may extend to two thousand rupees for each day after the first during which the offence continues.

(3) Nothing in this section shall be deemed to prohibit the giving of any exhibition or any dramatic performance, pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement, in any theatre or institute which is the property of Government where the exhibition, performance, pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement, is held with the permission and under the control of the military authorities.

296. Whoever in a cantonment discharges any fire-arm or lets off fire-works or fire-balloons, or detonates or engages in any game or carries on works such as quarries, blasts, timber cutting or building operation in such manner as to cause or to be likely to

Discharging fire-works, fire-arms, etc.

cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be liable to fine which may extend to two thousand five hundred rupees.

Power to require buildings, wells, etc., to be rendered safe.

297. Where in a cantonment any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in the opinion of the Chief Executive Officer, in a ruinous state or, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Chief Executive Officer, by notice in writing may, require the owner, or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier, thereof, to remove the same or may require him to repair, or to protect or to enclose, the same in such manner as he thinks necessary; and, if the danger is, in the opinion of the Chief Executive Officer, imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

Enclosure of wasteland used for improper purposes.

298. The Chief Executive Officer may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

CHAPTER XIV

REMOVAL AND EXCLUSION FROM CANTONMENTS AND SUPPRESSION OF SEXUAL IMMORALITY

Power to remove brothels and prostitutes.

299. The Officer Commanding the Station or the Board may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of information received, summon the owner, lessee, tenant or occupier of the building to appear before him or the Board as the case may be either in person or by an authorised agent, and, if the Officer Commanding the Station or the Board, is then satisfied as to the truth of the information, may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

Penalty for loitering and importuning for purposes of prostitution.

300. (1) Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year.

(2) No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military, Naval or Air Force Police, being employed in the cantonment and authorised in this behalf by the Officer Commanding the Station, in whose presence the offence was committed, or of a police officer not below the rank of Assistant Sub-Inspector, who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the Station with the concurrence of District Magistrate.

Removal of persons from cantonment.

301. If the Officer Commanding the Station or the Board is, after such inquiry as he or it thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence, under section 300, or of the abetment of such an offence he or, as the case may be, the Board may cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the Officer Commanding the Station or the Board.

302. (1) A Judicial Magistrate of the First Class, having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment—

Removal and
exclusion
from
cantonment
of disorderly
persons.

(a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents, a common gaming house, a disorderly drinking shop or a disorderly house of any other description; or

(b) has been convicted more than once either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code; or

(c) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1973, either within the cantonment or elsewhere to execute a bond for his good behaviour,

may record in writing the substance of the information received, and may issue a summons to such person requiring him to appear and show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid and the copy shall be served along with the summons on the person against whom the summons is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if upon such inquiry it appears to him that such person is a person of any kind described in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person is required to be removed therefrom and be prohibited from re-entering the cantonment, the Magistrate shall inform the matter to the Officer Commanding the Station and, the Officer Commanding the Station shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the Station.

303. (1) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty; disaffection or breach of discipline amongst any portion of the forces or is a person who, the Officer Commanding the Station has reason to believe, is likely to do any such act, the Officer Commanding the Station may make an order in writing setting forth the reasons for making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the Station:

Removal and
exclusion
from
cantonment
of seditious
persons.

Provided that no order shall be made under this section against any person unless he has had a reasonable opportunity of being informed of the grounds on which it is proposed to make the order and of showing cause why the order should not be made.

(2) Every order made under sub-section (1) shall be sent to the Superintendent of Police of the District, who shall cause a copy thereof to be served on the person concerned.

(3) Upon the making of any order under sub-section (1), the Officer Commanding the Station shall forthwith send a copy of the same to the Central Government.

(4) The Central Government may of its own motion and shall on application made to it in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make after such inquiry as the Central Government may prescribe a report regarding the justice of the order and the necessity therefor:

Provided that at every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence.

(5) The Central Government may, at any time after the receipt of the copy of an order sent under sub-section (3) or where a report has been called for under sub-section (4), on receipt of that report, if it is of opinion that the order should be varied or rescinded, make such orders thereon as it thinks fit.

(6) Any person who has been excluded from a cantonment by an order made under this section may, at any time after the expiry of one month from the date thereof, apply to the General Officer Commanding-in-Chief, the Command for the rescission of the same and, on such application being made, the said Officer may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescind the order.

Penalty

304. Whoever—

(a) fails to comply with an order issued under this Chapter within the period specified therein or whilst an order prohibiting him from re-entering a cantonment without permission is in force, re-enters the cantonment without such permission; or

(b) knowing that any person has, under this Chapter been required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment,

shall be punishable with fine which may extend to five thousand rupees and in case of continuing offence with an additional fine which may extend to five hundred rupees for every day after the first during which he has persisted in the offence.

CHAPTER XV

POWERS, PROCEDURES, PENALTIES AND APPEALS

Entry and inspection

Powers of entry.

305. It shall be lawful for the President or the Vice-President of a Board, or the Chief Executive Officer, or the Health Officer or any person specially authorised by the Chief Executive Officer, or the Health Officer or for any other person authorised by general or special order of a Board in this behalf, to enter into or upon any building or land with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 274 or section 283 or to authorise the conferment upon any person of any such power.

Power of inspection by member of a Board.

306. A Board may by special order authorise or order any member to inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book accounts or other documents belonging to, or in the possession of, the Board.

Power of inspection, etc.

307. (1) A Board or the Chief Executive Officer may, by general or special order, authorise any person—

(a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause, the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

(b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work

opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be by the Board or the Chief Executive Officer.

308. (1) The Chief Executive Officer of a cantonment may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.

Power to enter land adjoining land where work is in progress.

(2) The Chief Executive Officer shall, before entering on any land under sub-section (1), give the occupier, or, if there is no occupier, the owner not less than three day's previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(3) The Chief Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Board to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

309. It shall be lawful for any person, authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

Breaking into premises.

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

310. Save as otherwise expressly provided in this Act, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

Entry to be made in the day time.

311. Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier, or if there is no occupier of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours, written notice of the intention to make such entry:

Owner's consent ordinarily to be obtained.

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for carrying on any trade, calling or occupation specified in section 277 or a stable for horses or a shed for cattle or a latrine, privy or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.

312. When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Regard to be had to social and religious usages.

313. Whoever obstructs or molests any person acting on behalf of the Board, who is not a public servant within the meaning of section 21 of the Indian Penal Code or any person with whom the Board has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to five thousand rupees

Penalty for obstruction.

Powers and duties of police officers

314. Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV:

Arrest without warrant.

Provided that—

(a) in the case of a breach of any such provisions as is specified in Part B of

Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and

(b) no person shall be so arrested for an offence under section 300 except—

(i) at the request of the person importuned, or of a military officer in whose presence the offence was committed; or

(ii) by or at the request of a member of the Military, Naval or Air Force Police, who is employed in the cantonment and authorised in this behalf by the Officer Commanding the Station, and in whose presence the offence was committed or by or at the request of any police officer not below the rank of assistant sub-inspector who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the station.

Duties of
police
officers.

315. It shall be the duty of all police officers to give immediate information to the Board of the commission of, or attempt to commit any offence against the provisions of this Act or of any rule or bye-law made thereunder, and to assist all cantonment officers and employees in the exercise of their lawful authority.

Notices-

Notices to fix
reasonable
time.

316. Where any notice, order or requisition made under this Act or any other rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

Authentica-
tion and
validity of
notices issued
by Board.

317. (1) Every notice, order or requisition issued by a Board under this Act or any rule or bye-law made thereunder shall be signed—

(a) either by the President of the Board or by the Chief Executive Officer; or

(b) by the members of any committee especially authorised by the Board in this behalf.

(2) Whenever under this Act or any rule or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Board, a written document signed by any officer or member specified in sub-section (1) purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction shall be sufficient evidence thereof.

(3) Every licence, written permission, notice, bill summons or other document which is required by this Act or any rule or bye-law made thereunder to bear the signature of the President, Vice-President or the Chief Executive Officer, or of any such member of any committee as has been specially authorised by the Board in this behalf shall be deemed to be properly signed if it bears facsimile of the signature of any such officer or member, as the case may be, stamped thereon.

Service of
notice, etc.

318. (1) Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice order or requisition on some conspicuous part of his last known place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some adult member or servant or his family, or by causing it to be affixed on some conspicuous part of the buildings or land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees, or occupiers than one to any one of them; or

(b) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an adult member or servant of the family of any such owner, lessee, occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(3) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult member or servant of his family shall be deemed to be service upon the minor.

319. Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Board or in such other public place during such period, or is published in such local newspaper or in such other manner, as the Board may direct.

Method of giving notice.

320. In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the Board, or the civil area committee or the Chief Executive Officer at whose instance the notice, order or requisition has been issued whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be recoverable by the Chief Executive officer on demand, and if not paid within ten days after such demand, shall be recoverable in the same manner as moneys recoverable by the Board under section 324:

Powers of Board in case of non-compliance with notice, etc.

Provided that where the action or step relates to the demolition of any erection or re-erection under section 248 or the removal of any projection or encroachment under section 252, the Board or the civil area committee or the Chief Executive officer may request any police officer to render such assistance as considered necessary for the lawful exercise of any power in this regard and it shall be the duty of such police officer to render forthwith such assistance on such requisition.

321. If the owner of any property in respect of which a notice as is referred to in section 320 has been given is prevented by the occupier from complying with such notice, the Board or civil area committee or the Chief Executive Officer at whose instance such notice has been given, may, by order, require the said occupier to permit the owner within eight days from the date of service of such notice to take all such actions as may be necessary to comply with the said notice and such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of non-compliance with such notice.

Occupier not to obstruct owner when complying with notice.

Recovery of Money

322. (1) If any such notice as is referred to in section 320 has been given to any person in respect of property of which he is the owner, and he fails to comply with the notice so given, the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued may require any occupier of such property or

Liability of occupier to pay in default of owner.

of any part thereof to pay to it or him instead of to the owner any rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 320:

Provided that if the occupier, on application made to him by the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued, refuses to truly disclose the amount of his rent or the name or address of the person to whom it is payable, the Chief Executive Officer may recover from the occupier the whole amount recoverable under section 320 in the same manner as money is recoverable by the Board under section 324.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1) shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

Relief to
Agents and
Trustees.

323. (1) Where any person, by reason of his receiving the rent of immovable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has or but for his own improper act or default might have had funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling an agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the Board may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first monies which may come to his hands on behalf, or for the use, of the owner and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

Method of
recovery.

324. (1) Notwithstanding anything elsewhere contained in this Act arrears of any tax, and any other money recoverable, including rent on land and buildings due or damages and fine due under leases or licences executed by or in favour of a Board or the Defence Estates Officer under this Act or the rules made thereunder may be recovered together with the cost of recovery either by suit or on application to a Judicial Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax, rent or money is recoverable may for the time being be residing, either by the distress and sale of movable property of such person, or by the attachment and sale of immovable property of that person, which is within the limits of the jurisdiction of such Judicial Magistrate, or by both these methods, and shall, if payable by the owner of any property as such, be a charge on the property until paid:

Provided that the tools of artisans, growing crops up to the value of five thousand rupees and implements and cattle used for the purposes of agriculture shall be exempt from such distress or sale.

(2) An application to a Judicial Magistrate under sub-section (1) shall be in writing and shall be signed by the President or Vice-President of the Board or by the Chief Executive Officer or the Defence Estates Officer or the Officer Commanding the Station or any other officer authorised by any of these officers, but shall not require to be personally presented.

(3) Upon receiving the application, the Judicial Magistrate referred to in sub-section (1) may take action for the recovery of the amount of tax, rent or money from the person specified in the application as if such amount were a fine recoverable under a sentence passed by him and the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to the recovery of such amount:

Provided that the recovery of no such amount shall be made by the arrest or detention in prison of the said person.

Committees of Arbitration

325. In the event of any disagreement as to the liability of a Board to pay any compensation under this Act, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the Board shall for the reference of the matter to a Committee of Arbitration, and the Board shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

Application for a Committee of Arbitration.

326. When a Committee of Arbitration is to be convened, the Board shall cause a public notice to be published stating the matter to be determined, and shall forthwith send copies of the order to the District Magistrate, and to the other party concerned, and shall, as soon as may be, nominate such members of the Committee as it is entitled to nominate under section 327, and by notice in writing call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with provisions of that section.

Procedure for convening Committee of Arbitration

327. (1) Every Committee of Arbitration shall consist of five members, namely:—

Constitution of the Committee of Arbitration.

(a) a Chairman who shall be a person not in the service of the Government or the Board, and who shall be nominated by the Officer Commanding the Station;

(b) two persons nominated by the Board;

(c) two persons nominated by the other party concerned.

(2) If the Board or the other party concerned or the Officer Commanding the Station fails within seven days of the date of issue of the notice referred to in section 326 to make any nomination which it or he is entitled to make or if any member who has been so nominated neglects or refuses to act and the Board or other person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

328. (1) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the Committee shall be nominated a member of the Committee of Arbitration.

No person to be nominated who has direct interest or whose services are not immediately available.

(2) If, in the opinion of the District Magistrate any person who has been nominated has a direct interest in the matter under reference or is otherwise disqualified for nomination or if the services of any such person are not immediately available as aforesaid and if the Board or the other person by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 327.

329. (1) When a Committee of Arbitration has been duly constituted, the Board shall, by notice in writing inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

Meetings and powers of Committee of Arbitration.

(2) The Chairman of the Committee shall fix the time and place of the meetings and shall have power to adjourn any meeting from time to time as may be necessary.

(3) The Committee shall receive and record evidence, and shall have power to administer oaths to witnesses, and on requisition in writing signed by the Chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee and may, enforce the said processes as if they were processes for attendance or production before himself.

330. (1) The decisions of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the Chairman and at least three of the other members are present.

Decisions of Committee of Arbitration.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final and shall not be questioned in any court.

Prosecutions

Prosecutions.

331. Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of or upon information received from the Board concerned or a person authorised by the Board by a general or special order in this behalf.

Composition of offence.

332. (1) The Chief Executive Officer or any person authorised by him, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound an offence, made punishable by or under this Act other than an offence under Chapter XIV:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Chief Executive Officer, unless and until the same has been complied with in so far as compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

General Penalty Provisions

General penalty.

333. Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to five thousand rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to five hundred rupees for everyday after the first during which he has persisted in the failure or contravention.

Offences by companies.

334. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the 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 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 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,—

(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.

Cancellation or suspension of licences, etc.

335. Where any person to whom a licence or written permission has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence or written permission is to be or may be done, or where the Board or the civil area committee, as the case may be, is satisfied that such licence or written permission has been secured by the holder through misrepresentation or fraud, the Board or the civil area committee,

as the case may be, may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or written permission or suspend it for such period as it thinks fit:

Provided that no such order shall be made unless an opportunity has been given to the holder of the licence or written permission to show cause why it should not be made.

336. Where any person has incurred a penalty by reason of having caused any damage to the property of a Board, he shall be liable to make good such damage, and the amount payable in respect of the damage shall, in case of dispute, be determined by the Judicial Magistrate by whom the person incurring such penalty is convicted, and, on non-payment of such amount on demand, the same shall be recovered either by the distress and sale of the movable property of such person, or by the attachment and sale of the immovable property of that person, or by both these methods and the Judicial Magistrate shall recover the amount in accordance with the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973 as if it were a fine recoverable under a sentence passed by him.

Recovery of amount payable in respect of damage to cantonment property.

2 of 1974.

Limitation

337. No court shall try any person for an offence made punishable by or under this Act, after the expiry of six months from the date of the commission of the offence, unless complaint in respect of the offence has been made to a Judicial Magistrate within the six months aforesaid.

Limitation for prosecution.

Suits

338. No suit or prosecution shall be entertained in any court against a Board or against the Chief Executive Officer, the Officer Commanding a station, Defence Estates Officer, Principal Director, General Officer Commanding in Chief, the Command, Director General Defence Estates, or against any member of a Board, or against any officer or employee of a Board, for anything which is in good faith done or intended to be done, under this Act or any rule or bye-law made thereunder.

Protection of action of Board, etc.

339. (1) No suit shall be instituted against any Board or against any member of a Board, or against any officer or employee of a Board, in respect of any act done, or purporting to have been done, in pursuance of this Act or of any rule or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the office of the Board, and, in the case of such member, officer or employee, unless notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.

Notice to be given of suits.

(2) If the Board or member, officer or employee has, before the suit is instituted, tendered sufficient amounts to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit, such as is described in sub-section (1), shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

Appeals and Revision

340. (1) Any person aggrieved by any order described in the third column of Schedule V may appeal to the appellate authority specified in that behalf in the fourth column of the said Schedule.

Appeals from executive orders.

(2) The Central Government may, for the purposes of expeditious disposal of the pending appeals, by notification in the Official Gazette, amend Schedule V so as to designate additional appellate authority in the fourth column of the said Schedule.

(3) No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the fifth column of the said Schedule.

(4) The period specified as aforesaid shall be computed in accordance with the provisions of the Limitation Act, 1963, with respect to the computation of periods of limitation thereunder. 36 of 1963.

Petition of Appeal.

341. (1) Every appeal under section 340 shall be made by petition in writing accompanied by a copy of the order appealed against.

(2) Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

Suspension of Action Pending Appeal.

342. On the admission of an appeal from an order, other than an order contained in a notice issued under section 144, section 183, section 238, section 273 or section 302, where the appellate authority so directs, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Revision.

343. (1) Where an appeal from an order made by the Board has been disposed of by the District Magistrate, either party to the proceedings may, within thirty days from the date thereof, apply through the General Officer Commanding-in-Chief, the Command to the Central Government, or to such authority as the Central Government may appoint in this behalf, for revision of the decision.

(2) The provisions of this Chapter with respect to appeals shall apply, as far as may be, to the applications for revision made under this section.

(3) The appellate authority shall make endeavours to dispose of the appeal made under section 340 of this Act within a period of ninety days.

Finality of the Appellate Orders.
Right of appellant to be heard.

344. Save as otherwise provided in section 343, every order of appellate authority shall be final.

345. No appeal shall be decided under this Chapter unless the appellant has been heard, or has had a reasonable opportunity of being heard in person or through a legal practitioner.

CHAPTER XVI

RULES AND BYE-LAWS

Power to make rules.

346. (1) The Central Government may, after previous publication, make rules to carry out the purposes and objects 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 in which, and the authority to which, application for permission to occupy land belonging to the Government in a cantonment is to be made;

(b) the authority by which such permission may be granted and the conditions to be annexed to the grant of any such permission;

(c) the allotment to a Board of a share of the rents and profits accruing from property entrusted to its management under the provisions of section 63;

(d) the appointment, promotion, transfer, tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence, discipline and other condition of service of employees of Boards;

(e) the circumstances in which security shall be demanded from employees of Boards and the amount and nature of such security;

(f) the keeping of accounts by Boards and the manner in which such accounts shall be audited and published;

(g) the definition of the persons by whom, and the manner in which, money may be paid out of a cantonment fund or cantonment development fund;

(h) the preparation of estimates of income and expenditure by Boards and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned;

(i) the regulation of the procedure of Committees of Arbitration;

(j) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act;

(k) the grant of leave to the members of the Board;

(l) the form of notices, required to be sent under this Act and the manner of their service; and

(m) any other matter which is required to be, or may be prescribed.

347. (1) A rule under section 346 may be made either generally for all cantonments or for the whole or any part of any one or more cantonments.

(2) The power to make rules under clause (c) of sub-section (2) of section 346 shall include power to give retrospective effect from a date not earlier than the date of commencement of the Cantonments Act, 2006, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable :

Provided that where any rule has to be given retrospective operation, the reasons therefor and the effect of giving such retrospective operation shall be published along with the draft of the rules when such draft is published for eliciting public opinion under sub-section (1) of section 346.

(3) All rules made under this Act shall be published in the Official Gazette and in such other manner, if any, as the Central Government may direct and, on such publication, shall have effect as if enacted in this Act.

(4) Every rule 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 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.

348. Subject to the provisions of this Act and of the rules made thereunder, a Board may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the following matters in the cantonment, namely:—

(1) the registration of births, deaths and marriages, and the taking of a census;

(2) the enforcement of compulsory vaccination and inoculation and levy of fees where such vaccination or inoculation is carried out at the houses of residents;

(3) the regulation of the collection and recovery of taxes, tolls and fees under this Act and the refund of taxes;

Supplemental provisions respecting rules.

Power to make bye-laws.

(4) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby or the prohibition of any description of such traffic;

(5) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted;

(6) the seizure and confiscation of ownerless animals straying within the limits of the cantonments and regulation and control of cattle pounds;

(7) the prevention and extinction of fire;

(8) the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon;

(9) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works;

(10) the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter;

(11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;

(12) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund;

(13) the permission, regulation or prohibition of the use or occupation of any street or place by itinerant vendors or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall, and the fees chargeable for such use or occupation;

(14) the regulation and control of encamping grounds, sarais, hotels, dak-bungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms, guest houses, holiday resorts, cinemas and places of public recreation, entertainment or resort;

(15) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption;

(16) the matters regarding which conditions may be imposed by licences granted under section 295 or section 277;

(17) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

(18) the regulation of the erection of any enclosure, fence, tent, awning or other temporary structure of whatsoever material or nature on any land situated within the cantonment and the fees chargeable in respect thereof;

(19) the laying out of streets, and the regulation and prohibition of the erection of buildings without adequate provision being made for the laying out and location of streets;

(20) the form of and the particulars which shall be contained in a development scheme or an improvement scheme and the manner in which such scheme shall be framed or altered and levy of development charges;

(21) the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places;

(22) the regulation of the grazing of animals and the fees chargeable in respect thereof;

(23) the fixing and regulation of the use of public bathing and washing places;

(24) the regulation of the posting of bills and advertisement, and of the position, size, shape or style or name-boards, sign-boards and sign-posts;

(25) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;

(26) the rendering necessary of licences within the cantonment for—

(a) persons working as job porters for the conveyance of goods;

(b) animals or vehicles let out on hire or used for hawking articles;

(c) the proprietors or drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire or used for hawking articles;

(d) persons impelling or carrying such vehicles or other conveyances; or

(e) persons practising as nurses, midwives or *dais*;

(27) the prescribing of the fee payable for any licence required under clause (26), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn;

(28) the regulation of the charges to be made for the services of such job porters and of the hire of such animals, vehicles or other conveyances, and for the remuneration of persons impelling or carrying such vehicles or conveyances as are referred to in clause (26);

(29) the prescribing of fee payable for any licence except as otherwise specifically provided in the Act, sanction or for any written permission granted by the Chief Executive Officer;

(30) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act;

(31) the circumstances and the manner in which owners of buildings or land in the cantonment, who are temporarily absent from, or are not resident in, the cantonment, may be required to appoint as their agents, for all or any of the purposes of this Act of any rule or bye-law made thereunder, persons residing within or near the cantonment;

(32) the prevention of the spread of infectious or contagious diseases within the cantonment;

(33) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering from or reasonably suspected to be suffering from any infectious or contagious disease;

(34) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;

(35) the manner in which connections with water-works may be constructed or maintained, and the agency which shall or may be employed for such construction and maintenance;

(36) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefor and the prevention of evasion of the same;

(37) the maintenance of schools, and the furtherance of education generally;

(38) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Board to be not prejudicial to the maintenance of ecological balance and to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landscape or of the formation of ravines or torrents, or the protection of land against erosion, or against the deposit thereon of sand, gravel or stones;

(39) the rendering necessary of licences for the use of premises within the cantonment as stables, kennels, sites or cowhouses or as accommodation for sheep, goats or fowls;

(40) the control of the use in the cantonment of mechanical whistles, sirens or trumpets;

(41) the regulation of supply of copies of official document and prescribing the fee payable in respect thereof;

(42) the regulation of permission for granting licence for use of loud-speakers and prescribing the fee payable in respect thereof;

(43) the conservation and maintenance of ancient and historical monuments, archaeological sites and remains or place of public importance in the cantonment; and

(44) generally for the regulation of the administration of the cantonment under this Act.

