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TABLE SHOWING EFFECT OF PARLIAMENTARY LEGISLATION OF 1969

Part I.—Central Acts amended, repealed or otherwise affected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 1969 Act by which affected
1	2	3	4	5
1860	45	Indian Penal Code, 1860.	S. 153A substituted. S. 505 amended. Ss. 292 and 293 amended.	35, s. 2. <i>Ibid.</i> , s. 3. 36, s. 2.
1873	10	Indian Oaths Act, 1873.	Repealed.	44, s. 9.
1890	9	Indian Railways Act, 1890.	Ss. 112 and 113 amended.	21, ss. 2 and 3.
1898	5	Code of Criminal Procedure, 1898.	Ss. 7, 9, 10, 13, 15, 16, 29, 29B, 32, 33, 34, 36, 39, 40, 41, 57, 63, 78, 88, 95, 96, 98, 106, 107, 108, 109, 110, 124, 126, 127, 128, 129, 130, 131, 132, 133, 143, 144, 145, 147, 155, 164, 167, 170, 174, 186, 187, 190, 192, 193, 196B, 206, 249, 250, 260, 261, 263, 265, 269, 337, 338, 346, 349, 380, 407, 408, 409, 412, 413, 425, 428, 436, 437, 438, 439, 479, 488, 512, 524, 528, 559, 561, 562, 565 and Schedule II.	19, s. 3 and Schedule.
			Ss. 16, 12, 14, 17, 30, 37, 38, 125, 373, 406A, 435, 515, Schedule III and Schedule IV substituted.	<i>Ibid.</i> , s. 3 and Schedule.
			S. 176A omitted.	<i>Ibid.</i> , s. 3 and Schedule.
			S. 196 and Schedule II amended.	35, s. 4.
			Ss. 99A, 108 and Schedule II amended.	36, s. 3.
1903	14	Indian Foreign Marriage Act, 1903.	Repealed.	33, s. 30.
1908	16	Indian Registration Act, 1908.	Ss. 1 and 30 amended.	45, s. 2.
1915	16	Banaras] Hindu University Act, 1915.	Ss. 7B, 7C, 8A, 10, 13, 17, 18 and 19 amended (w.e.f. 5-9-1969).	34, ss. 2, 3, 4, 6, 8, 9, 10 and 11.
			Ss. 9 and 9A substituted (w.e.f. 5-9-1969).	<i>Ibid.</i> s. 5.
			S. 12 omitted (w. e. f. 5-9-1969).	<i>Ibid.</i> , s. 7.
1934	2	Reserve Bank of India Act, 1934.	S. 21A amended (w. e. f. 2-4-1970).	55, s. 75.

1	2	3	4	5
1934	32	Indian Tariff Act, 1934.	S. 2A and First Schedule amended.	14, s. 26.
			First Schedule amended.	53, s. 2.
1939	4	Motor Vehicles Act, 1939.	Ss. 2, 3, 7, 11, 15, 16, 18, 25, 27, 36, 38, 41(2)(f), 42(1), 43, 44, 45, 46, 48, 51, 57, 59, 60, 62, 63, 63A, 63C, 65, 68A, 68D, 68E, 68F, 68G, 79, 80, 89, 92, 93, 94, 95, 110, 110A, 110B, 110C, 110E, 111A, 115, 123, 124, 129A, 130, 133A, 134, First Schedule and Second Schedule amended (w.e.f. 2-3-1970).	56, ss. 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16(b), 17(a), 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29(a) to (d), 30, 32, 35, 38, 39, 40, 41, 43, 48, 49, 50, 51, 52, 