Penalty for breach of bye-laws.

349. (1) Any bye-law made by a Board under this Act may provide that a contravention thereof shall be punishable—

(a) with fine which may extend to five thousand rupees; or

(b) with fine which may extend to five thousand rupees and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to one hundred fifty rupees for every day during which the contravention continues after the receipt of a notice from the Board or Chief Executive Officer by the person contravening the bye-law requiring such person to discontinue such contravention.

(2) Any such bye-law may also provide that a person contravening the same shall be required to remedy, so far as lies in his power, the damage or mischief, if any, caused by such contravention.

Supplemental provisions regarding bye-laws and regulations.

350. (1) Any power to make bye-laws conferred by this Act is conferred subject to the conditions of bye-laws being made after previous publication and of their not taking effect until they have been approved and confirmed by the Central Government and published in the Official Gazette.

(2) The Central Government in confirming a bye-law may make any change therein which appears to it to be necessary.

(3) The Central Government may, after previous publication of its intention, cancel any bye-law which it has confirmed, and thereupon the bye-law shall cease to have effect.

(4) Every bye-law and Regulation made under this Act and every order made under sub-section (3) 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 bye-law and Regulation, or order or both Houses agree that the bye-law and Regulation, or order should not be made, the bye-law and Regulation, or order 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 bye-law and Regulation or order.

351. (1) A copy of all rules and bye-laws made under this Act shall be kept at the office of the Board and shall, during office hours, be open free of charge to inspection by any inhabitant of the cantonment.

Rules and bye-laws to be available for inspection and purchase.

(2) Copies of all such rules and bye-laws shall be kept at the office of the Board and shall be sold to the public at cost price singly, or in collection at the option of the purchaser.

CHAPTER XVII

SUPPLEMENTAL PROVISIONS

352. The Central Government may, by notification in the Official Gazette, and subject to any conditions as to compensation or otherwise which thinks fit to impose, extend to any area beyond a cantonment and in the vicinity thereof, with or without restriction or modification, any of the provisions of Chapters VIII to XV or of any rule or bye-law made under this Act for the cantonment which relates to the subject-matter of any of those Chapters, and every enactment, rule or bye-law so extended shall thereupon apply to that area as if the area were included in the cantonment.

Extension of certain provisions of the Act and rules to place beyond cantonments.

353. (1) The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Chief Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its functions under clause (b) of sub-section (5) of section 290, section 168, section 170, section 175, section 167, section 263 and section 264.

Power to delegate functions to the President, etc.

(2) The civil area committee may, by passing a similar resolution, delegate subject to such conditions, if any, as may be specified in such resolution, all or any of its functions to the Vice-President, Chief Executive Officer or Health Officer.

354. (1) Paragraphs 2 and 3 of section 54, and sections 59, 107 and 123 of the Transfer of Property Act, 1882, with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to every cantonment.

Registration.

(2) The Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the Registration Act, 1908, in which any cantonment is situated, shall, when any document relating to immovable property within the cantonment is registered, send information of the registration forthwith to the Chief Executive Officer and the Defence Estates Officer and such other authority as the Central Government may prescribe in this behalf.

355. No notice, order, requisition, licence, permission in writing or other such document issued under this Act shall be invalid merely by reason of any defect of form.

Validity of notices and other documents.

356. A copy of any receipt, application, plan, notice, order or other document or of any entry in a register, in the possession of a Board shall, if duly certified by the legal keeper thereof or other person authorised by the Chief Executive Officer in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original documents or entry would, if produced, have been admissible to prove such matters.

Admissibility of document or entry as evidence.

4 of 1882.

16 of 1908.

Evidence by officer or employee of the Board.

357. No officer or employee of a Board shall, in any legal proceeding to which the Board is not party, be required to produce any register or document the contents of which can be proved under section 356 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

Application of Act 4 of 1899.

358. For the purposes of the Government Buildings Act, 1899, cantonments and Boards shall be deemed to be municipalities and municipal authorities respectively and the references to the State Government in section 4 of that Act shall be construed as references to the Central Government.

Power to remove difficulties.

359. (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 for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeals and savings.

360. (1) The Cantonments Act, 1924 is hereby repealed.

2 of 1924.

(2) Notwithstanding the repeal of the Cantonments Act, 1924,—

2 of 1924.

(a) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under the Act shall, in so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted, under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions;

(b) 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 shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board constituted under this Act;

(c) all budget estimates, assessments, valuations, measurements or divisions made by the Board shall in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any budget estimate, assessment, valuation, measurement or division made by the Board constituted under the said provisions;

(d) all properties, movable and immovable and all interests of whatsoever nature and kind therein, vested in the Board shall with all rights of whatsoever description, use, enjoyed or possessed by the said Board vest in the Board constituted under this Act;

(e) all rates, taxes, fees, rents and other sums of money due to the Board shall be deemed to be due to the Board constituted under this Act;

(f) all rates, taxes, fees, rents, fares and other charges shall, until and unless they are varied by the Board constituted under this Act, continue to be levied at the same rate at which they were being levied by the Board immediately before the commencement of this Act;

(g) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Board may be continued or instituted by or against the Board constituted under this Act.

SCHEDULE 1
(See section 100)
NOTICE OF DEMAND

To

residing at

Taking notice that the Board demands from.....the sum of
due fromon account of(here describe the property,
occupation, circumstance or thing in respect of which the sum is payable) leviabie under
..... for the period of commencing on
the day of20....., and ending on the
.....day of20....., and that if, within thirty days from the
service of this notice, the said sum is not paid to the Board at..... or sufficient
cause for non-payment is not shown to the satisfaction of the Chief Executive Officer,
warrant of distress/attachment* will be issued for the recovery of the same with costs.

Dated this.....day of20.....

(Signed)

Chief Executive Officer,
Cantonment.

[*Strike out whichever is not applicable.]

SCHEDULE II

(See section 101)

FORM OF WARRANT

(Here insert the name of the officer charged with the execution of warrant)

Whereas A.B. of has not paid, and has not shown satisfactory cause for the non-payment of, the sum of due on account of.....* for the period of.....commencing on the day of.....20..... and ending with the day of.....20..... which sum is leviable under.....

And whereas thirty days have elapsed since the service on him of notice of demand for the same.

This is to command you to [distrain/attach#] subject to the provisions of the Cantonments Act, 2006, the [movable/immovable#] property of the said A.B. to the amount of the said sum of Rs.; and forthwith to certify to me, together with this warrant, all particulars of the property [seized/attached #] by you thereunder.

Dated thisday of.....,20.....

(Signed)

Chief Executive Officer,
Cantonment.

* Here describe the liability.

Strike out whichever is not applicable.

SCHEDULE III

(See section 103)

FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE

To,

residing at

Take notice that I have this day seized the property specified in the inventory annexed hereto, for the value of....., due for the liability* mentioned in the margin for the period commencing with.....day of20..... and ending with theday of.....20....., together with Rs..... due for service of notice of demand, and that, unless within seven days from the date of the service of this notice you pay to the Board the said amount, together with the costs of recovery, the said property will be sold by public auction.

Dated thisday of20.....

(Signature of officer executing the warrant.)

INVENTORY

(Here state particulars of property seized).

*Here describe the liability.

SCHEDULE IV

(See section 314)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT

PART A

Section	Subject
174	Making or selling of food, etc., or washing of clothes, by infected person.
289(1)(a)(i)	Drunkenness, etc.

PART B

183(1)	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
259	Destroying, etc., name of street or number affixed to building.
282	Feeding animal on filth, etc.
289(1)(a)(ii)	Using threatening or abusive words, etc.
289(1)(a)(iii)	Indecent exposure of person, etc.
289(1)(a)(iv)	Begging.
289(1)(a)(v)	Exposing deformity, etc.
289(1)(a)(vii)	Gaming.
289(1)(a)(xii)	Destroying notice, etc.
289(1)(a)(xiii)	Displaces, damages, alters, pavements, gutter, stormwater drain.
289(1)(f)	Keeping common gaming-house, etc.
289(1)(g)	Beating drum, etc.
289(1)(h)	Singing, etc., so as to disturb public peace or order.
290(6)	Setting loose, or setting on, ferocious dog.
296	Discharging fire-arms, etc., so as to cause danger.
300	Loitering or importuning for sexual immorality.
304(a)	Remaining in, or returning to, a cantonment after notice of expulsion.

SCHEDULE V
APPEALS FROM EXECUTIVE ORDERS
(See section 340)

Sl. No.	Section	Executive Order	Appellate Authority	Time allowed for appeal
1	2	3	4	5
1.	2 (zc)	Declaring 'inhabitant'	District Magistrate	Fifteen days
2.	137	Notice to fill up well, tank, etc., or to drain off or remove water.	Principal Director	Thirty days from service of notice.
3.	138.	Notice requiring the owner to provide latrine, urinal, cesspool dust-bin or other receptacle.	Board	Fifteen days from service of notice.
4.	139	Notice requiring provision of sanitary facilities in market, school, theatre or other place of public resort.	Board	Fifteen days from service of notice.
5.	142	Notice for removal of congested building.	General Officer Commanding-in-Chief, the Command	Thirty days from service of notice.
6.	144	Notice requiring a building to be repaired or altered so as to remove sanitary defects.	Principal Director	Thirty days from service of notice.
7.	147	Notice prohibiting owner or occupier to use a building or part of a building for human habitation.	Principal Director	Twenty-one days from service of notice.
8.	183	Order directing a person to remove from the Cantonment and prohibiting him from re-entering it without permission.	General Officer Commanding-in-Chief, the Command	Thirty days from service of notice.
9.	190	Notice requiring maintenance or closing of private source of public drinking water supply.	Board	Fifteen days from service of notice.
10.	192	Notice requiring the owner, lessee or occupier of a building or land to obtain water from a source of public water supply.	Board	Fifteen days from service of notice.
11.	195	Notice for cutting off the connection between any source of public water supply and any building or land to which water is supplied.	Board	Fifteen days from service of notice.
12.	238	(a) Refusal to sanction the erection or re-erection of a building in a civil area.	Principal Director	Thirty days from service of communication.
		(b) Refusal to sanction the erection or re-erection of a building in a Cantonment (Other than a civil area).	General Officer Commanding-in-Chief, the Command	Thirty days from service of communication.

1	2	3	4	5
13.	239	Order of stoppage of building or works in certain cases.	Board	Thirty days from service of communication.
14.	248	(a) Notice to stop erection or re-erection of, or to alter or demolish, a building in a civil area. (b) Notice to stop erection or re-erection of, or to alter or demolish, a building in a Cantonment (Other than a civil area).	Principal Director General Officer Commanding-in-Chief, the Command	Thirty days from service of communication. Thirty days from service of communication.
15.	252	Notice requiring the owner or the occupier to alter or remove any projection or encroachment.	Board	Thirty days from service of notice.
16.	253	Notice to pull down or otherwise deal with a building newly erected or re-built without permission over a sewer, drain, culvert, water course or water-pipe.	Board	Thirty days from service of notice.
17.	273	Notice prohibiting or restricting the use of a slaughter-house.	Board	Twenty-one days from service of notice.
18.	297	Notice to remove, repair, protect, or enclose a building, wall or anything affixed thereto, or well, tank, reservoir, pool, depression or excavation.	Board	Thirty days from service of notice.
19.	302	Notice directing disorderly person to remove from cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Thirty days from service of notice.

THE CENTRAL SILK BOARD (AMENDMENT)
ACT, 2006

No. 42 OF 2006

[13th September, 2006.]

An Act further to amend the Central Silk Board Act, 1948.

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

1. (1) This Act may be called the Central Silk Board (Amendment) Act, 2006.

Short title
and
commence-
ment.

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

2. In the Central Silk Board Act, 1948 (hereinafter referred to as the principal Act), in section 3,—

Amendment
of section 3.

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

“(aa) “Central Silk-worm Seed Testing Laboratory” means the Central Seed Testing Laboratory established or accredited under sub-section (1) of section 8G;

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

“(ba) “Committee” means the Central Silk-worm Seed Committee constituted under sub-section (1) of section 8A;

“(bb) “dealer” means a person who carries on the business of buying and selling, export or import of silk-worm seed, cocoons, chawkie reared silk-worms and includes an agent of a dealer;

“(bc) “export” means taking out of India to a place outside India;”;

(iii) after clause (c), the following clauses shall be inserted, namely:—

“(ca) “Hybrid Authorisation Committee” means the Hybrid Authorisation Committee constituted under sub-section (1) of section 8D;

“(cb) “import” means bringing into India from a place outside India;

“(cc) “notified kind or variety” in relation to silk-worm seed means, any kind or variety thereof notified under sub-section (1) of section 8C;”;

(iv) after clause (e), the following clauses shall be inserted, namely:—

“(ea) “Registration Committee” means the Registration Committee constituted under sub-section (2) of section 8E;

“(eb) “regulation” means regulation made by the Committee under this Act;

“(ec) “silk-worm seed” or “seed” means all kinds of silk-worm seeds produced from the pure silk-worm races including the hybrids produced from two or more pure races, silk-worm seed cocoons of all kinds and moths thereof intended to be used or reared for the purpose of production or for commercial exploitation.

Explanation.— For the purposes of this clause,—

(i) “pure races” means silk-worm breed or variety maintained through reproductive silk-worm seed with features true to the parents;

(ii) "hybrids" means the seed produced involving two or more pure races or parental races with the objective of exploiting heterosis or hybrid vigour;

(ed) "Silk-worm Seed Analyst" means a Seed Analyst appointed or notified under sub-section (3) of section 8G;

(ee) "Silk-worm Seed Certification Agency" means the Silk-worm Seed Certification Agency constituted or accredited under section 8F;

(ef) "Silk-worm Seed Officer" means Seed Officer appointed or notified under sub-section (1) of section 8H;.

Substitution of references to certain expressions by certain other expressions.

3. Throughout the principal Act, for the words "Chairman" or "Vice-Chairman", wherever they occur, the words "Chairperson" or "Vice-Chairperson" shall respectively be substituted.

Amendment of section 4.

4. In section 4 of the principal Act, in sub-section (3),—

(i) for clause (b), the following clause shall be substituted, namely:—

"(b) not more than three officials to be nominated by the Central Government, one of whom shall be the head of the Silk Division in the Ministry of Textiles as the Vice-Chairperson and one shall be the Secretary of the Board, both being the officers not below the rank of Joint Secretary to the Government of India;";

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

"Provided that a member of Parliament shall, upon ceasing to be a member of the House of the People or as the case may be, the Council of States, cease to be a member of the Board.";

(iii) for clause (g), the following clause shall be substituted, namely:—

"(g) one person to be nominated by each of the Governments of Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Uttar Pradesh and Uttaranchal;".

Insertion of new section 4A.

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

"4A. A person shall be disqualified for being nominated or appointed or for continuing as a member, if he—

(a) is not a citizen of India; or

(b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) is an undischarged insolvent; or

(d) has become physically or mentally incapable of acting as a member; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his function as a member."

Amendment of section 6.

6. In section 6 of the principal Act, in sub-section (1), for the words "The Central Government shall appoint from among the members of the Board, a Vice-Chairman who shall", the words "The Vice-Chairperson shall" shall be substituted.

7. In section 7 of the principal Act, for the words "The Central Government shall appoint a Secretary to the Board, who shall," the words "The Secretary to the Board shall" shall be substituted.

Amendment
of section 7.

8. In section 8 of the principal Act, in sub-section (3), for clause (a), the following clause shall be substituted, namely:—

Amendment
of section 8.

"(a) to advise the Central Government on all matters relating to production, supply, distribution, trade and commerce in silk-worm seed, the development of the silk industry and its products including export and import;"

9. After section 8 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
8A to 8J.

"8A. (1) The Central Government may, by notification in the Official Gazette, constitute for the purposes of this Act, a Committee to be called the Central Silk-worm Seed Committee consisting of—

Constitution
of Central
Silk-worm
Seed
Committee.

(a) the Vice-Chairperson of the Board who shall be the Chairperson of the Committee, *ex officio*;

(b) (i) seven officials not below the rank of Deputy Secretary to the Government of India dealing with sericulture from the States—members;

(ii) two experts from the field of silk-worm seed development—members;

(iii) five persons to represent the sericulture sector of whom three shall be the farmers and two the reelers—members;

to be nominated by the Central Government from amongst the members of the Board;

(c) the Director of the National Silk-worm Seed Organisation to be nominated by the Central Government—member; and

(d) Secretary of the Board who shall be the Secretary of the Committee, *ex officio*.

(2) The Committee may associate with it, for such purposes and in such manner as it may deem fit, any person whose assistance or advice it may consider necessary in complying with the provisions of this Act, and a person so associated, shall have the right to take part in the proceedings of the Committee relevant to the purposes for which he has been associated, but shall not have the right to vote and shall be entitled to receive such allowances or fees as may be prescribed by the Central Government.

(3) A member nominated under sub-section (1) shall, unless his seat becomes vacant earlier by resignation, death or otherwise, hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination:

Provided that a person nominated under sub-section (1) shall hold office only for so long as he holds the appointment by virtue of which his nomination was made.

(4) No act or proceeding of the Committee shall become invalid merely by reason of—

(i) any vacancy therein, or any defect in the constitution thereof; or

(ii) any matter relating to the procedure of the Committee not affecting the merits of a case.

(5) The Central Government shall provide to the Committee such other technical and other officers and employees as may be necessary for the efficient performance of the functions under this Act.

(6) (a) The Committee shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meeting (including the quorum at meetings) as may be specified by regulations.

(b) The Chairperson or in his absence any member chosen by the members present from amongst themselves, shall preside at a meeting of the Committee.

(c) All questions at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in case of equality of votes, the Chairperson or in his absence, the person presiding over the meeting shall have a second or casting vote.

Powers and functions of Committee.

8B. (1) The Committee shall be responsible for the implementation of this Act by taking measures as specified in sub-section (2).

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for—

- (i) laying down of quality standards for kind or variety of silk-worm seed;
- (ii) authorisation of silk-worm races and hybrids for commercial exploitation;
- (iii) laying down of quality standards for production of silk-worm seeds;
- (iv) laying down the conditions and requirements that have to be met out by the persons desirous of setting up facilities for production of silk-worm seeds or rainages;
- (v) laying down the certification and silk-worm seed testing procedures for seeds sold by the registered producers;
- (vi) undertaking the registration of silk-worm seed producers and dealers and controlling, supervising the inspection process to ensure adherence to the specified quality standards and seed certification requirements;
- (vii) laying down the conditions and standards for export and import of silk-worm seed and adherence to them;
- (viii) programming and planning of silk-worm seed production;
- (ix) advising the Central Government and the State Governments on the matters aforesaid; and
- (x) such other matters connected and incidental to the production, supply, distribution, trade and commerce in silk-worm seed,

as may be specified by regulations made by the Committee from time to time.

Power to notify kinds or varieties of silk-worm seeds.

8C. (1) If the Central Government, after consultation with the Committee, is of the opinion that it is necessary or expedient to regulate the quality of silk-worm seed of any kind or variety for the purpose of production and for commercial exploitation, it may, by notification in the Official Gazette, declare such kind or variety to be a notified kind or variety for the purposes of this Act and different kinds or varieties may be notified for different States or for different areas thereof, and it shall be incumbent upon every producer or dealer of such silk-worm seeds to produce or deal with such notified kinds and varieties of silk-worm seeds and in no other.

(2) The Central Government may, on the recommendation of the Committee, by notification, specify—

- (a) the minimum quality standards and conditions for notified kinds or varieties of silk-worm seed; and
- (b) the mark or label to indicate that such silk-worm seed conforms to the specified quality standards.

8D. (1) The Committee shall constitute a Hybrid Authorisation Committee consisting of the Secretary of the Board who shall be the Chairperson of the Hybrid Authorisation Committee and such number of other members to assist him in the discharge of his duties as the Committee may determine.

Hybrid
Authorisation
Committee.

(2) It shall be the duty of the Hybrid Authorisation Committee to either *suo motu* or on the application made to it and after due trials, testing and such other requirements, as it may deem necessary to satisfy itself, recommend to the Committee of the kind or variety of silk-worm seed, silk-worm hybrid seeds and races available in the market for notification by the Central Government for production and commercial exploitation.

8E. (1) No silk-worm seed of any kind or variety shall, for the purpose of production or for commercial exploitation, be produced, supplied, distributed, traded, sold or otherwise disposed of by a producer or dealer unless he is registered by the Registration Committee in such manner as may be prescribed.

Registration
Committee.

(2) The Committee shall constitute the Registration Committee consisting of a Chairperson and such number of other members not less than two to assist him in the discharge of his duties as the Committee, may determine.

(3) The Registration Committee shall have power—

(a) to register the silk-worm seed of the notified kind or variety after scrutinising claims that the silk-worm seed conforms the kind or variety duly notified by the Central Government;

(b) to register the silk-worm seed producer after ensuring that the facility for seed production meets the requirement or conditions for maintaining quality standards as notified by the Central Government;

(c) to register the silk-worm dealer after scrutinising their claim made in the application;

(d) to perform such other functions as are assigned to it by the Committee.

(4) Every application for registration under sub-section (1) shall be made in such form and contain such particulars including conditions and be accompanied by such fees as may be prescribed.

8F. The Committee may, by order, constitute one or more Silk-worm Seed Certification Agencies or accredit the existing certification agencies according to such criteria as may be specified by regulations to conduct inspection for registration of producers and dealers.

Constitution
of Seed
Certification
Agency.

8G. (1) The Committee may, by order, establish the Central Seed Testing Laboratories and accredit the existing laboratories of the Board or the State Governments having such facilities as may be specified by regulations.

Constitution
of Central
Seed Testing
Laboratories.

(2) The Central Seed Testing Laboratories and the accredited laboratories shall carryout such functions as may be entrusted to it by the Committee from time to time.

(3) The Committee may, by order, appoint such person as it thinks fit or notify the officials or employees of the accredited laboratories having such qualifications as may be specified by regulations to be the Seed Analyst in the Seed Testing Laboratories and define the local limits of their jurisdiction.

8H. (1) The Committee may, by order, appoint such person as it thinks fit, or notify an employee of the Board having such qualifications as may be specified by regulations to be the Seed Officers and define the local limits of their jurisdiction.

Appointment
of Seed
Officers.

(2) Every Seed Officer shall be under the administrative Control of the Committee and shall be responsible for inspecting the seeds and the facilities available with the seed producers and dealers before or after their registration to ensure adherence to the standards and conditions laid down in this regard.

(3) The Seed Officer may—

(a) take samples of any silk-worm seed of any kind or variety from—

(i) any producer or dealer; or

(ii) any person who is in the course of conveying such seed to a purchaser or a consignee; or

(iii) a purchaser or a consignee after delivery of such seed to him;

(b) exercise such other powers as may be specified by regulations.

Export and
Import of
Silk-worm
Seed.

3-1. (1) The Committee shall advise the Central Government from time to time on the export and import of silk-worm seed and the Central Government may, by notification, specify the terms and conditions including exim policy for export and import of silk-worm seed.

(2) All import of silk-worm seed shall conform to the quality standards specified under sub-section (2) of section 8C.

(3) For the purpose of ensuring compliance with the conditions and quality standards for governing such import, the Central Government may, by order, authorise officers of the level of Assistant Commissioner to exercise the powers of inspection at the borders and ports, and such officers shall be deemed to be the Seed Officers for the purposes of this Act.

(4) The Central Government may, by notification, permit for research purposes, import of an unregistered variety of silk-worm seed in such quantity and subject to such conditions as may be specified.

(5) The Central Government may, by notification, restrict the export or import of silk-worm seed of any kind or variety if it considers that it may adversely affect the silk industry or on such other grounds, as it may consider necessary.

Statement by
silk-worm
seed
producers.
Amendment
of section 13.

8J. Every registered silk-worm seed producer and dealer shall furnish periodic statement to the Committee in such form, manner and at such intervals as may be specified by regulations.”

10. In section 13 of the principal Act,—

(i) in sub-section (2),—

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

“(xva) specifying the allowances or fees of the persons associated by the Committee under sub-section (2) of section 8A;

(xvb) matters incidental to the production, supply, distribution, trade and commerce in silk-worm seed under clause (x) of sub-section (2) of section 8B;

(xvc) manner of registration of a producer or dealer by the Registration Committee under sub-section (1) and form for making application and fees to be paid under sub-section (4) of section 8E;”;

(b) for clause (xix), the following clause shall be substituted, namely:—

“(xix) the manner of grading, marketing, developing and distributing raw silk and products of silk industry;”;

(ii) sub-section (3) shall be omitted.

Insertion of
new sections
13A and 13B.

11. After section 13 of the principal Act, the following sections shall be inserted, namely:—

"13A. (1) The Committee may, in consultation with the Board, and with the previous 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 all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

Power 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:—

(i) procedure in regard to transaction of business at the meeting of the Committee under clause (a) of sub-section (6) of section 8A;

(ii) laying down of various standards relating to kinds or varieties, production, testing, supply, distribution, trade and commerce and export and import of silk-worm seed under sub-section (2) of section 8B;

(iii) to specify the criteria for establishing Central Silk-worm Seed Certification Agencies under section 8F, criteria and jurisdiction of Central Seed Testing Laboratories and qualifications of Seed Analysts under sub-sections (1) and (3) of section 8G and qualifications of Seed Officers and their other powers under sub-section (1) and clause (b) of sub-section (3) of section 8H;

(iv) the form, manner and intervals at which statement by producer and dealer may be furnished under section 8J.

13B. Every rule, regulation and notification 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 notification or both Houses agree that the rule or regulation or notification should not be made, the rule or 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 or regulation or notification."

Laying of rules, regulations and notifications.

12. In section 14 of the principal Act, in sub-section (1), in clause (b), after the word "Board", the words "Committee and Registration Committee" shall be inserted.

Amendment of section 14.

13. After section 14 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 14A.

"14A. If any person contravenes the provisions of sections 8C and 8E of this Act or regulations made thereunder or any notification relating to silk-worm seed he shall be punishable with a fine of five thousand rupees which may extend to twenty-five thousand rupees besides suspension or cancellation of the registration to produce silk-worm seeds."

Penalty for contravention of sections 8C and 8E.

14. Section 15 and section 15A of the principal Act shall be omitted.

Omission of sections 15 and 15A.

15. After section 16 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 16A.

Effect of Act
and rules, etc.,
inconsistent
with other
enactments.

“16A. The provisions of this Act or any rule or regulation made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.”

THE PROTECTION OF HUMAN RIGHTS (AMENDMENT)
ACT, 2006

No. 43 OF 2006

[13th September, 2006.]

An Act further to amend the Protection of Human Rights Act, 1993.

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

1. (1) This Act may be called the Protection of Human Rights (Amendment) Act, 2006.

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 Protection of Human Rights Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1),—

Amendment of section 2.

(a) for clause (f), the following clause shall be substituted, namely:—

‘(f) “International Covenants” means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notification, specify;’;

(b) for clause (g), the following clause shall be substituted, namely:—

‘(g) “Member” means a Member of the Commission or of the State Commission, as the case may be;’;

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

‘(i) “National Commission for the Scheduled Castes” means the National Commission for the Scheduled Castes referred to in article 338 of the Constitution;

‘(ia) “National Commission for the Scheduled Tribes” means the National Commission for the Scheduled Tribes referred to in article 338A of the Constitution;’.

3. In section 3 of the principal Act,—

Amendment of section 3.

(a) in sub-section (3), for the words “the National Commission for the Scheduled Castes and Scheduled Tribes”, the words “the National Commission for the Scheduled Castes, the National Commission for the Scheduled Tribes” shall be substituted;

(b) in sub-section (4), for the words “as it may delegate to him”, the brackets, words, figures and letter “(except judicial functions and the power to make regulations under section 40B) as may be delegated to him by the Commission or the Chairperson, as the case may be” shall be substituted.

4. In section 4 of the principal Act,—

Amendment of section 4.

(a) in sub-section (1), for the words “other Members”, the words “the Members” shall be substituted;

(b) in sub-section (2), for the words “vacancy in the Committee”, the words, brackets and figure “vacancy of any member in the Committee referred to in the first proviso to sub-section (1)” shall be substituted.

*23-11-2006, vide Notification No. S.O. 2002(E), dated 23-11-2006.

Substitution
of new
section for
section 5.

5. For section 5 of the principal Act, the following section shall be substituted, namely:—

Resignation
and removal
of Chair-
person and
Members.

“5. (1) The Chairperson or any Member may, by notice in writing under his hand addressed to the President of India, resign his office.

(2) Subject to the provisions of sub-section (3), the Chairperson or any Member shall only be removed from his office by order of the President of India on the ground of proved misbehaviour or incapacity after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or the Member, as the case may be, ought on any such ground to be removed.

(3) Notwithstanding anything in sub-section (2), the President may, by order, remove from office the Chairperson or any Member if the Chairperson or such Member, as the case may be,—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is unfit to continue in office by reason of infirmity of mind or body; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.”

Substitution
of new
section for
section 6.

6. For section 6 of the principal Act, the following section shall be substituted, namely:—

Term of
office of
Chairperson
and Members.

“6. (1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of five years:

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of India or under the Government of any State.”

Substitution
of new
section for
section 8.

7. For section 8 of the principal Act, the following section shall be substituted, namely:—

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 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.”

Amendment
of section 10.

8. In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(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.”

9. In section 12 of the principal Act,—

Amendment
of section 12.

(a) in clause (a), after the words “or any person on his behalf”, the words “or on a direction or order of any court” shall be inserted;

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

“(c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;”

10. In section 13 of the principal Act, after sub-section (5), the following sub-sections shall be inserted, namely:—

Amendment
of section 13.

“(6) Where the Commission considers it necessary or expedient so to do, it may, by order, transfer any complaint filed or pending before it to the State Commission of the State from which the complaint arises, for disposal in accordance with the provisions of this Act:

Provided that no such complaint shall be transferred unless the same is one respecting which the State Commission has jurisdiction to entertain the same.

(7) Every complaint transferred under sub-section (6) shall be dealt with and disposed of by the State Commission as if it were a complaint initially filed before it.”

11. For section 18 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 18.

“18. The Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:—

Steps during
and after
inquiry.

(a) where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, it may recommend to the concerned Government or authority—

(i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;

(ii) to initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person or persons;

(iii) to take such further action as it may think fit;

(b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

(c) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;

(d) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;

(e) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

(f) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.”

Amendment
of section 21.

12. In section 21 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The State Commission shall, with effect from such date as the State Government may by notification specify, consist of—

(a) a Chairperson who has been a Chief Justice of a High Court;

(b) one Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of seven years experience as District Judge;

(c) one Member to be appointed from among persons having knowledge of or practical experience in matters relating to human rights.”;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) Two or more State Governments may, with the consent of a Chairperson or Member of a State Commission, appoint such Chairperson or, as the case may be, such Member of another State Commission simultaneously if such Chairperson or Member consents to such appointment:

Provided that every appointment made under this sub-section shall be made after obtaining the recommendations of the Committee referred to in sub-section (1) of section 22 in respect of the State for which a common Chairperson or Member, or both, as the case may be, is to be appointed.”

Amendment
of section 22.

13. In section 22 of the principal Act,—

(a) in the marginal heading for the words “other Members”, the word “Members” shall be substituted;

(b) in sub-section (1), for the words “other Members”, the word “Members” shall be substituted;

(c) in sub-section (2), for the words “any vacancy in the Committee”, the words, brackets and figure “any vacancy of any Member in the Committee referred to in sub-section (1)” shall be substituted.

Amendment
of section 23.

14. In section 23 of the principal Act,—

(a) for the marginal heading “Removal of a Member of the State Commission”, the marginal heading “Resignation and Removal of Chairperson or a Member of the State Commission” shall be substituted;

(b) for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Chairperson or a Member of a State Commission may, by notice in writing under his hand addressed to the Governor, resign his office.

(1A) Subject to the provisions of sub-section (2), the Chairperson or any Member of the State Commission shall only be removed from his office by order

of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such Member, as the case may be, ought on any such ground to be removed.”;

(c) in sub-section (2),—

(a) for the word, brackets and figure “sub-section (1)”, the word, brackets, figure and letter “sub-section (1A)” shall be substituted;

(b) for the words “other Member” at both the places where they occur, the word “Member” shall be substituted.

15. For section 24 of the principal Act, the following section shall be substituted, namely:—

“24. (1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of five years:

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of a State or under the Government of India.”

16. For section 26 of the principal Act, the following section shall be substituted, namely:—

“26. The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed by the State Government:

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.”

17. In section 40 of the principal Act, in sub-section (2), in clause (a), for the word “Members”, the words “Chairperson and Members” shall be substituted.

18. After section 40A of the principal Act, the following section shall be inserted, namely:—

“40B. (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.

(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 returns and statistics to be furnished by the State Commissions;

Substitution of new section for section 24.

Term of office of Chairperson and Members of the State Commission.

Substitution of new section for section 26.

Terms and conditions of service of Chairperson and Members of State Commissions.

Amendment of section 40.

Insertion of new section 40B.

Power of Commission to make regulations.

(c) 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.”

Amendment
of section 41.

19. In section 41 of the principal Act, in sub-section (2), in clause (a), for the words “the Members”, the words “the Chairperson and Members” shall be substituted.

THE PONDICHERRY (ALTERATION OF NAME) ACT, 2006

No. 44 OF 2006

[13th September, 2006.]

An Act to alter the name of the Union territory of Pondicherry.

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

- | | |
|--|--|
| <p>1. (1) This Act may be called the Pondicherry (Alteration of Name) Act, 2006.</p> <p>(2) It shall come into force on such date* as the Central Government may, by notification in the Official Gazette, appoint.</p> | <p>Short title and commencement.</p> |
| <p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;</p> <p>(b) "appropriate Government" means the Central Government, and as respects a law relating to a matter enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to the Union territory of Puducherry, also the administrator of the Union territory of Puducherry;</p> <p>(c) "law" includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the Union territory of Pondicherry.</p> | <p>Definitions.</p> |
| <p>3. As from the appointed day, the Union territory of Pondicherry shall be known as the Union territory of Puducherry.</p> | <p>Alteration of name of the Union territory of Pondicherry.</p> |
| <p>4. In Part VIII of the Constitution, for the word "Pondicherry", wherever it occurs, the word "Puducherry" shall be substituted.</p> | <p>Amendment of Part VIII of the Constitution.</p> |
| <p>5. In the First Schedule to the Constitution, under the heading "II. THE UNION TERRITORIES", in entry 6, under the column "Name", for the word "Pondicherry", the word "Puducherry" shall be substituted.</p> | <p>Amendment of First Schedule to the Constitution.</p> |
| <p>6. In the Fourth Schedule to the Constitution, under the heading "TABLE", in entry 30, in the second column, for the word "Pondicherry", the word "Puducherry" shall be substituted.</p> | <p>Amendment of Fourth Schedule to the Constitution.</p> |
| <p>7. In the Government of Union Territories Act, 1963, in section 2, in sub-section (1), in clause (h), for the word "Pondicherry", the word "Puducherry" shall be substituted.</p> | <p>Amendment of section 2 of Act 20 of 1963.</p> |
| <p>8. (1) For the purpose of giving effect to the alteration of the name of the Union territory of Pondicherry by section 3, the appropriate Government may, before the expiration</p> | <p>Power to adapt laws.</p> |

*1-10-2006, vide Notification No. S.O. 1627(E) dated 28-9-2006

of one year from the appointed day, by order, make such adaptations and modifications of any law made before the appointed day, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

(2) Nothing in sub-section (1) shall be deemed to prevent Parliament or Legislative Assembly of the Union territory of Puducherry or other competent authority from repealing or amending any law adapted or modified by the appropriate Government under the said sub-section.

Power to
construe
laws.

9. Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law, may construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Legal
proceedings.

10. Where immediately before the appointed day any legal proceedings are pending to which the administrator of the Union territory of Pondicherry is a party, or the Union of India represented by the said administrator is a party, then, for the purposes of those proceedings, any reference to the administrator of the Union territory of Pondicherry shall be construed as a reference to the administrator of the Union territory of Puducherry.

THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF
UNDERTAKINGS) AND FINANCIAL INSTITUTIONS LAWS
(AMENDMENT) ACT, 2006

No. 45 OF 2006

[25th September, 2006.]

An Act further to amend the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, the State Bank of India Act, 1955, the State Bank of India (Subsidiary Banks) Act, 1959, the Deposit Insurance and Credit Guarantee Corporation Act, 1961, the Export-Import Bank of India Act, 1981 and the National Housing Bank Act, 1987.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Banking Companies (Acquisition and Transfer of Undertakings) and Financial Institutions Laws (Amendment) Act, 2006.

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 such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

CHAPTER II

AMENDMENTS TO THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1970

Amendment of
section 3.

2. In section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (hereafter in this Chapter referred to as the Bank Nationalisation Act),—

5 of 1970.

(a) in sub-section (2B), for clause (c), the following shall be substituted, namely:—

“(c) such amounts as the Board of Directors of the corresponding new bank may, after consultation with the Reserve Bank and with the previous sanction of the Central Government, raise whether by public issue or preferential allotment or private placement, of equity shares or preference shares in accordance with the procedure as may be prescribed, so, however, that the Central Government shall, at all times hold not less than fifty-one per cent. of the paid-up capital consisting of equity shares of each corresponding new bank:

Provided that the issue of preference shares shall be in accordance with the guidelines framed by the Reserve Bank specifying the class of preference shares, the extent of issue of each class of such preference shares (whether perpetual or irredeemable or redeemable) and the terms and conditions subject to which, each class of preference shares may be issued.”;

(b) in sub-sections (2BB) and (2BBA), for the words “raised by public issue”, the words “raised by public issue or preferential allotment or private placement” shall be substituted;

(c) in sub-section (2C), for the words “raised by public issue”, the words “raised from public by public issue or preferential allotment or private placement” shall be substituted;

(d) in sub-section (2E), the following provisos shall be inserted, namely:—

“Provided that the shareholder holding any preference share capital in the corresponding new bank shall, in respect of such capital, have a right to vote only on resolutions placed before such corresponding new bank which directly affects the rights attached to his preference shares:

Provided further that no preference shareholder shall be entitled to exercise voting rights in respect of preference shares held by him in excess of one per cent. of the total voting rights of all the shareholders holding preference share capital only.”.

Amendment of
section 9.

3. In section 9 of the Bank Nationalisation Act,—

(a) in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

“(ca) the manner in which the excess number of directors shall retire under second proviso to clause (i) of sub-section (3);”;

(b) in sub-section (3),—

(i) in clause (a), for the words “not more than two whole-time directors”, the words “not more than four whole-time directors” shall be substituted;

*16-10-2006, vide Notification No. S.O. 1767(E) dated 16-10-2006.

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

“(c) one director, possessing necessary expertise and experience in matters relating to regulation or supervision of commercial banks, to be nominated by the Central Government on the recommendation of the Reserve Bank;”;

(iii) clause (d) shall be omitted;

(iv) for clause (i), the following shall be substituted, namely:—

“(i) where the capital issued under clause (c) of sub-section (2B) of section 3 is —

(I) not more than sixteen per cent. of the total paid-up capital, one director;

(II) more than sixteen per cent. but not more than thirty-two per cent. of the total paid-up capital, two directors;

(III) more than thirty-two per cent. of the total paid-up capital, three directors,

to be elected by the shareholders, other than the Central Government, from amongst themselves:

Provided that on the assumption of charge after election of any such director under this clause, equal number of directors nominated under clause (h) shall retire in such manner as may be specified in the scheme:

Provided further that in case the number of directors elected, on or before the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) and Financial Institutions Laws (Amendment) Act, 2006, in a corresponding new bank exceed the number of directors specified in sub-clause (I) or sub-clause (II) or sub-clause (III), as the case may be, such excess number of directors elected before such commencement shall retire in such manner as may be specified in the scheme and such directors shall not be entitled to claim any compensation for the premature retirement of their term of office.”;

(c) after sub-section (3A), the following sub-sections shall be inserted, namely:—

“(3AA) Without prejudice to the provisions of sub-section (3A) and notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no person shall be eligible to be elected as director under clause (i) of sub-section (3) unless he is a person having fit and proper status based upon track record, integrity and such other criteria as the Reserve Bank may notify from time to time in this regard.

(3AB) The Reserve Bank may also specify in the notification issued under sub-section (3AA), the authority to determine the fit and proper status, the manner of such determination, the procedure to be followed for such determination and such other matters as may be considered necessary or incidental thereto;”;

(d) in sub-section (3B), for the word, brackets, figure and letter “sub-section (3A)” at both the places where they occur, the words, brackets, figures and letters “sub-sections (3A) and (3AA)” shall be substituted.

4. After section 9 of the Bank Nationalisation Act, the following section shall be inserted, namely:—

“9A. (1) If the Reserve Bank is of the opinion that in the interest of banking policy or in the public interest or in the interests of the corresponding new bank or its depositors, it is necessary so to do, it may, from time to time, by order in writing, appoint, with effect from such date as may be specified in the order, one or more persons to hold office as additional directors of the corresponding new bank.

Insertion of
new section 9.

Power of
Reserve Bank
to appoint
additional
director.

(2) Any person appointed as an additional director in pursuance of this section—

(a) shall hold office during the pleasure of the Reserve Bank and subject thereto for a period not exceeding three years or such further periods not exceeding three years at a time as the Reserve Bank may specify;

(b) shall 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 execution of the duties of his office or in relation thereto; and

(c) shall not be required to hold qualification shares in the corresponding new bank.

(3) For the purpose of reckoning any proportion of the total number of directors of the corresponding new bank, any additional director appointed under this section shall not be taken into account.”

Amendment of
section 10A.

5. In section 10A of the Bank Nationalisation Act,—

(a) in sub-section (2), for the words “shall be entitled to discuss”, the words “shall be entitled to discuss, approve and adopt” shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Nothing contained in this section shall apply during the period for which the Board of Directors of a corresponding new bank had been superseded under sub-section (1) of section 18A:

Provided that the Administrator may, if he considers it appropriate in the interest of the corresponding new bank whose Board of Directors had been superseded, call annual general meeting in accordance with the provisions of this section.”

Insertion of new
section 10B.

6. After section 10A of the Bank Nationalisation Act, the following section shall be inserted, namely:—

Transfer of
unpaid or
unclaimed
dividend to
Unpaid
Dividend
Account.

‘10B. (1) Where, after the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) and Financial Institutions Laws (Amendment) Act, 2006, a dividend has been declared by a corresponding new bank but has not been paid or claimed within thirty days from the date of declaration, to, or by, any shareholder entitled to the payment of the dividend, the corresponding new bank shall, within seven days from the date of the expiry of such period of thirty days, transfer the total amount of dividend which remains unpaid or unclaimed within the said period of thirty days, to a special account to be called “Unpaid Dividend Account of ... (the name of the corresponding new bank).”

Explanation.—In this sub-section, the expression “dividend which remains unpaid” means any dividend the warrant in respect thereof has not been encashed or which has otherwise not been paid or claimed.

(2) Where the whole or any part of any dividend, declared by a corresponding new bank before the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) and Financial Institutions Laws (Amendment) Act, 2006, remains unpaid at such commencement, the corresponding new bank shall, within a period of six months from such commencement, transfer such unpaid amount to the account referred to in sub-section (1).

(3) Any money transferred to the Unpaid Dividend Account of a corresponding new bank in pursuance of this section which remains unpaid or unclaimed for a period of seven years from the date of such transfer, shall be transferred by the corresponding new bank to the Investor Education and Protection Fund established under sub-section (1) of section 205C of the Companies Act, 1956.

(4) The money transferred under sub-section (3) to the Investor Education and Protection Fund shall be utilised for the purposes and in the manner specified in section 205C of the Companies Act, 1956.’

1 of 1956.

1 of 1956.

7. After section 18 of the Bank Nationalisation Act, the following section shall be inserted, namely:—

Insertion of new section 18A.

“18A. (1) Where the Central Government, on the recommendation of the Reserve Bank, is satisfied that in the public interest or for preventing the affairs of any corresponding new bank being conducted in a manner detrimental to the interest of the depositors or the corresponding new bank or for securing the proper management of any corresponding new bank, it is necessary so to do, the Central Government may, for reasons to be recorded in writing, by order, supersede the Board of Directors of such corresponding new bank for a period not exceeding six months as may be specified in the order:

Supersession of Board in certain cases.

Provided that the period of supersession of the Board of Directors may be extended from time to time, so, however, that the total period shall not exceed twelve months.

(2) The Central Government may, on supersession of the Board of Directors of the corresponding new bank under sub-section (1), appoint, in consultation with the Reserve Bank, for such period as it may determine, an Administrator (not being an officer of the Central Government or a State Government) who has experience in law, finance, banking, economics or accountancy.

(3) The Central Government may issue such directions to the Administrator as it may deem appropriate and the Administrator shall be bound to follow such directions.

(4) Upon making the order of supersession of the Board of Directors of the corresponding new bank, notwithstanding anything contained in this Act,—

(a) the chairman, managing directors and other directors shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act or any other law for the time being in force, be exercised and discharged by or on behalf of the Board of Directors of such corresponding new bank, or by a resolution passed in general meeting of such corresponding new bank, shall, until the Board of Directors of such corresponding new bank is reconstituted, be exercised and discharged by the Administrator appointed by the Central Government under sub-section (2):

Provided that the power exercised by the Administrator shall be valid notwithstanding that such power is exercisable by a resolution passed in the general meeting of the corresponding new bank.

(5) The Central Government may constitute, in consultation with the Reserve Bank, a committee of three or more persons who have experience in law, finance, banking, economics or accountancy to assist the Administrator in the discharge of his duties.

(6) The committee shall meet at such times and places and observe such rules of procedure as may be specified by the Central Government.

(7) The salary and allowances payable to the Administrator and the members of the committee constituted under sub-section (5) by the Central Government shall be such as may be specified by the Central Government and be payable by the concerned corresponding new bank.

(8) On and before the expiration of two months before expiry of the period of supersession of the Board of Directors as specified in the order issued under sub-section (1), the Administrator of the corresponding new bank, shall call the general meeting of the corresponding new bank to elect new directors and reconstitute its Board of Directors.

(9) Notwithstanding anything contained in any other law or in any contract, the memorandum or articles of association, no person shall be entitled to claim any compensation for the loss or termination of his office.

(10) The Administrator appointed under sub-section (2) shall vacate office immediately after the Board of Directors of the corresponding new bank has been reconstituted."

CHAPTER III

AMENDMENTS TO THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1980

Amendment of
section 3.

8. In section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 [hereafter in this Chapter referred to as the Bank (Second) Nationalisation Act],—

(a) in sub-section (2B), for clause (c), the following shall be substituted, namely:—

"(c) such amounts as the Board of Directors of the corresponding new bank may, after consultation with the Reserve Bank and with the previous sanction of the Central Government, raise whether by public issue or preferential allotment or private placement, of equity shares or preference shares in accordance with the procedure as may be prescribed, so, however, that the Central Government shall, at all times hold not less than fifty-one per cent. of the paid-up capital consisting of equity shares of each corresponding new bank:

Provided that the issue of preference shares shall be in accordance with the guidelines framed by the Reserve Bank specifying the class of preference shares, the extent of issue of each class of such preference shares (whether perpetual or irredeemable or redeemable) and the terms and conditions subject to which, each class of preference shares may be issued.";

(b) in sub-sections (2BB) and (2BBA), for the words "raised by public issue", the words "raised by public issue or preferential allotment or private placement" shall be substituted;

(c) in sub-section (2C), for the words "raised by public issue", the words "raised from public by public issue or preferential allotment or private placement" shall be substituted;

(d) in sub-section (2E), the following provisos shall be inserted, namely:—

"Provided that the shareholder holding any preference share capital in the corresponding new bank shall, in respect of such capital, have a right to vote only on resolutions placed before such corresponding new bank which directly affects the rights attached to his preference shares:

Provided further that no preference shareholder shall be entitled to exercise voting rights in respect of preference shares held by him in excess of one per cent. of the total voting rights of all the shareholders holding preference share capital only."

Amendment of
section 9.

9. In section 9 of the Bank (Second) Nationalisation Act,—

(a) in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

"(ca) the manner in which the excess number of directors shall retire under the second proviso to clause (i) of sub-section (3);";

(b) in sub-section (3),—

(i) in clause (a), for the words "not more than two whole-time directors", the words "not more than four whole-time directors" shall be substituted;

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

“(c) one director, possessing necessary expertise and experience in matters relating to regulation or supervision of commercial banks, to be nominated by the Central Government on the recommendation of the Reserve Bank;”;

(iii) clause (d) shall be omitted;

(iv) for clause (i), the following shall be substituted, namely:—

“(i) where the capital issued under clause (c) of sub-section (2B) of section 3 is —

(I) not more than sixteen per cent. of the total paid-up capital, one director;

(II) more than sixteen per cent. but not more than thirty-two per cent. of the total paid-up capital, two directors;

(III) more than thirty-two per cent. of the total paid-up capital, three directors,

to be elected by the shareholders, other than the Central Government, from amongst themselves:

Provided that on the assumption of charge after election of any such director under this clause, equal number of directors nominated under clause (h) shall retire in such manner as may be specified in the scheme:

Provided further that in case the number of directors elected, on or before the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) and Financial Institutions Laws (Amendment) Act, 2006, in a corresponding new bank exceed the number of directors specified in sub-clause (I) or sub-clause (II) or sub-clause (III), as the case may be, such excess number of directors elected before such commencement shall retire in such manner as may be specified in the scheme and such directors shall not be entitled to claim any compensation for the premature retirement of their term of office.”;

(c) after sub-section (3A), the following sub-sections shall be inserted, namely:—

“(3AA) Without prejudice to the provisions of sub-section (3A) and notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no person shall be eligible to be elected as director under clause (i) of sub-section (3) unless he is a person having fit and proper status based upon track record, integrity and such other criteria as the Reserve Bank may notify from time to time in this regard.

(3AB) The Reserve Bank may also specify in the notification issued under sub-section (3AA), the authority to determine the fit and proper status, the manner of such determination, the procedure to be followed for such determination and such other matters as may be considered necessary or incidental thereto.”;

(d) in sub-section (3B), for the word, brackets, figure and letter “sub-section (3A)” at both the places where they occur, the words, brackets, figures and letters “sub-section (3A) and sub-section (3AA)” shall be substituted.

10. After section 9 of the Bank (Second) Nationalisation Act, the following section shall be inserted, namely:—

“9A. (1) If the Reserve Bank is of the opinion that in the interest of banking policy or in the public interest or in the interests of the corresponding new bank or its depositors, it is necessary so to do, it may, from time to time, by order in writing, appoint, with effect from such date as may be specified in the order, one or more persons to hold office as additional directors of the corresponding new bank.

Insertion of new section 9A.

Power of Reserve Bank to appoint additional director.

(2) Any person appointed as an additional director in pursuance of this section—

(a) shall hold office during the pleasure of the Reserve Bank and subject thereto for a period not exceeding three years or such further periods not exceeding three years at a time as the Reserve Bank may specify;

(b) shall 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 execution of the duties of his office or in relation thereto; and

(c) shall not be required to hold qualification shares in the corresponding new bank.

(3) For the purpose of reckoning any proportion of the total number of directors of the corresponding new bank, any additional director appointed under this section shall not be taken into account.”

Amendment of
section 10A.

11. In section 10A of the Bank (Second) Nationalisation Act,—

(a) in sub-section (2), for the words “shall be entitled to discuss”, the words “shall be entitled to discuss, approve and adopt” shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Nothing contained in this section shall apply during the period for which the Board of Directors of a corresponding new bank had been superseded under sub-section (1) of section 18A:

Provided that the Administrator may, if he considers it appropriate in the interest of the corresponding new bank whose Board of Directors had been superseded, call annual general meeting in accordance with the provisions of this section.”

Insertion of new
section 10B.

12. After section 10A of the Bank (Second) Nationalisation Act, the following section shall be inserted, namely:—

Transfer of
unpaid or
unclaimed
dividend to
Unpaid
Dividend
Account.

‘10B. (1) Where, after the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) and Financial Institutions Laws (Amendment) Act, 2006, a dividend has been declared by a corresponding new bank but has not been paid or claimed within thirty days from the date of declaration, to, or by, any shareholder entitled to the payment of the dividend, the corresponding new bank shall, within seven days from the date of the expiry of such period of thirty days, transfer the total amount of dividend which remains unpaid or unclaimed within the said period of thirty days, to a special account to be called “Unpaid Dividend Account of ... (the name of the corresponding new bank)”.

Explanation.—In this sub-section, the expression “dividend which remains unpaid” means any dividend the warrant in respect thereof has not been encashed or which has otherwise not been paid or claimed.

(2) Where the whole or any part of any dividend, declared by a corresponding new bank before the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) and Financial Institutions Laws (Amendment) Act, 2006, remains unpaid at such commencement, the corresponding new bank shall, within a period of six months from such commencement, transfer such unpaid amount to the account referred to in sub-section (1).

(3) Any money transferred to the Unpaid Dividend Account of a corresponding new bank in pursuance of this section which remains unpaid or unclaimed for a period of seven years from the date of such transfer, shall be transferred by the corresponding new bank to the Investor Education and Protection Fund established under sub-section (1) of section 205C of the Companies Act, 1956.

(4) The money transferred under sub-section (3) to the Investor Education and Protection Fund shall be utilised for the purposes and in the manner specified in section 205C of the Companies Act, 1956.

of 1956.

13. After section 18 of the Bank (Second) Nationalisation Act, the following section shall be inserted, namely:—

Insertion of new section 18A.

"18A. (1) Where the Central Government, on the recommendation of the Reserve Bank, is satisfied that in the public interest or for preventing the affairs of any corresponding new bank being conducted in a manner detrimental to the interest of the depositors or the corresponding new bank or for securing the proper management of any corresponding new bank, it is necessary so to do, the Central Government may, for reasons to be recorded in writing, by order, supersede the Board of Directors of such corresponding new bank for a period not exceeding six months as may be specified in the order:

Supersession of Board in certain cases.

Provided that the period of supersession of the Board of Directors may be extended from time to time, so, however, that the total period shall not exceed twelve months.

(2) The Central Government may, on supersession of the Board of Directors of the corresponding new bank under sub-section (1), appoint, in consultation with the Reserve Bank, for such period as it may determine, an Administrator (not being an officer of the Central Government or a State Government) who has experience in law, finance, banking, economics or accountancy.

(3) The Central Government may issue such directions to the Administrator as it may deem appropriate and the Administrator shall be bound to follow such directions.

(4) Upon making the order of supersession of the Board of Directors of the corresponding new bank, notwithstanding anything contained in this Act,—

(a) the chairman, managing director and other directors shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act or any other law for the time being in force, be exercised and discharged by or on behalf of the Board of Directors of such corresponding new bank, or by a resolution passed in general meeting of such corresponding new bank, shall, until the Board of Directors of such corresponding new bank is reconstituted, be exercised and discharged by the Administrator appointed by the Central Government under sub-section (2):

Provided that the power exercised by the Administrator shall be valid notwithstanding that such power is exercisable by a resolution passed in the general meeting of the corresponding new bank.

(5) The Central Government may constitute, in consultation with the Reserve Bank, a committee of three or more persons who have experience in law, finance, banking, economics or accountancy to assist the Administrator in the discharge of his duties.

(6) The committee shall meet at such times and places and observe such rules of procedure as may be specified by the Central Government.

(7) The salary and allowances payable to the Administrator and the members of the committee constituted under sub-section (5) by the Central Government shall be such as may be specified by the Central Government and be payable by the concerned corresponding new bank.

(8) On and before the expiration of two months before expiry of the period of supersession of the Board of Directors as specified in the order issued under sub-section (1), the Administrator of the corresponding new bank, shall call the general meeting of the corresponding new bank to elect new directors and reconstitute its Board of Directors.

(9) Notwithstanding anything contained in any other law or in any contract, the memorandum or articles of association, no person shall be entitled to claim any compensation for the loss or termination of his office.

(10) The Administrator appointed under sub-section (2) shall vacate office immediately after the Board of Directors of the corresponding new bank has been reconstituted."

CHAPTER IV

AMENDMENTS TO THE STATE BANK OF INDIA ACT, 1955

Amendment of section 20. 14. In section 20 of the State Bank of India Act, 1955 (hereafter in this Chapter referred to as the State Bank Act), in sub-section (3), the words "and thereafter until his successor shall have been duly elected" shall be omitted. 23 of 1955.

Amendment of section 21A. 15. In section 21A of the State Bank Act, in sub-section (1), the words "and thereafter until his successor has been duly nominated" shall be omitted. 23 of 1955.

CHAPTER V

AMENDMENTS TO THE STATE BANK OF INDIA (SUBSIDIARY BANKS) ACT, 1959

Amendment of section 26 of Act 38 of 1959. 16. In section 26 of the State Bank of India (Subsidiary Banks) Act, 1959,—
(a) in sub-section (2), the words "and thereafter until his successor is duly elected" shall be omitted;
(b) in sub-section (2A), for the words "and thereafter until his successor shall have been duly nominated or appointed", the words "and thereafter until his successor shall have been duly appointed" shall be substituted.

CHAPTER VI

AMENDMENTS TO CERTAIN OTHER ENACTMENTS

Amendment of section 6 of Act 47 of 1961. 17. In section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, in sub-section (2), in clause (ii), the words "and thereafter until his successor assumes office" shall be omitted.

Amendment of section 6 of Act 28 of 1981. 18. In section 6 of the Export-Import Bank of India Act, 1981, in sub-section (6), the words "and thereafter until his successor enters upon his office" shall be omitted.

Amendment of section 7 of Act 53 of 1987. 19. In section 7 of the National Housing Bank Act, 1987, in sub-section (2), the proviso shall be omitted.

THE PRODUCE CESS LAWS (ABOLITION) ACT, 2006

No. 46 OF 2006

[25th September, 2006.]

An Act to repeal the Agricultural Produce Cess Act, 1940 and the Produce Cess Act, 1966.

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

1. This Act may be called the Produce Cess Laws (Abolition) Act, 2006.

Short title.

2. The Agricultural Produce Cess Act, 1940 is hereby repealed.

Repeal of Act
27 of 1940.

3. The Produce Cess Act, 1966 is hereby repealed.

Repeal of Act
15 of 1966.

4. (1) The repeal by this Act of any enactment shall not,—

Savings.

(a) affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

(b) affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

(c) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

(d) revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

(2) The mention of particular matters in sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

5. Notwithstanding the repeal of the enactments specified in section 2 and section 3, the proceeds of duties levied under the said enactments immediately preceding the date on which the Produce Cess Laws (Abolition) Bill, 2006 receives the assent of the President,—

Collection and
payment of
arrears of
duties.

(i) if collected by the collecting agencies but not paid into the Reserve Bank of India; and

(ii) if not collected by the collecting agencies,

shall be paid or as the case may be, collected and paid into the Reserve Bank of India for being credited to the Consolidated Fund of India.

10 of 1897.

THE ASSAM RIFLES ACT, 2006

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THE ASSAM RIFLES ACT, 2006

No. 47 OF 2006

[3rd November, 2006.]

An Act to consolidate and amend the law relating to the governance of the Assam Rifles, an Armed Force of the Union for ensuring the security of the borders of India, to carry out Counter Insurgency Operations in the specified areas and to act in aid of civil authorities for the maintenance of the law and order and for matters connected therewith.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—s

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Assam Rifles Act, 2006.

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

Definitions.

(a) "active duty", in relation to a person subject to this Act, means any duty as a member of the Force during the period in which such person is attached to, or forms part of, a unit of the Force—

(i) which is engaged in operations against an enemy or an insurgent or a terrorist or any person in arms against the Union, or

(ii) which is operating at a picket or engaged on patrol or other guard duty along the borders of India,

and includes duty by such person during any period declared by the Central Government, by notification in the Official Gazette, as a period of active duty with reference to any area in which or under any provision of this Act or for the purposes of any other law for the time being in force, any person or class of persons subject to this Act may be serving;

(b) "Assam Rifles Court" means a Court referred to in section 86;

(c) "battalion" means a unit of the Force constituted as battalion by the Central Government;

(d) "Chief Law Officer" and "Law Officer" mean, respectively, the Chief Law Officer and a Law Officer of the Force appointed by the Central Government;

(e) "civil offence" means an offence which is triable by a criminal court;

(f) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894, or under any other law for the time being in force;

(g) "Commandant", when used in any provision of this Act with reference to any unit of the Force, means the officer whose duty it is under the rules or regulations or in the absence of such rules or regulations, by custom of the service, to discharge with

respect to that unit, the functions of a Commandant in regard to matters of the description referred to in that provision;

(h) "criminal court" means a court of ordinary criminal justice in any part of India;

(i) "deputation" means a period for which the services of a person belonging to any department of the Central Government are placed at the disposal of the Director-General;

(j) "Director-General" and "Additional Director-General" mean, the Director-General and Additional Director-General of the Force appointed under sub-sections (1) and (2) of section 5, respectively;

(k) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates, terrorists and any person in arms against whom it is the duty of any person subject to this Act to take action;

(l) "enrolled person" means an under-officer or other person enrolled under this Act;

(m) "Force" means the Assam Rifles;

(n) "Force custody" means the arrest or confinement of a member of the Force according to rules and includes any military custody of such member under the Army Act, 1950;

46 of 1950.

(o) "Inspector-General" and "Deputy Inspector-General" mean, respectively, the Inspector-General and the Deputy Inspector-General of the Force appointed under sub-section (2) of section 5;

(p) "member of the Force" means an officer, a subordinate officer, an under-officer or other enrolled person and includes the persons on deputation;

(q) "notification" means a notification published in the Official Gazette;

(r) "offence" means any act or omission punishable under this Act and includes a civil offence;

(s) "officer" means a person appointed or in pay as an officer of the Force; but does not include a subordinate officer or an under-officer;

(t) "prescribed" means prescribed by rules made under this Act;

(u) "regulations" means the regulations made by the Central Government under this Act;

(v) "rule" means a rule made under this Act;

(w) "subordinate officer" means a person appointed or in pay as a Subedar Major, a Subedar or a Naib Subedar of the Force;

(x) "superior officer", when used in relation to a person subject to this Act, means—

(i) any member of the Force or a person on deputation to whose command such person is for the time being subject in accordance with the rules;

(ii) any officer of higher rank or class or of a higher grade in the same class,

and includes when such person is not an officer, a subordinate officer or an under-officer of higher rank, class or grade;

(y) "terrorist" means any person who, with intent to overawe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different

sections of the people, does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or fire-arms or other lethal weapons or poisons or noxious gases or other chemicals or any other substances (whether biological or otherwise) of a hazardous nature in such a manner, as to cause or is likely to cause death of, or injury to, any person or persons, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community;

(z) "under-officer" means a Warrant Officer, Havildar, Naik and Lance Naik of the Force;

(za) "unit" means any—

- (i) battalion; or
- (ii) regiment; or
- (iii) training institution; or
- (iv) Head Quarters of Deputy Inspector-General; or
- (v) Head Quarters of Inspector-General; or
- (vi) Head Quarters of Director-General,

of the Force and includes any other formation of the Force specified, by notification, by the Central Government.

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

(3) In this Act, reference to any law not in force in the State of Jammu and Kashmir shall be construed as references to the corresponding law in force in that State.

3. (1) The following persons (whether on deputation or otherwise employed) shall be subject to this Act, wherever they may be, namely:—

Persons
subject to this
Act.

- (a) officers and subordinate officers; and
- (b) under-officers and other persons enrolled under this Act.

(2) Members of the Force in existence at the commencement of this Act shall be deemed to have been appointed or, as the case may be, enrolled as such under this Act.

(3) Notwithstanding anything contained in sub-section (1), any person who is employed in the Force on deputation from the regular Army as defined under clause (xxi) of section 3 of the Army Act, 1950 shall not be subject to this Act and shall, during the period of such deputation, be deemed to be subject to the Army Act, 1950:

Provided that such person in regard to his duties and discipline shall be deemed to be under the command of the member of the Force under whose command such person for the time being is placed:

Provided further that, in case of such person, for the purposes of his duties and discipline, the expression "active duty" defined in clause (a) of sub-section (1) of section 2 shall be deemed to be the "active service" as defined in clause (i) of section 3 of the Army Act, 1950, for taking any action against him under the provisions of the said Army Act.

(4) Any person who is not subject to this Act is posted for any service with the members of the Force or engaged to accompany with or to provide any service in any manner to the members of the Force in such—

- (i) camp;
- (ii) line of march;

45 of 1860.

46 of 1950.

46 of 1950.

- (iii) frontier post;
- (iv) active duty; or
- (v) counter insurgency operations,

as may be specified, by notification, by the Central Government in this behalf shall be deemed to be a member of the Force, till he is so posted or engaged in such corresponding rank as may be determined, by notification, by the Central Government for the purposes of this Act.

(5) Every person subject to this Act shall remain so subject until retired, discharged, released, removed or dismissed from the Force in accordance with the provisions of this Act and the rules.

CHAPTER II

CONSTITUTION OF THE FORCE AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE FORCE

Constitution of Force.

4. (1) There shall be an armed force of the Union called the Assam Rifles for ensuring the security of the borders of India, to carry out counter insurgency operations in the specified areas and to act in aid of civil authorities for the maintenance of law and order and the matters connected therewith.

(2) Subject to the provisions of this Act, the Force shall be reconstituted in such manner as may be prescribed and the conditions of service of the members of the Force shall be such as may be prescribed.

Control, direction, etc.

5. (1) The general superintendence, direction and control of the Force shall vest in, and be exercised by, the Central Government and subject thereto and to the provisions of this Act and the rules and regulations, the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director-General of the Force.

(2) The Director-General shall, in the discharge of his duties under this Act, be assisted by such number of Additional Director-General, Inspectors-General, Deputy Inspectors-General, Commandants and other officers as may be appointed by the Central Government.

Enrolment.

6. (1) The persons to be enrolled to the Force, the mode of enrolment and the procedure for enrolment shall be such as may be prescribed by the Central Government.

(2) Notwithstanding anything contained in this Act and the rules and regulations, every person who has, for a continuous period of three months, been in receipt of pay as a person enrolled under this Act and borne on the rolls of the Force shall be deemed to have been duly enrolled.

(3) No person who is not a citizen of India shall, except by the consent of the Central Government signified in writing, be enrolled in the Force.

Liability for service outside India.

7. Every member of the Force shall be liable to serve in any part of India as well as outside India.

Resignation and withdrawal from the post.

8. No member of the Force shall be at liberty—

- (a) to resign his appointment during the term of his engagement; or
- (b) to withdraw himself from all or any of the duties of his appointment,

except with the previous permission in writing of the prescribed authority.

Tenure of service under the Act.

9. Every person subject to this Act shall hold office during the pleasure of the President.

10. Subject to the provisions of this Act and the rules and regulations, the Central Government may dismiss or remove from the service any person subject to this Act.

Termination of service by Central Government.

11. (1) The Director-General, Additional Director-General or any Inspector-General may dismiss or remove from service or reduce to a lower grade or rank or the ranks any person subject to this Act other than an officer.

Dismissal, removal or reduction by Director-General and by other officers.

(2) An officer not below the rank of Deputy Inspector-General may dismiss or remove from the service any person under his command other than an officer or a subordinate officer of such rank or the ranks as may be prescribed.

(3) Any such officer as is mentioned in sub-section (2) may reduce to a lower grade or rank or the ranks any person under his command except an officer or a subordinate officer.

(4) The exercise of any power under this section shall be subject to the provisions of this Act and the rules and regulations.

12. A subordinate officer or an under-officer or other enrolled person who is retired, discharged, released, removed or dismissed from service shall be furnished by the officer, to whose command he is subject, with a certificate in the language which is the mother-tongue of such person and also in Hindi and English language setting forth—

Certificate of termination of service.

(a) the authority terminating his service;

(b) the cause for such termination; and

(c) the full period of his service in the Force.

13. (1) No person subject to this Act shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—

Restrictions on right to form association, freedom of speech, etc.

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(b) be a member of, or be associated in any way with, any society, institution, association or organisation that is not recognised as part of the Force or is not of a purely social, recreational or religious nature; or

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No person subject to this Act shall participate in, or address, any meeting or take part in any demonstration organised by any body or persons for any political purposes or for such other purposes as may be prescribed.

CHAPTER III

SERVICE PRIVILEGES

14. The pay of every person subject to this Act due to him as such under any rules or regulations for the time being in force shall be paid without any deduction other than the deductions authorised by or under this Act or any other Act.

Authorised deduction only to be made from pay.

15. (1) Any person subject to this Act other than an officer who deems himself wronged by any officer or subordinate officer may complain to the officer under whose command or orders he is serving.

Remedy of aggrieved persons other than officers.

(2) When the officer complained against is the officer to whom any complaint should, under sub-section (1), be preferred, the aggrieved person may complain to such officer's next superior officer.

(3) Every officer receiving any such complaint shall make as complete an investigation into it as may be possible for giving full redress to the complainant; or when necessary, refer the complaint to superior authority.

(4) Every such complaint shall be preferred in such manner as may, from time to time, be specified by the Director-General.

(5) The Central Government may revise any decision by the Director-General under sub-section (2), but, subject thereto, the decision of the Director-General shall be final.

Remedy of
aggrieved
officers.

16. Any officer who deems himself wronged by his Commandant or any superior officer and who on due application made to his Commandant or such superior officer does not receive the redress to which he considers himself entitled, may complain to the Central Government in such manner as may, from time to time, be specified by the Director-General.

Immunity
from
attachment.

17. Neither the arms, clothes, equipment, accoutrements or necessaries of any person subject to this Act, nor any animal used by him for the discharge of his duty shall be seized, nor shall, the pay and allowances of any such person or any part thereof, be attached, by direction of any civil or revenue court or any revenue officer in satisfaction of any decree or order enforceable against him.

Immunity
from arrest
for debt.

18. (1) No person subject to this Act shall, so long as he belongs to the Force, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue officer, except with the prior consent of the Central Government.

(2) The Judge of any such court or the said officer may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no court-fee shall be payable by the complainant.

Immunity of
persons
attending
Assam Rifles
Court from
arrest.

19. (1) No Presiding Officer or member of an Assam Rifles Court, no Law Officer, no party to any proceeding before an Assam Rifles Court, or his legal practitioner or agent and no witness acting in obedience to a summons to attend an Assam Rifles Court shall, while proceeding to, attending or returning from, an Assam Rifles Court, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the Assam Rifles Court.

Savings of
rights and
privileges
under other
laws.

20. The rights and privileges specified in the preceding section of this Chapter shall be in addition to, and not in derogation of, any other rights and privileges conferred on persons subject to this Act generally by any other law for the time being in force.

CHAPTER IV

OFFENCES

Offences in
relation to
the enemy
and
punishable
with death.

21. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) shamefully abandons or delivers up any post, place or guard, committed to his charge or which it is his duty to defend; or

(b) intentionally uses any means to compel or induce any person subject to this Act or to army, naval, air force law or any member of other armed forces to abstain from

acting against the enemy or to discourage such person from acting against the enemy;
or

(c) in the presence of enemy, shamefully casts away his arms, ammunition, tools or equipment or misbehaves in such manner as to show cowardice; or

(d) treacherously holds correspondence with, or communicates intelligence to, the enemy or any person in arms against the Union; or

(e) directly or indirectly assists the enemy with money, arms, ammunition, stores or supplies or in any other manner whatsoever; or

(f) in time of active operation against the enemy intentionally occasions a false alarm in action, camp, quarters or spreads or causes to be spread reports calculated to create alarm or despondency; or

(g) in time of action leaves his Commandant or other superior officer or his post, guard, picket, patrol or party without being regularly relieved or without leave; or

(h) having been captured by the enemy or made a prisoner of war, voluntarily serves with or aids the enemy; or

(i) knowingly harbours or protects an enemy not being a prisoner; or

(j) being a sentry in time of active operation against the enemy or alarm, sleeps upon his post or is intoxicated; or

(k) knowingly does any act calculated to imperil the success of the Force or the army, naval, air forces of India or any other armed forces of the Central Government co-operating therewith or any part of such forces,

shall, on conviction by an Assam Rifles Court, be liable to suffer death or such less punishment as is in this Act mentioned.

22. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) is taken prisoner or captured by the enemy, by want of due precaution or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner or so captured fails to rejoin his service when able to do so; or

(b) without due authority holds correspondence with, or communicates intelligence to, the enemy or any person in league with the enemy or having come by the knowledge of any such correspondence or communication, wilfully omits to discover it immediately to his Commandant or other superior officer,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

23. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) forces a safeguard or forces or uses criminal force to a sentry; or

(b) breaks into any house or other place in search of plunder; or

(c) being a sentry, sleeps upon his post or is intoxicated; or

(d) without orders from his superior officer, leaves his guard, picket, patrol or posts; or

(e) intentionally or through neglect occasions a false alarm in camp or quarters, or spreads or causes to be spread reports calculated to create unnecessary alarm or despondency; or

(f) makes known the parole, watchword or countersign to any person not entitled to receive it; or

(g) knowingly gives a parole, watchword or countersign different from what he received,

Offences in relation to the enemy and not punishable with death.

Offences punishable more severely on active duty than at other times.

shall, on conviction by an Assam Rifles Court,—

(A) if he commits any such offence when on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(B) if he commits any such offence when not on active duty, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

Mutiny.

24. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) begins, incites, causes or conspires with any other person to cause any mutiny in the Force or in the army, naval or air forces of India or any forces co-operating therewith; or

(b) joins in any such mutiny; or

(c) being present at any such mutiny, does not use his utmost endeavours to suppress the same; or

(d) knowing or having reason to believe in the existence of any such mutiny, or of any intention to mutiny or of any such conspiracy, does not, without delay, give information thereof to his Commandant or other superior officer; or

(e) endeavours to seduce any person in the Force or in the army, naval or air forces of India or any forces cooperating therewith from his duty or allegiance to the Union,

shall, on conviction by an Assam Rifles Court, be liable to suffer death or such less punishment as is in this Act mentioned.

Desertion and aiding desertion.

25. (1) Any person subject to this Act who deserts or attempts to desert the service shall, on conviction by an Assam Rifles Court,—

(a) if he commits the offence when on active duty or when under orders for active duty, be liable to suffer death or such less punishment as is in this Act mentioned; and

(b) if he commits the offence under any other circumstances, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who knowingly harbours any such deserter shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(3) Any person subject to this Act who, being cognizant of any desertion or attempt at desertion of a person subject to this Act, does not forthwith give notice to his own or some other superior officer, or take any steps in his power to cause such person to be apprehended, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

Absence without leave.

26. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) absents himself without leave; or

(b) without sufficient cause, overstays leave granted to him; or

(c) being on leave of absence and having received information from the appropriate authority that any battalion or part thereof or any other unit of the Force, to which he belongs, has been ordered on active duty, fails, without sufficient cause, to rejoin without delay; or

(d) without sufficient cause, fails to appear at the time fixed at the parade or place appointed for exercise or duty; or

(e) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer, quits the parade or line of march; or

(f) when in camp or elsewhere, is found beyond any limits fixed, or in any place prohibited, by any general, local or other order, without a pass or written leave from his superior officer; or

(g) without leave from his superior officer or without due cause, absents himself from any school when duly ordered to attend there, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

27. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) uses criminal force to or assaults his superior officer; or

(b) uses threatening language to such officer; or

(c) uses insubordinate language to such officer,

shall, on conviction by an Assam Rifles Court,—

(A) if such officer is at the time in the execution of his office or, if the offence is committed on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(B) in other cases, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned:

Provided that in the case of an offence specified in clause (c), the imprisonment shall not exceed five years.

28. (1) Any person subject to this Act who disobeys, in such manner as to show a wilful defiance of authority, any lawful command given personally by his superior officer in the execution of his office whether the same is given orally, or in writing or by signal or otherwise, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who disobeys any lawful command given by his superior officer shall, on conviction by an Assam Rifles Court,—

(a) if he commits such offence when on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(b) if he commits such offence when not on active duty, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

29. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being concerned in any quarrel, affray or disorder, refuses to obey any officer, though of inferior rank, who orders him into arrest, or uses criminal force to or assaults any such officer; or

(b) uses criminal force to, or assaults any person, whether subject to this Act or not, in whose custody he is lawfully placed, and whether he is or is not his superior officer; or

(c) resists an escort whose duty it is to apprehend him or to have him in charge; or

(d) breaks out of barracks, camp or quarters; or

(e) neglects to obey any general, local or other order; or

(f) impedes the Force Police referred to in section 85 or any person lawfully acting on its behalf, or when called upon, refuses to assist in the execution of his duty a Force Police or any person lawfully acting on his behalf,

Striking or threatening superior officers.

Disobedience to superior officer.

Insubordination and obstruction.

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clauses (d) and (e), to two years, and in the case of the offences specified in the other clauses, to ten years, or in either case such less punishment as is in this Act mentioned.

Fraudulent enrolment.

30. Any person subject to this Act who knowingly attempts to get enrolled or enrolls any other person who does not fulfil the conditions enabling him to be enrolled, shall, on conviction by the Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

False answers on enrolment.

31. Any person having become subject to this Act who is discovered to have made at the time of enrolment a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

Unbecoming conduct.

32. Any officer, subordinate officer or an under-officer who behaves in a manner unbecoming his position and the character expected of him shall, on conviction by an Assam Rifles Court, be liable to be dismissed or to suffer such less punishment as is in this Act mentioned.

Certain forms of disgraceful conduct.

33. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind; or

(b) malingers, or feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity; or

(c) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

Ill-treating a subordinate.

34. Any officer, subordinate officer or an under-officer who uses criminal force to or otherwise ill-treats any person subject to this Act, being his subordinate in rank or position, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

Intoxication.

35. Any person subject to this Act who is found in a state of intoxication whether on duty or not, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to six months or such less punishment as is in this Act mentioned.

Permitting escape of person in custody.

36. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) when in command of guard, picket, patrol or post, releases without proper authority, whether wilfully or without reasonable excuse, any person committed to his charge, or refuses to receive any prisoner or person so committed; or

(b) wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,

shall, on conviction by an Assam Rifles Court, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned; and if he has not acted wilfully, to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

Irregularity in connection with arrest or confinement.

37. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or

(b) having committed a person to Force custody fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within forty-eight hours thereafter, to the officer or other person into whose custody the person arrested is committed, an account in writing signed by himself of the offence with which the person so committed is charged,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to one year or such less punishment as is in this Act mentioned.

38. Any person subject to this Act who, being in lawful custody, escapes or attempts to escape, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

Escape from custody.

39. Any person subject to this Act who commits any of the following offences, that is to say,—

Offences in respect of property.

(a) commits theft of any property belonging to the Government, or to any Force mess, band or institution, or to any person subject to this Act; or

(b) dishonestly misappropriates or converts to his own use any such property; or

(c) commits criminal breach of trust in respect of any such property; or

(d) dishonestly receives or retains any such property in respect of which any of the offences under clauses (a), (b) and (c) has been committed, knowing or having reason to believe the commission of such offence; or

(e) wilfully destroys or injures any property of the Government entrusted to him; or

or

(f) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

40. Any person subject to this Act who commits any of the following offences, that is to say,—

Extortion and corruption.

(a) commits extortion; or

(b) without proper authority extracts from any person money, provisions or service,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

41. Any person subject to this Act who commits any of the following offences, that is to say,—

Making away with equipment.

(a) makes away with, or is concerned in making away with any arms, ammunition, equipment, instruments, tools, clothing or any other thing being the property of the Government issued to him for his use or entrusted to him; or

(b) loses by neglect anything mentioned in clause (a); or

(c) sells, pawns, destroys or defaces any medal or decoration granted to him,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clause (a), to ten years, and in the case of the offences specified in the other clauses, to five years, or in either case such less punishment as is in this Act mentioned.

42. Any person subject to this Act who commits any of the following offences, that is to say,—

Injury to property.

(a) destroys or injures any property mentioned in clause (a) of section 41 or any property belonging to any Force mess, band or institution, or to any person subject to this Act; or

(b) commits any act which causes damage to, or destruction of, any property of the Government by fire; or

(c) kills, injures, makes away with, ill-treats or loses any animal entrusted to him, shall, on conviction by an Assam Rifles Court, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned; and if he has acted without reasonable excuse, to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

False accusations.

* 43. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) makes a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(b) in making complaint against any person subject to this Act, makes any statement affecting the character of such person, knowing or having reason to believe such statement to be false, or knowingly and wilfully suppresses any material facts, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

Falsifying official document and false declarations.

44. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) in any report, return, list, certificate, book or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of, any false or fraudulent statement; or

(b) in any document of the description mentioned in clause (a), knowingly makes, or is privy to the making of, any omission, with intent to defraud; or

(c) knowingly and with intent to injure any person or knowingly and with intent to defraud, suppresses, defaces, alters or makes away with any document which it is his duty to preserve or produce; or

(d) where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

(e) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

Signing in blank and failure to report.

45. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) when signing any document relating to pay, arms, ammunition, equipment, clothing, supplies or stores, or any property of the Government fraudulently leaves in blank any material part for which his signature is a voucher; or

(b) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

Offences relating to Assam Rifles Court.

46. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being duly summoned or ordered to attend as a witness before an Assam Rifles Court, wilfully or without reasonable excuse, makes default in attending; or

(b) refuses to take an oath or make an affirmation legally required by an Assam Rifles Court to be taken or made; or

(c) refuses to produce or deliver any document in his power or control legally required by an Assam Rifles Court to be produced or delivered by him; or

(d) refuses, when a witness, to answer any question which he is by law bound to answer; or

(e) is guilty of contempt of the Assam Rifles Court by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such Court,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

47. Any person subject to this Act who, having been duly sworn or affirmed before any Assam Rifles Court or other court competent under this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

False
evidence.

48. Any officer, subordinate officer or an under-officer who, having received the pay of a person subject to this Act, unlawfully detains or refuses to pay the same when due, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

Unlawful
detention of
pay.

49. Any person subject to this Act who is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and discipline of the Force shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

Violation of
good order
and discipline.

50. Any person subject to this Act who commits any of the following offences, that is to say,—

Miscellaneous
offences.

(a) being in command at any post or on the march, and receiving a complaint that anyone under his command has beaten or otherwise mal-treated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or

(b) by defiling any place of worship, or otherwise, intentionally insults the religion, or wounds the religious feelings of any person; or

(c) attempts to commit suicide, and in such attempt does any act towards the commission of such offence; or

(d) being below the rank of subordinate officer, when off duty, appears without proper authority, in or about camp, or when going to, or returning from, any town or bazaar, carrying a rifle, sword or other offensive weapons; or

(e) directly or indirectly accepts or obtains, or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person or leave of absence, promotion or any other advantage or indulgence for any person in the service; or

(f) commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

Attempt.

51. Any person subject to this Act who attempts to commit any of the offences specified in sections 21 to 50 (both inclusive) and in such attempt does any act towards the commission of the offence shall, on conviction by an Assam Rifles Court, where no express provision is made by this Act for the punishment of such attempt, be liable,—

(a) if the offence attempted to be committed is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(b) if the offence attempted to be committed is punishable with imprisonment to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

Abetment of offences that have been committed.

52. Any person subject to this Act who abets the commission of any of the offences specified in sections 21 to 50 (both inclusive) shall, on conviction by an Assam Rifles Court, if the Act abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abetment, be liable to suffer the punishment provided for that offence or such less punishment as is in this Act mentioned.

Abetment of offences punishable with death and not committed.

53. Any person subject to this Act who abets the commission of any of the offences punishable with death under sections 21, 24 and clause (a) of sub-section (1) of section 25 shall, on conviction by an Assam Rifles Court, if that offence, be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to fourteen years of such less punishment as is in this Act mentioned.

Abetment of offences punishable with imprisonment and not committed.

54. Any person subject to this Act who abets the commission of any of the offences specified in sections 21 to 50 (both inclusive) and punishable with imprisonment shall, on conviction by an Assam Rifles Court, if that offence, be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

Civil offences.

55. Subject to the provisions of section 56, any person subject to this Act who at any place in, or beyond, India commits any civil offence shall be deemed to be guilty of an offence against this Act and, if charged therewith under this section, shall be liable to be tried by an Assam Rifles Court and, on conviction, be punishable as follows, that is to say,—

(a) if the offence is one which would be punishable under any law in force in India with death, he shall be liable to suffer any punishment assigned for the offence, by the aforesaid law and such less punishment as is in this Act mentioned; and

(b) in any other case, he shall be liable to suffer any punishment assigned for the offence by the law in force in India, or imprisonment for a term which may extend to seven years, or such less punishment as is in this Act mentioned.

Civil offences not triable by an Assam Rifles Court.

56. A person subject to this Act who commits an offence of murder or of culpable homicide not amounting to murder against, or of rape in relation to, a person not subject to this Act shall not be deemed to be guilty of an offence against this Act and shall not be tried by an Assam Rifles Court, unless he commits any of the said offences,—

(a) while on active duty; or

(b) at any place outside India; or

(c) at any place specified by the Central Government, by notification in this behalf.

CHAPTER V

PUNISHMENTS

57. (1) Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by the Assam Rifles Courts, according to the scale following, that is to say,—

Punishment
awardable by
Assam Rifles
Courts.

(a) death;

(b) imprisonment which may be for the term of life or any other lesser term but excluding imprisonment for a term not exceeding three months in Force custody;

(c) dismissal from the service;

(d) compulsory retirement from service;

(e) imprisonment for a term not exceeding three months in Force custody except in case of officers and subordinate officers;

(f) reduction to the ranks or to a lower rank or grade or place in the list of their rank in the case of an under-officer;

(g) forfeiture of seniority of rank and forfeiture of all or any part of the service for the purpose of promotion;

(h) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;

(i) fine;

(j) severe reprimand or reprimand except in the case of persons below the rank of an under-officer;

(k) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active duty;

(l) forfeiture in the case of person sentenced to dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such dismissal;

(m) stoppage of pay and allowances until any proved loss or damage occasioned by the offence for which he is convicted is made good.

(2) Each of the punishments specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

58. Subject to the provisions of this Act, an Assam Rifles Court may, on convicting a person subject to this Act of any of the offences specified in sections 21 to 54 (both inclusive) award either the particular punishment with which the offence is stated in the said sections to be punishable or, in lieu thereof, any of the punishments lower in the scale set out in section 57 regard being had to the nature and degree of the offence.

Alternative
punishments
awardable by
Assam Rifles
Courts.

59. A sentence of an Assam Rifles Court may award in addition to, or without any one other punishment, the punishment specified in clause (c) of sub-section (1) of section 57, and any one more of the punishments specified in clauses (f) to (m) (both inclusive) of that sub-section.

Combination
of
punishments.

60. When on active duty, any enrolled person has been sentenced by an Assam Rifles Court to dismissal or to imprisonment whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and such service shall be reckoned as part of his term of imprisonment, if any.

Retention in
the Force of a
person
convicted on
active duty.

61. Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of an Assam Rifles Court in the manner stated in sections 62, 64, 65 and 66.

Punishments
otherwise than
by Assam
Rifles Courts.

Minor
punishments.

62. Subject to the provisions of section 63, a Commandant or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person subject to this Act, otherwise than as an officer or a subordinate officer or a Warrant Officer who is charged with an offence under this Act and award such person to the extent prescribed, one or more of the following punishments, that is to say,—

- (a) imprisonment in Force custody up to twenty-eight days;
- (b) detention up to twenty-eight days;
- (c) confinement to the lines up to twenty-eight days;
- (d) extra guards or duties;
- (e) deprivation of any special position or special emoluments or any acting rank or reduction to a lower grade of pay;
- (f) forfeiture of good service and good conduct pay;
- (g) severe reprimand or reprimand;
- (h) fine up to fourteen days' pay in any one month;
- (i) deduction from his pay and allowances of any sum required to make good such compensation for any expense, loss, damage or destruction caused by him to the Central Government, or any building or property as may be awarded by his Commandant.

Limit of
punishments
under section
62.

63. (1) In the case of an award of two or more of the punishments specified in clauses (a), (b), (c) and (d) of section 62, the punishments specified in clause (c) or clause (d) shall take effect only at the end of the punishment specified in clause (a) or clause (b).

(2) When two or more of the punishments specified in the said clauses (a), (b) and (c) are awarded to a person conjointly, or when already undergoing one or more of the said punishments, the whole extent of the punishments shall not exceed in the aggregate forty-two days.

(3) The punishments specified in the said clauses (a), (b) and (c) shall not be awarded to any person who is of the rank of an under-officer or was at the time of committing the offence for which he is punished of such rank.

(4) The punishments specified in clause (g) of section 62 shall not be awarded to any person below the rank of an under-officer.

Punishment
of
officers below
the rank of
Deputy
Commandant,
subordinate
officers and
Warrant
Officer by
Deputy
Inspectors-
General and
others.

64. (1) An officer not below the rank of the Deputy Inspector-General or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against an officer below the rank of a Deputy Commandant and of any rank of subordinate officer and of the rank of Warrant Officer who is charged with an offence under this Act and award one or more of the following punishments, that is to say,—

- (a) forfeiture of seniority, or in the case of any of them whose promotion depends upon the length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by an Assam Rifles Court;
- (b) severe reprimand or reprimand;
- (c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

(2) In every case in which punishment has been awarded under sub-section (1), certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment to the prescribed superior authority who may, if the punishment awarded, appears to him to be illegal, unjust or excessive, cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

65. (1) An officer not below the rank of the Inspector-General or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against an officer below the rank of a Commandant and any subordinate officer and a Warrant Officer who is charged with an offence under this Act and award one or more of the following punishments, that is to say,—

(a) forfeiture of seniority, or in the case of any of them whose promotion depends upon the length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by an Assam Rifles Court;

(b) severe reprimand or reprimand;

(c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

(2) In every case in which punishment has been awarded under sub-section (1), certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment to the prescribed superior authority who may, if the punishment awarded appears to him to be illegal, unjust or excessive, cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

66. A Commandant or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against any subordinate officer or a Warrant Officer who is charged with an offence under this Act and award one or more of the following punishments, that is to say,—

(a) severe reprimand or reprimand;

(b) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good:

Provided that the punishment mentioned under clause (a) shall only be awarded by an officer not below the rank of Commandant authorised by the Director-General to award such punishment.

67. (1) Whenever any weapon or part of a weapon, or ammunition, forming part of the equipment of a unit of the Force, is lost or stolen, an officer not below rank of the Commandant of a battalion may, after making such inquiry as he thinks fit and subject to the rules and regulations, impose a collective fine upon the subordinate officer, under-officer and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

CHAPTER VI

PENAL DEDUCTIONS

68. The following penal deductions may be made from the pay and allowances of an officer, that is to say,—

(a) all pay and allowances due to an officer for every day he absents himself without leave, unless a satisfactory explanation has been given to his commanding officer and has been approved by the Central Government;

(b) all pay and allowances for every day while he is in custody or under suspension from duty on a charge for an offence for which he is afterwards convicted by a criminal court or an Assam Rifles Court or by an officer exercising authority under section 64 or section 65;

(c) any sum required to make good the pay of any person subject to this Act which he has unlawfully retained or unlawfully refused to pay;

Punishment of officers below the rank of a Commandant, subordinate officers and Warrant Officer by the Inspectors-General and others.

Punishment of subordinate officers and Warrant Officer by Commandant, etc.

Collective fines.

Deductions from pay and allowances of officers.

(d) any sum required to make good such compensation for any expenses, loss, damage or destruction occasioned by the commission of an offence as may be determined by an Assam Rifles Court by whom he is convicted of such offence or by an officer exercising authority under section 64 or section 65;

(e) all pay and allowances ordered by an Assam Rifles Court to be forfeited or stopped;

(f) any sum required to pay a fine awarded by a criminal court or an Assam Rifles Court;

(g) any sum required to make good any loss, damage or destruction of public or regimental property which, after due investigation, appears to the Central Government to have been occasioned by the wrongful act or negligence on the part of the officer;

(h) all pay and allowances forfeited by order of the Central Government if the officer is found by a Court of inquiry constituted by the Director-General in this behalf, to have deserted to the enemy, or while in enemy hands, to have served with, or under the orders of, the enemy, or in any manner to have aided the enemy, or to have allowed himself to be taken prisoner by the enemy through want of due precaution or through disobedience of orders or wilful neglect of duty, or having been taken prisoner by the enemy, to have failed to rejoin his service when it was possible to do so;

(i) any sum required by order of the Central Government to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

Deductions
from pay and
allowances of
persons other
than officers.

69. Subject to the provisions of section 72, the following penal deductions may be made from the pay and allowances of a person subject to this Act other than an officer, that is to say,—

(a) all pay and allowances for every day of absence either on desertion or without leave, or as a prisoner of war unless a satisfactory explanation has been given and accepted by his Commandant, and for every day of imprisonment awarded by a criminal court, an Assam Rifles Court or an officer exercising authority under section 62;

(b) all pay and allowances for every day while he is in custody on a charge for an offence of which he is afterwards convicted by a criminal court or an Assam Rifles Court or on a charge of absence without leave for which he is afterwards awarded imprisonment by an officer exercising authority under section 62;

(c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;

(d) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be specified by the order of the Central Government or such officer as may be specified by that Government;

(e) all pay and allowances ordered by an Assam Rifles Court or by an officer exercising authority under any of the sections 62, 64, 65 and 66 to be forfeited or stopped;

(f) all pay and allowances for every day between his being recovered from the enemy and his dismissal from the service in consequence of his conduct when being taken prisoner by, or while in the hands of the enemy;

(g) any sum required to make good such compensation for any expenses, loss, damage or destruction caused by him to the Central Government or to any building or property as may be awarded by his Commandant;

(h) any sum required to pay a fine awarded by a criminal court, an Assam Rifles Court or an officer exercising authority under any of the sections 62 and 67;

(i) any sum required by order of the Central Government or any prescribed officer to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

70. For the purpose of clauses (a) and (b) of section 69,—

(a) no person shall be treated as absent or in custody for a day unless the absence or custody has lasted, whether wholly in one day, or partly in one day and partly in another, for six consecutive hours or upwards;

(b) any absence or custody for less than a day may be reckoned as absence or custody for a day if such absence or custody prevented the absentee from fulfilling any duty which was thereby thrown upon some other person;

(c) absence or custody for twelve consecutive hours or upward may be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody;

(d) a period of absence or imprisonment, which commences before, and ends after, midnight may be reckoned as a day.

71. In case of any person subject to this Act who is in custody or under suspension from duty on a charge for an offence, the prescribed officer may direct that the whole or any part of the pay and allowances of such person shall be withheld, pending the result of his trial on the charge against him, in order to give effect to the provisions of clause (b) of section 68 and section 69.

72. The total deductions from the pay and allowances of a person made under clauses (e), (g) to (i) of section 69 shall not, except where he is sentenced to dismissal or removal, exceed in any one month one-half of his pay and allowances of that month.

73. Any sum authorised by this Act to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension.

74. Where the conduct of any person subject to this Act when being taken prisoner by, or while in the hands of the enemy, is to be inquired into under this Act or any other law, the Director-General or any officer authorised by him may order that the whole or any part of the pay and allowances of such person shall be withheld pending the result of such inquiry.

75. Any deduction from pay and allowances authorised by this Act may be remitted in such manner and to such extent and by such authority, as may, from time to time be prescribed.

76. In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been forfeited under clause (a) of section 69, but in respect of whom a remission has been made under section 75, it shall be lawful for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

77. It shall be lawful for proper provision to be made by the prescribed authorities for any dependants of any person subject to this Act who is prisoner of war or is missing, out of his pay and allowances.

78. For the purposes of sections 76 and 77, a person shall be deemed to continue to be prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 74 and if he is dismissed or removed from the service in consequence of such conduct, until the date of such dismissal or removal.

Computation of time of absence of custody.

Pay and allowances during trial.

Limit of certain deductions.

Deduction from public money due to a person.

Pay and allowances of prisoner of war during inquiry into his conduct.

Remission of deductions.

Provision for dependents of prisoner of war from remitted deductions.

Provision for dependents of prisoner of war from his pay and allowances. Period during which a person is deemed to be a prisoner of war.

CHAPTER VII

ARREST AND PROCEEDINGS BEFORE TRIAL

Custody of
offenders.

79. (1) Any person subject to this Act who is charged with an offence may be taken into Force custody, under the order of any superior officer.

(2) Notwithstanding anything contained in sub-section (1), an officer may order into Force custody any other officer, though such other officer may be of a higher rank, engaged in a quarrel, affray or disorder.

Duty of
Commandant
in regard to
detention.

80. (1) It shall be the duty of every Commandant to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him without the charge being investigated, unless investigation within that period seems to him to be impracticable having regard to the public service.

(2) The case of every person, being detained in custody beyond a period of forty-eight hours, and reason thereof, shall be reported by the Commandant to the Deputy Inspector-General under whom he is serving or such other officer to whom an application may be made to convene an Assam Rifles Court for the trial of the person charged.

(3) In reckoning the period of forty-eight hours specified in sub-section (1), sundays and other public holidays shall be excluded.

(4) Subject to the provisions of this Act, the Central Government may make rules providing for the manner in which and the period for which any person subject to this Act may be taken into and detained in Force custody, pending the trial by any competent authority for any offence committed by him.

Interval
between
committal
and trial.

81. In every case where any such person as is mentioned in section 79 and as not on active duty, remains in such custody for a longer period than eight days, without his trial by an Assam Rifles Court being ordered to be convened, a special report giving reasons for the delay shall be made by his Commandant in the manner prescribed, and a similar report shall be forwarded at intervals of every eight days until an Assam Rifles Court is convened or such person is released from custody.

Arrest by
civil
authorities.

82. Whenever any person subject to this Act who is accused of an offence under this Act, is within the jurisdiction of any magistrate or police officer, such magistrate or police officer shall aid in the apprehension and delivery to Force custody of such person upon receipt of a written application to that effect signed by his Commandant or an officer authorised by the Commandant in that behalf.

Capture of
deserters.

83. (1) Whenever any person subject to this Act deserts, the Commandant of the unit to which he belongs, shall give information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate and shall deliver the deserter, when apprehended, into Force custody.

(2) Any police officer may arrest without warrant any person reasonably believed to be subject to this Act, and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest magistrate, to be dealt with according to law.

Inquiry into
absence
without leave.

84. (1) When any person subject to this Act has been absent from his duty without due authority for a period of thirty days, a court of inquiry shall, as soon as practicable, be assembled and such court shall, on oath or affirmation administered in the prescribed manner, inquire respecting the absence of the person, and the deficiency, if any, in the property of the Government entrusted to his care, or in any arms, ammunition, equipment, instruments, clothing or necessaries; and if satisfied of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period

thereof and the said deficiency, if any, and the Commandant of the unit to which the person belongs shall make a record thereof in the prescribed manner.

(2) If the person declared absent does not afterwards surrender or is not apprehended, he shall, for the purpose of this Act, be deemed to be deserter.

85. (1) The Director-General or any prescribed officer may appoint persons (in this Act referred to as Force Police) for discharging the functions specified in sub-sections (2) and (3).

Force Police
Officers.

(2) The duties of a person appointed under sub-section (1), are to take charge of persons confined for any offence, to preserve good order and discipline and to prevent breaches of the same by persons serving in, or attached to, the Force.

(3) Notwithstanding anything contained in section 79, a person appointed under sub-section (1) may, at any time, arrest and detain for trial, any person subject to this Act who commits, or is charged with, an offence, and may also carry into effect any punishment to be inflicted in pursuance of a sentence awarded by an Assam Rifles Court or by an officer exercising authority under section 62 but shall not inflict any punishment on his own authority:

Provided that no officer shall be arrested or detained otherwise than on the order of another officer.

CHAPTER VIII

ASSAM RIFLES COURTS

86. For the purposes of this Act there shall be three kinds of Assam Rifles Courts, that is to say,—

Kinds of
Assam Rifles
Courts.

- (a) General Assam Rifles Courts;
- (b) Petty Assam Rifles Courts; and
- (c) Summary Assam Rifles Courts.

87. A General Assam Rifles Court may be convened by the Central Government or the Director-General or by any officer empowered in this behalf by warrant of the Director-General.

Power to
convene a
General
Assam Rifles
Court.

88. A Petty Assam Rifles Court may be convened by an officer having power to convene a General Assam Rifles Court or by an officer empowered in this behalf by warrant of any such officer.

Power to con-
vene a Petty
Assam Rifles
Court.

89. A warrant issued under section 87 or section 88 may contain such restrictions, reservations or conditions as the officer issuing it may think fit.

Contents of
warrants issued
under sections
87 and 88.

90. A General Assam Rifles Court shall consist of not less than five officers, each of whom has held the post of Assistant Commandant for not less than three whole years and of whom not less than four are of a rank not below that of a confirmed Assistant Commandant.

Composition
of General
Assam Rifles
Court.

Explanation.—For the purpose of this section and section 91, “Assistant Commandant” includes any post of a higher rank and any post declared by the Central Government, by notification, to be an equivalent post as also any post higher in rank than the post so declared.

91. A Petty Assam Rifles Court shall consist of not less than three officers, each of whom has held the post of Assistant Commandant for not less than two whole years.

Composition
of a Petty
Assam Rifles
Court.

92. (1) A Summary Assam Rifles Court may be held by the Commandant of any unit of the Force and he alone shall constitute the Court.

Summary
Assam Rifles
Court.

(2) The proceedings shall be attended throughout by two other persons who shall be officers or subordinate officers or one of either, and who shall not as such, be sworn or affirmed.

Dissolution of
an Assam
Rifles Court.

93. (1) If an Assam Rifles Court after the commencement of a trial is reduced below the minimum number of officers required by this Act, it shall be dissolved.

(2) If, on account of the illness of the Law Officer or of the accused before the finding, it is impossible to continue the trial, an Assam Rifles Court shall be dissolved.

(3) The officer who convened an Assam Rifles Court may dissolve the same if it appears to him that the exigencies of the service or necessities of discipline render it impossible or inexpedient to continue the said Assam Rifles Court.

(4) Where an Assam Rifles Court is dissolved under this section, the accused may be tried again.

Power of
General
Assam Rifles
Court.

94. A General Assam Rifles Court shall have the power to try any person subject to this Act for any offence punishable thereunder and to pass any sentence authorised thereby.

Power of a
Petty Assam
Rifles Court.

95. A Petty Assam Rifles Court shall have power to try any person subject to this Act other than an officer or a subordinate officer for any offence made punishable thereunder and to pass any sentence authorised by this Act other than a sentence of death or imprisonment for a term exceeding two years.

Power of a
Summary
Assam Rifles
Court.

96. (1) Subject to the provisions of sub-section (2), a Summary Assam Rifles Court may try any offence punishable under this Act.

(2) When there is no grave reason for immediate action and reference can, without detriment to discipline, be made to the officer empowered to convene a Petty Assam Rifles Court for the trial of the alleged offender, an officer holding a Summary Assam Rifles Court shall not try without such reference any offence punishable under any of the sections 21, 24 and 55, or any offence against the officer holding the Court.

(3) A Summary Assam Rifles Court may try any person subject to this Act and under the command of the officer holding the Court, except an officer or a subordinate officer.

(4) A Summary Assam Rifles Court may pass any sentence which may be passed under this Act except the sentence of death or of imprisonment for a term exceeding the limit specified in sub-section (5).

(5) The limit referred to in sub-section (4) shall be—

(a) one year, if the officer holding the Assam Rifles Court has held either the post of Commandant or a post declared by the Central Government, by notification, to be equivalent thereto for a period of not less than three years or holds a post of higher rank than either of the said posts; and

(b) three months, in any other case.

Prohibition
of second
trial.

97. (1) When any person subject to this Act has been acquitted or convicted of an offence by an Assam Rifles Court or by a criminal court or has been dealt with under section 62 or section 64 or section 65 or section 66, he shall not be liable to be tried again for the same offence by an Assam Rifles Court or dealt with under the said sections.

(2) When any person, subject to this Act has been acquitted or convicted of an offence by an Assam Rifles Court or has been dealt with under section 62 or section 64 or section 65 or section 66, he shall not be liable to be tried again by a criminal court for the same offence or on the same facts.

Period of
limitation for
trial.

98. (1) Except as provided by sub-section (2), no trial by an Assam Rifles Court of any person subject to this Act for any offence shall be commenced after the expiration of a period of three years and such period shall commence—

(a) on the date of the offence ; or

(b) where the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, from the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier; or

(c) where it is not known by whom the offence was committed, from the first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority competent to initiate action, whichever is earlier:

Provided that in computing any period under this section, the period during which the proceedings of investigation has been stayed by any court in such offence by injunction or order, the period of the continuance of the injunction or order, the day on which it was issued or made; and the day on which it was withdrawn, shall be excluded.

(2) The provisions of sub-section (1) shall not apply to a trial for an offence of desertion or for any of the offences mentioned in section 24 or an offence under section 30.

(3) In computation of the period of three years under sub-section (1), any time spent by such person in evading arrest after the commission of the offence, shall be excluded.

99. (1) Where an offence under this Act had been committed by any person while subject to this Act and he had ceased to be so subject, he may be taken into and kept in Force custody and tried and punished for such offence as if he continued to be so subject.

Trial, etc., of offender who ceases to be subject to this Act.

(2) No such person shall be tried for an offence, unless his trial commences within a period of three years after he had ceased to be subject to this Act; and in computing such period, the time during which such person has avoided arrest by absconding or concealing himself or where the institution of the proceeding in respect of the offence has been stayed by an injunction or order, the period of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded:

Provided that nothing contained in this sub-section shall apply to the trial of any such person for an offence of desertion or for any of the offences mentioned in section 24 or shall affect the jurisdiction of a criminal court to try an offence triable by such court as well as by an Assam Rifles Court.

100. (1) When a person subject to this Act is sentenced by an Assam Rifles Court to imprisonment, this Act shall apply to him during the term of his sentence, though he is dismissed from the Force or has otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned and punished as if he continued to be subject to this Act.

Application of this Act during term of sentence.

(2) When a person subject to this Act is sentenced by an Assam Rifles Court to death, this Act shall apply to him till the sentence is carried out.

101. Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever.

Place of trial.

102. When a criminal court and an Assam Rifles Court each have jurisdiction in respect of an offence, it shall be in the discretion of the Director-General, or the Inspector-General or the Deputy Inspector-General within whose command the accused person is serving or such other officer as may be prescribed, to decide before which court proceedings shall be instituted, and, if that officer, decides that they shall be instituted before an Assam Rifles Court, to direct that the accused person shall be detained in Force custody.

Choice between criminal court and Assam Rifles Court.

103. (1) When a criminal court having jurisdiction is of opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer referred to in section 102 at his option, either to deliver over the offender to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings, pending a reference to the Central Government.

Power of criminal court to require delivery of offender.

(2) In every such case the said officer shall either deliver over the offender in compliance with the requisition, or shall forthwith refer the question as to the court before which the proceedings are to be instituted, for the determination of the Central Government whose order upon such reference shall be final.

CHAPTER IX

PROCEDURE OF ASSAM RIFLES COURTS

Presiding officer. **104.** At every General Assam Rifles Court or Petty Assam Rifles Court, the senior member shall be the presiding officer.

Law Officer. **105.** Every General Assam Rifles Court shall, and every Petty Assam Rifles Court may, be attended by a Law Officer, or if no such officer is available, an officer approved by the Chief Law Officer or a Law Officer.

Challenges. **106. (1)** At all trials by a General Assam Rifles Court or by a Petty Assam Rifles Court, as soon as the Court is assembled, the names of the presiding officer and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(2) If the accused objects to such officer, his objection and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

(3) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner, by another officer subject to the same right of the accused to object.

(4) When no challenge is made, or when a challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

Oath of member, Law Officer and witness. **107. (1)** An oath or affirmation in the prescribed manner shall be administered to every member of an Assam Rifles Court and to the Law Officer or, as the case may be, the officer approved under section 105 before the commencement of the trial.

(2) Every person giving evidence before an Assam Rifles Court shall be examined after being duly sworn or affirmed in the prescribed form.

(3) The provisions of sub-section (2) shall not apply where the witness is a child under twelve years of age and the Assam Rifles Court is of opinion that though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation.

Voting by members. **108. (1)** Subject to the provisions of sub-sections (2) and (3), every decision of an Assam Rifles Court shall be passed by a majority of votes; and where there is an equality of votes on either the finding or the sentence, the decision shall be in favour of the accused.

(2) No sentence of death shall be passed by a General Assam Rifles Court without the concurrence of at least two-thirds of the members of the Court.

(3) In matters, other than a challenge or the finding or sentence, the presiding officer shall have a casting vote.

General rule as to evidence. **109.** The Indian Evidence Act, 1872 shall, subject to the provisions of this Act, apply to all proceedings before an Assam Rifles Court. 1 of 1872.

Judicial notice. **110.** An Assam Rifles Court may take judicial notice of any matter within the general knowledge of the members as officers of the Force.

Summoning of witness. **111. (1)** The convening officer, the presiding officer of an Assam Rifles Court or court of inquiry or the Law Officer or, as the case may be, the officer approved under section 105 or

the Commandant of the accused person may, by summons under his hand, require the attendance, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In the case of a witness, who is subject to this Act, the summons shall be sent to his Commandant and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be, or resides, and such Magistrate shall give effect to the summons as if the witness were required in the court of such Magistrate.

1 of 1872.

112. (1) Nothing in section 111 shall be deemed to affect the operation of sections 123 and 124 of the Indian Evidence Act, 1872 or to apply to any letter, postcard, telegram or other document in the custody of the postal or telegraph authorities.

Documents
exempted
from
production.

(2) If any document in such custody is, in the opinion of any Chief Judicial Magistrate, Chief Metropolitan Magistrate, Court of Session or High Court, wanted for the purpose of any Assam Rifles Court, such Magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate, or Court may direct.

(3) If any such document is, in the opinion of any other Magistrate or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause such search to be made for, and to detain such document pending the orders of any such Chief Judicial Magistrate, Chief Metropolitan Magistrate or Court of Session or High Court.

113. (1) Whenever, in the course of a trial by an Assam Rifles Court, it appears to the Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Chief Law Officer in order that a commission to take the evidence of such witness may be issued.

Commission
for
examination
of witness.

(2) The Chief Law Officer may then, if he thinks necessary, issue a commission to any Chief Judicial Magistrate or Judicial Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

2 of 1974.

(3) The Chief Judicial Magistrate or Judicial Magistrate of the first class to whom the commission is issued, or, if he is the Chief Judicial Magistrate, he or such Judicial Magistrate of the first class as he appoints in this behalf, shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in the trials of warrant-cases under the Code of Criminal Procedure, 1973.

2 of 1974.

(4) When the witness resides in a tribal area or in any place outside India, the commission may be issued in the manner specified in sub-heading "B.—*Commissions for the examination of witnesses*" of Chapter XXIII of the Code of Criminal Procedure, 1973.

114. (1) The prosecutor and the accused person in any case in which a commission is issued under section 113 may respectively forward any interrogatories in writing which the court may think relevant to the issue, and the Chief Judicial Magistrate or the Judicial Magistrate of the first class executing the commission shall examine the witness upon such interrogatories.

Examination
of witness on
commission.

(2) The prosecutor and the accused person may appear before such Chief Judicial Magistrate or the Judicial Magistrate of the first class by counsel or, except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine, as the case may be, the said witness.

(3) After a commission issued under section 113 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder to the Chief Law Officer.

(4) On receipt of a commission, and deposition returned under sub-section (3), the Chief Law Officer shall forward the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person and the commission, the return thereto and the deposition shall be open to inspection by the prosecutor and the accused person, and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.

(5) In every case in which a commission is issued under section 113, the trial may be adjourned for specified time reasonably sufficient for the execution and return of the commission.

Conviction of offences not charged.

115. A person charged before an Assam Rifles Court—

(a) with desertion may be found guilty of attempting to desert or of being absent without leave;

(b) with attempting to desert may be found guilty of being absent without leave;

(c) with using criminal force may be found guilty of assault;

(d) with using threatening language may be found guilty of using insubordinate language;

(e) with any one of the offences specified in clauses (a), (b), (c) and (d) of section 39 may be found guilty of any other of these offences with which he might have been charged;

(f) with an offence punishable under section 55 may be found guilty of any other offence of which he might have been found guilty, if the provisions of the Code of Criminal Procedure, 1973, were applicable;

(g) with any offence under this Act may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment;

(h) with any offence under this Act may be found guilty of having attempted or abetted the commission of that offence, although the attempt or abetment is not separately charged.

2 of 1974.

Presumption as to signatures.

116. In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the service of the Government shall, on production, be presumed to have been duly signed by the person by whom and in the character in which it purports to have been signed, until the contrary is shown.

Enrolment paper.

117. (1) Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given.

(2) The enrolment of such person may be proved by the production of the original or a copy of this enrolment paper purporting to be certified to be a true copy by the officer having custody of enrolment paper.

Presumption as to certain documents.

118. (1) A letter, return or other document respecting the service of any person in, or the dismissal, removal or discharge of any person from, any unit of the Force, or respecting the circumstances of any person not having served in, or belonged to any unit of the Force, if purporting to be signed by or on behalf of the Central Government or the Director-General, or by any prescribed officer, shall be the evidence of facts stated in such letter, return or other document.

(2) An Assam Rifles list or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers, subordinate officers therein mentioned, and

of any appointment held by them and of the battalion, unit or branch of the Force to which they belong.

(3) Where a record is made in any battalion book in pursuance of this Act or of any rules or otherwise in the discharge of official duties, and purporting to be signed by the Commandant or by the officer whose duty it is to make such record, such record shall be evidence of the facts therein stated.

(4) A copy of any record in any battalion book purporting to be certified to be a true copy by the officer having custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of any officer or other person subject to this Act, or any unit of the Force, or has been apprehended by such officer or person, a certificate purporting to be signed by such officer or by the Commandant of the unit to which such person belongs, as the case may be, and stating the fact, date and place of such surrender or apprehension, and the manner in which he was dressed, shall be the evidence of the matters so stated.

(6) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below the rank of an officer in charge of a police station, a certificate purporting to be signed by such police officer and stating facts, the date and place of such surrender or apprehension, and the manner in which he was dressed shall be evidence of the matters so stated.

(7) Any document purporting to be the report under the hand of a Government scientific expert, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquiry, trial or other proceeding under this Act.

(8) The Assam Rifles Court may, if it thinks fit, summon and examine the expert referred to in sub-section (7) as to the subject matter of his report.

(9) Where any such expert is summoned by an Assam Rifles Court and he is unable to attend personally, he may, unless the Court has expressly directed him to appear personally, depute any responsible officer working with him to attend the Court, if such deputed officer is conversant with the facts of the case and satisfactorily depose in the Court on his behalf.

(10) The provisions of sub-sections (7), (8) and (9) shall apply to such Government scientific experts as specified in sub-section (4) of section 293 of the Code of Criminal Procedure, 1973.

119. (1) If at any trial for desertion or absence without leave, overstay leave or not rejoining when warned for service, the accused person states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers in support thereof to any officer in the service of the Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the Court shall address such officer and adjourn the proceedings until his reply is received.

(2) The written reply of any officer so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath before the Court.

(3) If the Court is dissolved before the receipt of such reply or if the Court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial.

120. (1) When any person subject to this Act has been convicted by an Assam Rifles Court of any offence, such Assam Rifles Court may inquire into, and receive, and record evidence of any previous convictions of such person, either by an Assam Rifles Court or by a criminal court, or any previous award of punishment under section 62 or section 64 or

Reference by
accused to
Government
officer.

Evidence of
previous
convictions
and general
character.

section 65 or section 66, and may further inquire into and record the general character of such person and such other matters as may be prescribed.

(2) Evidence received under this section may be either oral, or in the shape of entries in, or certified extracts from, books of an Assam Rifles Court, or other official records; and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

(3) At a Summary Assam Rifles Court, the officer holding the trial may, if he thinks fit, record any previous convictions against the offender, his general character, and such other matters as may be prescribed, as of his own knowledge, instead of requiring them to be proved under the foregoing provisions of this section.

Lunacy of
accused.

121. (1) Whenever, in the course of a trial by an Assam Rifles Court, it appears to the Court that the person charged is by reason of unsoundness of mind incapable of making his defence, or that he committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or knowing that it was wrong or contrary to law, the Court shall record a finding accordingly.

(2) The presiding officer of the Court, or in the case of a Summary Assam Rifles Court, the officer holding the trial, shall forthwith report the case to the confirming officer, or to the authority empowered to deal with its findings under section 137, as the case may be.

(3) The confirming officer to whom the case is reported under sub-section (2) may, if he does not confirm the finding, take steps to have the accused person tried by the same or another Assam Rifles Court for the offence with which he was charged.

(4) The authority to whom the finding of a Summary Assam Rifles Court is reported under sub-section (2), and a confirming officer confirming the finding in any case so reported to him shall order the accused person to be kept in custody in the prescribed manner and shall report the case for the orders of the Central Government.

(5) On receipt of a report under sub-section (4), the Central Government may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

Subsequent
fitness of
lunatic
accused for
trial.

122. Where any accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention under section 121, any officer prescribed in this behalf, may,—

(a) if such person is in custody under sub-section (4) of section 121, on the report of a medical officer that he is capable of making his defence, or

(b) if such person is detained in a jail under sub-section (5) of section 121 on a certificate of the Inspector-General of Prisons, and if such person is detained in a lunatic asylum under the said sub-section, on a certificate of any two or more of the visitors of such asylum and if he is detained in any other place under that sub-section, on a certificate of the prescribed authority, that he is capable of making his defence,

take steps to have such person tried by the same or another Assam Rifles Court for the offence with which he was originally charged or, if the offence is a civil offence, by a criminal court.

Transmission
to Central
Government
of orders
under section
122.

123. A copy of every order made by an officer under section 122 for the trial of the accused shall forthwith be sent to the Central Government.

Release of
lunatic
accused.

124. Where any person is in custody under sub-section (4) of section 121 or under detention under sub-section (5) of that section,—

(a) if such person is in custody under the said sub-section (4), on the report of a medical officer, or

(b) if such person is detained under the said sub-section (5), on a certificate from any of the authorities mentioned in clause (b) of section 122 that in the judgment of such officer or authority such person may be released without danger of his doing injury to himself or to any other person,

the Central Government may order that such person be released or detained in custody, or transferred to a public lunatic asylum if he has not already been to such an asylum.

125. Where any relative or friend of any person who is in custody under sub-section (4) of section 121 or under detention under sub-section (5) of that section desires that he should be delivered to his care and custody, the Central Government may, upon application by such relative or friend and, on his giving security to the satisfaction of that Government that the person delivered shall be properly taken care of, and, prevented from doing injury to himself or to any other person, and be produced for the inspection of such officer, and at such times and places, as the Central Government may direct, order such person to be delivered to such relative or friend.

Delivery of lunatic accused to relatives.

126. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before an Assam Rifles Court during a trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to be sold otherwise disposed of.

Order for custody and disposal of property pending trial.

127. (1) After the conclusion of a trial before any Assam Rifles Court, the Court or the officer confirming the finding or sentence of such Assam Rifles Court, or any authority superior to such officer, or, in the case of Summary Assam Rifles Court whose finding or sentence does not require confirmation, an officer not below the rank of Deputy Inspector-General within whose command the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the Court or in its custody, or regarding which any offence appears to have been committed or which has been committed or which has been used for the commission of any offence.

Order of disposal of property regarding which offence is committed.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within India or not, be sent to a Magistrate within whose jurisdiction such property for the time being is situated, and such Magistrate shall thereupon cause the order to be carried into effect as if it were an order passed by him under the provisions of the Code of Criminal Procedure, 1973.

(3) In this section, the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

128. Any trial by an Assam Rifles Court under the provisions of the Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Assam Rifles Court shall be deemed to be the Court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Powers of Assam Rifles Court in relation to proceedings under this Act.

CHAPTER X

CONFIRMATION AND REVISION

129. No finding or sentence of a General Assam Rifles Court or a Petty Assam Rifles Court shall be valid except so far as it may be confirmed as provided by this Act.

Finding and sentence not valid unless confirmed.

2 of 1974.

45 of 1860.
2 of 1974.

Power to confirm finding and sentence of General Assam Rifles Court.

130. The findings and sentences of General Assam Rifles Courts may be confirmed by the Central Government or by any officer empowered in this behalf by warrant of the Central Government.

Power to confirm finding and sentence of Petty Assam Rifles Court.

131. The findings and sentences of Petty Assam Rifles Courts may be confirmed by an officer having power to convene a General Assam Rifles Court or by any officer empowered in this behalf by warrant of such officer.

Limitation of powers of confirming authority.

132. A warrant issued under section 130 or section 131 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

Power of confirming authority to mitigate, remit or commute sentences.

133. Subject to such restrictions, reservations or conditions, as may be contained in any warrant issued under section 130 or section 131, a confirming authority may, when confirming the sentence of an Assam Rifles Court, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishment lower in the scale laid down in section 57.

Confirming of findings and sentences on board a ship.

134. When any person subject to this Act is tried and sentenced by an Assam Rifles Court while on board a ship, the finding and sentence so far as not confirmed and executed on board the ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

Revision of finding or sentence.

135. (1) Any finding or sentence of an Assam Rifles Court which requires confirmation may be once revised by order of the confirming authority and on such revision, the Court, if so directed by the confirming authority, may take additional evidence.

(2) The Court, on revision, shall consist of the same officers as were present when the original decision was passed unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the Court shall proceed with the revision:

Provided that, if a General Assam Rifles Court, still consists of five officers, or, if a Petty Assam Rifles Court, of three officers.

Finding and sentence of a Summary Assam Rifles Court.

136. (1) Save as otherwise provided in sub-section (2), the finding and sentence of a Summary Assam Rifles Court shall not require to be confirmed, but may be carried out forthwith.

(2) If the officer holding the trial is of the rank of Deputy Commandant or of a rank declared under clause (a) of sub-section (5) of section 96 as equivalent thereto or of a lower rank and has held such rank for less than five years, he shall not, except on active duty, carry into effect any sentence, until it has received the approval of an officer not below the rank of a Deputy Inspector-General.

Transmission of proceedings of Summary Assam Rifles Court.

137. The proceedings of every Summary Assam Rifles Court shall, without delay, be forwarded to the officer not below the rank of Deputy Inspector-General within whose command the trial was held, or to the prescribed officer, and such officer or the Director-General or any officer empowered by him in this behalf may, for reasons based on the merits of the case, but not on merely technical grounds, set aside the proceedings, or reduce the sentence to any other sentence which the court might have passed.

138. (1) Where a finding of guilty by an Assam Rifles Court, which has been confirmed or which does not require confirmation, is found for any reason to be invalid or cannot be supported by the evidence, the authority which would have had power under section 150 to commute the punishment awarded by the sentence, if the finding had been valid may substitute a new finding and pass a sentence for the offence specified or involved in such finding:

Alteration of finding or sentence in certain cases.

Provided that no such substitution shall be made unless such finding could have been validly made by the Assam Rifles Court on the charge and unless it appears that the Assam Rifles Court must have been satisfied of the facts establishing the said offence.

(2) Where a sentence passed by an Assam Rifles Court which has been confirmed, or which does not require confirmation, not being a sentence passed in pursuance of a new finding substituted under sub-section (1) is found for any reason to be invalid, the authority referred to in sub-section (1) may pass a valid sentence.

(3) The punishment awarded by a sentence passed under sub-section (1) or sub-section (2) shall not be higher in the scale of punishment than, or in excess of, the punishment awarded by, the sentence for which a new sentence is substituted under this section.

(4) Any finding substituted, or any sentence passed, under this section shall, for the purpose of this Act and the rules, have effect as if it were a finding or sentence, as the case may be, of an Assam Rifles Court.

139. (1) Any person subject to this Act who considers himself aggrieved by any order passed by any Assam Rifles Court may present a petition to the officer or authority empowered to confirm any finding or sentence of the Assam Rifles Court and the confirming authority may take such steps as may be considered necessary to satisfy itself as to the correctness, legality or propriety of the order passed or as to the regularity of any proceeding to which the order relates.

Remedy against order, finding or sentence of Assam Rifles Court.

(2) Any person subject to this Act who considers himself aggrieved by a finding or sentence of any Assam Rifles Court which has been confirmed may present a petition to the Central Government, the Director-General or any prescribed officer superior in command to the one who confirmed such finding or sentence, and the Central Government, the Director-General or the prescribed officer, as the case may be, may pass such order thereon as it or he thinks fit.

140. The Central Government, the Director-General or any prescribed officer may annul the proceeding of any Assam Rifles Court on the ground that they are illegal or unjust.

Annulment of proceedings.

CHAPTER XI

EXECUTION OF SENTENCE, PARDON, REMISSION, ETC.

141. In awarding a sentence of death, an Assam Rifles Court shall in its discretion direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

Form of sentence of death.

142. Whenever any person is sentenced by an Assam Rifles Court under this Act to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day in which the original proceedings were signed by the presiding officer, or in the case of a Summary Assam Rifles Court, by the Court:

Commencement of sentence of imprisonment.

Provided that when a person subject to this Act is sentenced by an Assam Rifles Court to a term of imprisonment, not being an imprisonment in default of payment of fine, the period spent by him in civil or Force custody during investigation, inquiry or trial of the same case, and before the date of order, such sentence shall be set off against the term of imprisonment imposed upon him and the liability of such person or officer to undergo imprisonment on such order of sentence shall be restricted to the remainder, if any, of the term of imprisonment imposed upon him.

Execution of sentence of imprisonment.

143. (1) Whenever any sentence of imprisonment is passed under this Act by an Assam Rifles Court or whenever any sentence of death is commuted to imprisonment, the confirming officer or in case of a Summary Assam Rifles Court, the officer holding the Court or such other officer as may be prescribed, shall, save as otherwise provided in sub-sections (3) and (4), direct that the sentence shall be carried out by confinement in a civil prison.

(2) When a direction has been made under sub-section (1), the Commandant of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

(3) In the case of a sentence of imprisonment for a period not exceeding three months and passed under this Act by an Assam Rifles Court the appropriate officer under sub-section (1) may direct that the sentence shall be carried out by confinement in force custody instead of in a civil prison.

(4) On active duty, a sentence of imprisonment may be carried out by confinement in such place as the Deputy Inspector-General within whose command the person sentenced is serving or any prescribed officer may from time to time appoint.

Temporary custody of offender.

144. Where a sentence of imprisonment is directed to be undergone in a civil prison, the offender may be kept in Force custody or in any other fit place till such time as it is possible to send him to a civil prison.

Execution of sentence of imprisonment in special cases.

145. Whenever, in the opinion of an officer not below the rank of Deputy Inspector-General within whose command the trial is held, any sentence or portion of a sentence of imprisonment cannot for special reasons, conveniently be carried out in Force custody in accordance with the provisions of section 143, such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

Conveyance of prisoner from place to place.

146. A person under sentence of imprisonment may, during his conveyance from place to place, or when on board ship, aircraft or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.

Communication of certain orders to prison officers.

147. When an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil prison, a warrant in accordance with such order shall be forwarded by the officer making the order or his staff officer or such other person as may be prescribed, to the officer in charge of the prison in which such person is confined.

Execution of sentence of fine.

148. When a sentence of fine is imposed by an Assam Rifles Court under section 55, a copy of such sentence signed and certified by the confirming officer, or where no confirmation is required by the officer holding the trial may be sent to any Magistrate in India and such Magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1973, as if it were a sentence of fine imposed by such Magistrate.

2 of 1974.

Informality or error in order or warrant.

149. Whenever any person is sentenced to imprisonment under this Act and is undergoing the sentence in any place or manner in which he might be confined under a lawful order or warrant in pursuance of this Act, the confinement of such person shall not be deemed to be illegal only by reason of informality or error in, or as respects the order, warrant or other document, or the authority by which, or in pursuance whereof such person was brought into, or is confined in any such place, and any such order, warrant or document may be amended accordingly.

Pardon and remission.

150. When any person subject to this Act has been convicted by an Assam Rifles Court of any offence, the Central Government or the Director-General, or in the case of a sentence which he could have confirmed or which did not require confirmation, an officer not below the rank of Deputy Inspector-General within whose command such person at the time of conviction was serving or the prescribed officer may,—

(a) either with or without conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or

(b) mitigate the punishment awarded; or

(c) commute such punishment for any less punishment or punishments mentioned in this Act; or

(d) either with or without conditions which the person sentenced accepts, release the person on parole.

151. (1) If any condition on which a person has been pardoned or released on parole or a punishment has been remitted is, in the opinion of the authority which granted the pardon, release or remission, not fulfilled, such authority may cancel the pardon, release or remission, and thereupon the sentence of the Court shall be carried into effect as if such pardon, release or remission had not been granted.

Cancellation of conditional pardon, release on parole or remission.

(2) A person whose sentence of imprisonment is carried into effect under the provisions of sub-section (1) shall undergo only the unexpired portion of his sentence.

152. (1) Where a person subject to this Act is sentenced by an Assam Rifles Court to imprisonment, the Central Government, the Director-General or any officer empowered to convene a General Assam Rifles Court may suspend the sentence whether or not the offender has already been committed to prison or to Force custody.

Suspension of sentence of imprisonment.

(2) The authority or officer specified in sub-section (1) may, in the case of an offender so sentenced direct that until the order of such authority or officer have been obtained, the offender shall not be committed to prison or to Force custody.

(3) The powers conferred by sub-sections (1) and (2) may be exercised in the case of any such sentence which has been confirmed, reduced or commuted.

153. (1) Where sentence referred to in section 152 is imposed by an Assam Rifles Court other than Summary Assam Rifles Court, the confirming officer may, when confirming the sentence, direct that the offender be not committed to prison or to Force custody until the orders of the authority or officer specified in section 152 have been obtained.

Orders pending suspension.

(2) Where a sentence of imprisonment is imposed by a Summary Assam Rifles Court, the officer holding the trial or the officer authorised to approve the sentence under sub-section (2) of section 136 may make the direction referred to in sub-section (1).

154. Where a sentence is suspended under section 152 the offender shall forthwith be released from custody.

Release on suspension.

155. Any period during which the sentence is under suspension shall be reckoned as part of the term of such sentence.

Computation of period of suspension.

156. The authority or officer specified in section 152 may, at any time while a sentence is suspended, order—

Order after suspension.

(a) that the offender be committed to undergo the unexpired portion of the sentence; or

(b) that the sentence be remitted.

157. (1) Where a sentence has been suspended, the case may at any time, and shall at intervals of not more than four months, be reconsidered by the authority or officer specified in section 152 or by any officer not below the rank of a Deputy Inspector-General duly authorised by the authority or officer specified in section 152.

Reconsideration of case after suspension.

(2) Where on such reconsideration by the officer so authorised it appears to him that the conduct of offender since his conviction has been such as to justify a remission of the sentence, he shall refer the matter to the authority or officer specified in section 150.

Fresh sentence after suspension.

158. Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then,—

(a) if the further sentence is also suspended under this Act, the two sentences shall run concurrently;

(b) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall be so committed to prison or to Force custody for the unexpired portion of the previous sentence, but both sentences shall run concurrently; and

(c) if the further sentence is for a period of less than three months and is not suspended under this Act, the offender shall be so committed on that sentence only, and the previous sentence shall, subject to any order which may be passed under section 156 or section 157, continue to be suspended.

Scope of power of suspension.

159. The powers conferred by sections 152 and 156 shall be in addition to, and not in derogation of, the power of mitigation, remission and commutation.

Effect of suspension and remission on dismissal.

160. (1) Where in addition to any other sentence the punishment of dismissal or removal has been awarded by an Assam Rifles Court, and such sentence is suspended under section 152, then, such dismissal or removal shall not take effect until so ordered by the authority or officer specified in section 152.

(2) If such other sentence is remitted under section 156, the punishment of dismissal or removal shall also be remitted.

CHAPTER XII

MISCELLANEOUS

Disposal of property of the members of the Force.

161. The Central Government or any other authority empowered in this behalf by that Government may, by a general or special order, make provisions for the disposal of the private or regimental property of any person subject to this Act or any other dues including provident fund of that person, who dies or deserts, or is ascertained to be of unsound mind or while on active duty is officially reported as missing.

Powers and duties conferrable and imposable on members of the Force.

162. (1) The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations, and within the local limits of such area adjoining the border of India, as may be specified in the order, any member of the Force may,—

(a) for the purpose of prevention of any offence punishable under the Passport (Entry into India) Act, 1920, the Registration of Foreigners Act, 1939, the Central Excise Act, 1944, the Foreigners Act, 1946, the Customs Act, 1962, the Passports Act, 1967 or the Foreign Exchange Management Act, 1999 or of any cognizable offence punishable under any other Central Act; or

(b) for the purpose of apprehending any person who has committed any offence referred to in clause (a),

exercise or discharge such of the powers or duties under that Act or any other Central Act as may be specified in the said order, being the powers and duties which, in the opinion of the Central Government, an officer of the corresponding or lower rank is by that or such other Act empowered to exercise or discharge for the said purposes.

(2) The Central Government may, by general or special order published in the Official Gazette, confer or impose, with the concurrence of the State Government concerned, any of the powers or duties which may be exercised or discharged under a State Act by a police officer upon a member of the Force who, in the opinion of the Central Government, holds a corresponding or higher rank.

34 to 1920.
16 of 1939.
1 of 1944.
31 of 1946.
52 of 1962.
15 of 1967.
42 of 1999.

(3) Every order made under this section 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 order or both Houses agree that the order should not be made, the order 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 order.

of 1872.

163. (1) The provision of section 125 of the Indian Evidence Act, 1872 shall apply to such members of the Force who exercise or discharge any power or duty under sub-section (1) of section 162 or on whom any power is conferred or duty is imposed under sub-section (2) of that section in the same manner as it apply to a police officer.

Protection
for acts of
members of
the Force.

(2) In any suit or proceeding against any member of the Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead, that such act was done by him under the authority of such warrant or order.

(3) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved the member of the Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(4) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding (whether civil or criminal) which may lawfully be brought against any member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules, shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceedings and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceedings.

164. (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 for removing the difficulty:

Power of
Central
Government
to remove
difficulties.

Provided that no order shall be made under this section after the expiry 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.

165. (1) The Central Government may, by notification, make rules for the purposes of 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 manner of re-constitution of the Force and the conditions of service of the members of the Force under sub-section (2) of section 4;

(b) the mode of enrolment and the procedure for enrolment under sub-section (1) of section 6;

(c) the authority whose previous permission in writing is required for resigning from appointment or withdrawing from all or any of the duties under section 8;

(d) rank or ranks of an officer or a subordinate officer referred to under sub-section (2) of section 11;

(e) the authority who shall give previous sanction in writing under sub-section (1) of section 13;

(f) nature of communication or publication under clause (c) of sub-section (1) of section 13;

(g) other purposes of meeting or demonstration under sub-section (2) of section 13;

(h) form of enrolment under section 31;

(i) any other purpose under clause (h) of sub-section (1) of section 57;

(j) the officer who may direct that an enrolled person who has been sentenced to dismissal or imprisonment whether combined with dismissal or not may be retained to serve in the ranks under section 60;

(k) the manner of proceedings against a person and the extent of awarding punishment under section 62;

(l) the manner of proceeding against an officer below the rank of a Deputy Commandant and of the rank of subordinate officer and of the rank of Warrant Officer under sub-section (1) of section 64;

(m) the manner of forwarding certified true copies of the proceedings and the superior authority to whom such copies shall be forwarded under sub-section (2) of section 64;

(n) the manner of proceeding against an officer below the rank of Commandant and of any rank of subordinate officer and of the rank of Warrant Officer under sub-section (1) of section 65;

(o) the manner of proceeding against any subordinate officer or a Warrant Officer under section 66;

(p) the officer by whose order any sum is required to be paid, for the maintenance of wife or legitimate or illegitimate child of a person subject to this Act other than an officer, under clause (i) of section 69;

(q) the officer who may direct that the whole or any part of the pay and allowances of person subject to this Act shall be withheld under section 71;

(r) the manner and the extent of remission of deductions from pay and allowances authorised by this Act and the authority by which such remission shall be made under section 75;

(s) the authorities by whom proper provision to be made out of the pay and allowances of all persons subject to this Act, being prisoners of war, for the dependents of such persons under section 76;

(t) the authorities who shall make proper provision out of the pay and allowances of any person subject to this Act, who is prisoner of war or is missing under section 77;

(u) the manner in which and the period for which any person subject to this Act may be taken into and detained in Force custody under sub-section (4) of section 80;

(v) the manner of making special report giving reasons for delay under section 81;

(w) the authority to appoint, and the manner of appointment of, a court of inquiry; the manner of administering oath or affirmation by such court of inquiry and the manner of making record under sub-section (1) of section 84;

(x) the officer who may appoint Force Police under sub-section (1) of section 85;

(y) the other officer having the discretion to decide before which court the proceeding shall be instituted under section 102;

(z) the manner of filling up the vacancy of member by another officer under sub-section (3) of section 106;

(za) the manner of administering oath or affirmation to every member of an Assam Rifles Court and to the Law Officer, or, as the case may be, the officer approved under section 105 before the commencement of the trial, under sub-section (1) of section 107;

(zb) the form for being duly sworn or affirmed under sub-section (2) of section 107;

(zc) the officer by whom the letter, return or other documents purported to be signed shall be the evidence of the facts stated in such letter, return or other document under sub-section (1) of section 118;

(zd) the other matters to be further inquired and recorded under sub-section (1) of section 120;

(ze) the other matters to be recorded under sub-section (3) of section 120;

(zf) the manner of keeping in custody of the accused person under sub-section (4) of section 121;

(zg) the officer who may take steps to have certain persons tried under section 122;

(zh) the authority for issuing certificate in case of detention in any other place under clause (b) of section 122;

(zi) the officer to whom the proceedings of every Summary Assam Rifles Courts shall be forwarded under section 137;

(zj) the officer superior in command, to the one who confirmed the findings or sentence referred to in sub-section (2) of section 139, to whom petition may be presented under that sub-section;

(zk) the officer who may annul the proceeding of any Assam Rifles Court under section 140;

(zl) the other officer who shall direct that sentence shall be carried out by the confinement in a civil prison under sub-section (1) of section 143;

(zm) the officer who shall forward a warrant and the form of such warrant under sub-section (2) section 143;

(zn) the officer who may from time to time appoint the place of confinement under sub-section (4) of section 143;

(zo) the other person by whom the warrant shall be forwarded to the officer in charge of the prison under section 147;

(zp) the officer who may pardon or exercise other powers as specified under clauses (a) to (c) of section 150;

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

166. The Director-General may make regulations for all or any of the purposes of this Act other than those specified in section 165, subject to approval of the Central Government.

167. Every rule or 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

Power to
make
regulations.

Rules and
regulations to
be laid before
Parliament.

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.

Repeal and
savings.

168. (1) The Assam Rifles Act, 1941 is hereby repealed.

5 of 1941.

(2) Notwithstanding such repeal,—

(a) the Assam Rifles in existence at the commencement of this Act and constituted under the Act so repealed shall be deemed to be reconstituted under this Act;

(b) members of the Assam Rifles in existence at the commencement of this Act and appointed under the Act so repealed shall be deemed to have been appointed or, as the case may be, enrolled as such under this Act;

(c) any appeal, application, trial, inquiry or investigation pending immediately before the commencement of this Act shall be disposed of, continued, held or made, as the case may be, in accordance with the provisions of the Assam Rifles Act, 1941, as if this Act had not come into force;

5 of 1941.

(d) any thing done or any action taken before the commencement of this Act, in relation to any person appointed or enrolled, shall be valid and as effective in law as if such thing or action was done or taken under the corresponding provisions of this Act.

THE CONSTITUTION (SCHEDULED TRIBES) ORDER
AMENDMENT ACT, 2006

No. 48 OF 2006

[12th December, 2006.]

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950
to modify the list of Scheduled Tribes in the State of Bihar.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India
follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order Amendment Act, 2006. Short title.

2. In the Constitution (Scheduled Tribes) Order, 1950, as amended by the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976, in the Schedule, in Part III relating to Bihar, for item 22 (since renumbered as item 21), as appearing in the Hindi version of the said Act, the following shall be substituted, namely:—

"21. Lohara, Lohra".

108 of 1976
(as notified on
1st October,
1979).

Amendment
of the
Constitution
(Scheduled
Tribes)
Order, 1950,
as amended
by the
Scheduled
Castes and
Scheduled
Tribes Order
(Amendment)
Act, 1976.

THE INDIAN RIFLES (REPEAL) ACT, 2006

No. 49 OF 2006

[17th December, 2006.]

An Act to repeal the Indian Rifles Act, 1920.

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

Short title.

1. This Act may be called the Indian Rifles (Repeal) Act, 2006.

Repeal of Act
23 of 1920.

2. The Indian Rifles Act, 1920 is hereby repealed.

THE APPROPRIATION (RAILWAYS) No. 5 ACT, 2006

No. 50 of 2006

[17th December, 2006.]

An Act to provide for authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 2005 in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 5 Act, 2006.

Short title.

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 two thousand one hundred and fifty-one crores ninety-eight lakhs sixty-six thousand and seven 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 relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2005, in excess of the amounts granted for those services and for that year.

Issue of
Rs. 2151,98,66,700
out of the
Consolidated
Fund of India
to meet certain
expenditure for
the year ended
on the 31st day
of March, 2005.

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, 2005.

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.
3	General Superintendence and Services on Railways	6,00,07,173	..	6,00,07,173
4	Repairs and Maintenance of Permanent Way and Works . . .	22,63,70,163	6,02,713	22,69,72,876
5	Repairs and Maintenance of Motive Power	13,73,45,243	41,522	13,73,86,765
6	Repairs and Maintenance of Carriages and Wagons	53,93,22,859	14,763	53,93,37,622
9	Operating Expenses—Traffic	48,14,51,313	..	48,14,51,313
10	Operating Expenses—Fuel	60,20,84,638	50,00,000	60,70,84,638
11	Staff Welfare and Amenities	7,27,14,952	..	7,27,14,952
13	Provident Fund, Pension and other Retirement Benefits. . . . .	..	7,75,814	7,75,814
14	Appropriation to Funds	479,09,54,060	..	479,09,54,060
16	Assets—Acquisition, Construction and Replacement— Capital	1458,97,03,159	1,34,78,328	1460,31,81,487
	TOTAL	2149,99,53,560	1,99,13,140	2151,98,66,700

THE JALLIANWALA BAGH NATIONAL MEMORIAL
(AMENDMENT) ACT, 2006

No. 51 OF 2006

[21st December, 2006.]

An Act to amend the Jallianwala Bagh National Memorial Act, 1951.

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

1. This Act may be called the Jallianwala Bagh National Memorial (Amendment) Act, 2006. Short title.

25 of 1951.

2. In the Jallianwala Bagh National Memorial Act, 1951 (hereinafter referred to as the principal Act), in section 4, for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 4.

“(1) The Trustees of the Jallianwala Bagh National Memorial shall be the following, namely:—

- (a) the Prime Minister — Chairperson,
- (b) the President of the Indian National Congress,
- (c) the Minister in-charge of Culture,
- (d) the Leader of Opposition in the Lok Sabha,
- (e) the Governor of the State of Punjab,
- (f) the Chief Minister of the State of Punjab, and
- (g) three eminent persons to be nominated by the Central Government.”.

Substitution of new section for section 5.

3. For section 5 of the principal Act, the following section shall be substituted, namely:—

Term of office of nominated Trustees.

“5. The Trustees nominated under clause (g) of sub-section (1) of section 4 shall be Trustees for a period of five years, and shall be eligible for renomination.”

Insertion of new section 7A.

4. After section 7 of the principal Act, the following section shall be inserted, namely:—

Power to approve audited accounts.

“7A. The Trust shall meet at least once in a year to approve the audited accounts of the Trust and shall transact such other business as may be considered necessary.”

Insertion of new section 8A.

5. After section 8 of the principal Act, the following section shall be inserted, namely:—

Accounts and audit.

“8A. (1) The accounts of the Trust 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 Trust to the Comptroller and Auditor-General.

(2) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Trust under this Act 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 the office of the Trust.

(3) The accounts of the Trust 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 Trust 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.”

Insertion of new section 10A.

6. After section 10 of the principal Act, the following section shall be inserted, namely:—

Rules and regulations to be laid before Parliament.

“10A. Every rule or 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.”

THE UTTARANCHAL (ALTERATION OF NAME) ACT, 2006

No. 52 OF 2006

[21st December, 2006.]

An Act to alter the name of the State of Uttaranchal.

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

1. (1) This Act may be called the Uttaranchal (Alteration of Name) Act, 2006. 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 this Act, unless the context otherwise requires,— Definitions.
 - (a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;
 - (b) "appropriate Government" means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;
 - (c) "law" includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Uttaranchal.
3. As from the appointed day, the State of Uttaranchal shall be known as the State of Uttarakhand. Alteration of name of the State of Uttaranchal.
4. In the First Schedule to the Constitution, under the heading "I. THE STATES", in entry 27, under the column "Name", for the word "Uttaranchal", the word "Uttarakhand" shall be substituted. Amendment of First Schedule to the Constitution.
5. In the Fourth Schedule to the Constitution, under the heading "TABLE", in entry 18, in the second column, for the word "Uttaranchal", the word "Uttarakhand" shall be substituted. Amendment of Fourth Schedule to the Constitution.
6. (1) For the purpose of giving effect to the alteration of the name of the State of Uttaranchal by section 3, the appropriate Government may, before the expiration of one year from the appointed day, by order, make such adaptations and modifications of any law made before the appointed day, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made. Power to adapt laws.
(2) Nothing in sub-section (1) shall be deemed to prevent a competent Legislature or other competent authority from repealing or amending any law adapted or modified by the appropriate Government under the said sub-section.
7. Notwithstanding that no provision or insufficient provision has been made under section 6 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law, may construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority. Power to construe laws.
8. Where immediately before the appointed day any legal proceedings are pending to which the State of Uttaranchal is a party, the State of Uttarakhand shall be deemed to be substituted for the State of Uttaranchal in those proceedings. Legal proceedings.

*1-1-2007, vide Notification No. GSR 779(E) dated 29.12.2006.

THE APPROPRIATION (RAILWAYS) NO. 6 ACT, 2006

No. 53 OF 2006

[21st December, 2006]

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 2006-07 for the purposes of Railways.

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

Short title:

1. This Act may be called the Appropriation (Railways) No. 6 Act, 2006.

Issue of Rs. 568,00,50,000 out of the Consolidated Fund of India for the financial year 2006-07.

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 five hundred sixty-eight crores and fifty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2006-07, in respect of the services relating to Railways 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 India 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	2 Services and purposes	3		
		Voted by Parliament	Sums not exceeding Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
16	Assets—Acquisition, Construction and Replacement			
	<i>Other Expenditure</i>			
	Capital	300,00,20,000	..	300,00,20,000
	Railway Funds	268,00,15,000	..	268,00,15,000
	Railways Safety Fund	15,000	..	15,000
	TOTAL	568,00,50,000	..	568,00,50,000

THE ESSENTIAL COMMODITIES (AMENDMENT) ACT, 2006

No. 54 OF 2006

[24th December, 2006.]

An Act further to amend the Essential Commodities Act, 1955.

Enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Essential Commodities (Amendment) Act, 2006.

(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 the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), in section 2, clause (a) shall be omitted. 10 of 1955.

Insertion of new section 2A.

3. After section 2 of the principal Act, the following section shall be inserted, namely:—

Essential commodities declaration, etc.

'2A. (1) For the purposes of this Act, "essential commodity" means a commodity specified in the Schedule.

(2) Subject to the provisions of sub-section (4), the Central Government may, if it is satisfied that it is necessary so to do in the public interest and for reasons to be specified in the notification published in the Official Gazette, amend the Schedule so as to—

(a) add a commodity to the said Schedule;

(b) remove any commodity from the said Schedule,

in consultation with the State Governments.

(3) Any notification issued under sub-section (2) may also direct that an entry shall be made against such commodity in the said Schedule declaring that such commodity shall be deemed to be an essential commodity for such period not exceeding six months to be specified in the notification:

Provided that the Central Government may, in the public interest and for reasons to be specified, by notification in the Official Gazette, extend such period beyond the said six months.

(4) The Central Government may exercise its powers under sub-section (2) in respect of the commodity to which Parliament has power to make laws by virtue of Entry 33 in List III in the Seventh Schedule to the Constitution.

(5) Every notification issued under sub-section (2) shall be laid, as soon as may be after it is issued, before both Houses of Parliament.

Amendment of section 3.

4. In section 3 of the principal Act, in sub-section (2), in clause (g), the words "or cotton textiles" shall be omitted.

Amendment of section 12A.

5. In section 12A of the principal Act, in sub-section (2), in clause (a), sub-clause (i) shall be omitted.

Savings of the orders issued under section 3.

6. All notifications, orders, directions issued or any appointment made, licence or permit granted under section 3 of the principal Act before the commencement of this Act and are in force, in respect of the essential commodities specified in the Schedule, shall continue to remain in force until and unless it is superseded by any notification, order, appointment made, licence or permit granted or directions issued and it shall be deemed to have been issued under the corresponding provisions of this Act.

*12-2-2007, vide Notification No. S.O. 184(E) dated 12-2-2007.

THE SCHEDULE

(See section 2A)

ESSENTIAL COMMODITIES

(1) drugs.

Explanation.—For the purposes of this Schedule, “drugs” has the meaning assigned to it in clause (b) of section 3 of the Drugs and Cosmetics Act, 1940;

(2) fertilizer, whether inorganic, organic or mixed;

(3) foodstuffs, including edible oilseeds and oils;

(4) hank yarn made wholly from cotton;

(5) petroleum and petroleum products;

(6) raw jute and jute textiles;

(7) (i) seeds of food-crops and seeds of fruits and vegetables;

(ii) seeds of cattle fodder; and

(iii) jute seeds.

THE APPROPRIATION (No. 5) ACT, 2006

No. 55 OF 2006

[24th December, 2006.]

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, 2005, in excess of the amounts granted for those services and for that year.

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

1. This Act may be called the Appropriation (No. 5) Act, 2006.

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 thirty-three thousand eight hundred twenty-six crores, fifty-six lakhs, ninety-two thousand, five hundred forty-nine rupees shall be deemed to have been authorised to be paid and applied to meet the amount 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, 2005, 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, 2005.

Short title.

Issue of R
33826,56,92,5
out of the
Consolidate
Fund of Indi
to meet cer
tain excess ex
penditure fo
the year ende
on the 31st
March, 2005.

Appropriation

THE SCHEDULE
(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
14	Department of Posts..... Revenue	...	4,98,909	4,98,909
21	Ministry of Defence Revenue	...	71,43,011	71,43,011
26	Defence Ordnance Factories Revenue	40,00,08,594	...	40,00,08,594
27	Defence Services— Research and Development Revenue	1,99,23,373	...	1,99,23,373
	CHARGED.—Repayment of Debt... Capital	...	33783,54,92,369	33783,54,92,369
100	Department of Urban Development Revenue	...	26,26,293	26,26,293
	TOTAL:	41,99,31,967	33784,57,60,582	33826,56,92,549

THE APPROPRIATION (No. 6) ACT, 2006
No. 56 OF 2006

[24th December 2006.]

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 2006-07.

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

Short title.

1. This Act may be called the Appropriation (No. 6) Act, 2006.

Issue of Rs. 21823,92,00,000 out of the Consolidated Fund of India for the financial year 2006-07.

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 twenty one thousand eight hundred twenty three crores and ninety two lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2006-07, 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 India 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	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Department of Agriculture and Cooperation Revenue	2,00,000	..	2,00,000
2	Department of Agricultural Research and Education Revenue	1,00,000	..	1,00,000
3	Department of Animal Husbandry, Dairying and Fisheries Revenue	1,00,000	..	1,00,000
5	Atomic Energy Revenue	192,68,00,000	30,00,000	192,98,00,000
	Capital	..	2,00,00,000	2,00,00,000
6	Nuclear Power Schemes Revenue	116,51,00,000	..	116,51,00,000
	Capital	1,00,000	..	1,00,000
8	Department of Fertilisers Revenue	4400,00,00,000	..	4400,00,00,000
10	Ministry of Coal Revenue	131,71,00,000	..	131,71,00,000
11	Department of Commerce Revenue	1,00,000	1,40,00,000	1,41,00,000
12	Department of Industrial Policy and Promotion Revenue	3,00,000	..	3,00,000
13	Department of Posts Revenue	..	3,00,000	3,00,000
	Capital	..	1,00,000	1,00,000
14	Department of Telecommunications Capital	25,00,00,000	..	25,00,00,000
18	Department of Food and Public Distribution Revenue	..	37,00,000	37,00,000
19	Ministry of Culture Revenue	1,00,000	..	1,00,000
20	Ministry of Defence Revenue	64,00,00,000	..	64,00,00,000
	Capital	4,96,00,000	..	4,96,00,000
27	Capital Outlay on Defence Services Capital	..	49,05,00,000	49,05,00,000
28	Ministry of Development of North-Eastern Region Capital	2,00,00,000	..	2,00,00,000
29	Ministry of Environment and Forests Revenue	..	21,00,000	21,00,000
30	Ministry of External Affairs Revenue	141,16,00,000	..	141,16,00,000
31	Department of Economic Affairs Revenue	1,00,000	..	1,00,000
33	Payments to Financial Institutions Revenue	2359,16,00,000	..	2359,16,00,000
	Capital	1,00,000	..	1,00,000
35	Transfers to State and Union territory Governments Revenue	7793,03,00,000	195,61,00,000	7988,64,00,000
38	Department of Expenditure Revenue	3,72,00,000	..	3,72,00,000
41	Department of Revenue Revenue	100,00,00,000	..	100,00,00,000
46	Department of Health and Family Welfare Revenue	2,00,000	..	2,00,000
	Capital	1,00,000	..	1,00,000
47	Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) Revenue	2,00,000	..	2,00,000
48	Department of Heavy Industry Capital	2,00,000	..	2,00,000
50	Ministry of Home Affairs Revenue	1,00,000	..	1,00,000

1	2	3	
52	Police Revenue	547,52,00,000	547,52,00,000
53	Other Expenditure of the Ministry of Home Affairs Revenue	2,00,000	2,00,000
55	Department of School Education and Literacy (Previously Department of Elementary Education and Literacy) Revenue	2,00,000	2,00,000
56	Department of Higher Education (Previously Department of Secondary Education and Higher Education) Revenue	3,00,000	3,00,000
57	Ministry of Women and Child Development (Previously Department of Women and Child Development) Revenue	45,51,00,000	45,51,00,000
58	Ministry of Information and Broadcasting Revenue	2,00,000	2,00,000
61	Law and Justice Revenue	2,00,000	2,00,000
63	Ministry of Mines Revenue	58,85,00,000	58,85,00,000
	Capital	1,00,000	1,00,000
64	Ministry of New and Renewable Energy (Previously Ministry of Non-Conventional Energy Sources) Revenue	1,00,000	1,00,000
67	Ministry of Panchayati Raj Revenue	1,00,000	1,00,000
70	Ministry of Petroleum and Natural Gas Revenue	5000,00,00,000	5000,00,00,000
72	Ministry of Power Revenue	1,00,000	1,00,000
78	Department of Rural Development Revenue	250,02,00,000	250,02,00,000
81	Department of Science and Technology Revenue	1,00,000	1,00,000
	Capital	96,00,000	96,00,000
84	Department of Shipping Revenue	213,84,00,000	213,84,00,000
	Capital	1,00,000	1,00,000
85	Department of Road Transport and Highways Revenue	1,00,000	1,00,000
86	Ministry of Small Scale Industries Revenue	1,00,000	1,00,000
88	Department of Space Capital	..	10,00,000
89	Ministry of Statistics and Programme Implementation Revenue	67,00,000	67,00,000
90	Ministry of Steel Revenue	70,22,00,000	70,22,00,000
	Capital	51,90,00,000	51,90,00,000
93	Ministry of Tribal Affairs Revenue	98,00,000	98,00,000
94	Andaman and Nicobar Islands Revenue	1,00,000	1,00,000
99	Department of Urban Development Revenue	1,00,000	1,00,000
100	Public Works Capital	1,00,000	1,00,000
103	Ministry of Water Resources Revenue	1,00,000	1,00,000
104	Ministry of Youth Affairs and Sports Revenue	1,00,000	1,00,000
	Total	21574,84,00,000	249,08,00,000
			21823,92,00,000

THE INDIAN TELEGRAPH (AMENDMENT) ACT, 2006

No. 57 OF 2006

[29th December, 2006.]

An Act further to amend the Indian Telegraph Act, 1885.

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

1. (1) This Act may be called the Indian Telegraph (Amendment) Act, 2006.

Short title and commencement.

(2) It shall be deemed to have come into force on the 30th day of October, 2006.

13 of 1885.

2. In section 3 of the Indian Telegraph Act, 1885 (hereinafter referred to as the principal Act), in clause (1A), for the words "obligation to provide access to basic telegraph services", the words "obligation to provide access to telegraph services" shall be substituted.

Amendment of section 3.

Ord. 3 of 2006.

3. (1) The Indian Telegraph (Amendment) Ordinance, 2006 is hereby repealed.

Repeal and saving.

Ord. 3 of 2006.

(2) Notwithstanding the repeal of the Indian Telegraph (Amendment) Ordinance, 2006, 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 principal Act, as amended by this Act.

THE CONSTITUTION (NINETY-THIRD AMENDEMENT) ACT, 2005

[20th January, 2006.]

An Act further to amend the Constitution of India.

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

Short title and commencement.

1. (1) This Act may be called the Constitution (Ninety-third Amendment) Act, 2005.

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

Amendment of article 15.

2. In article 15 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

"(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30."

*20-1-2006, vide Notification No. S.O. 72(E) dated 20-1-2006.

THE CONSTITUTION (NINETY-FOURTH AMENDMENT) ACT, 2006

[12th June, 2006.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Ninety-fourth Amendment) Act, 2006. Short title.
2. In article 164 of the Constitution, in clause (1), in the proviso, for the word “Bihar”, the words “Chhattisgarh, Jharkhand” shall be substituted. Amendment of article 164.

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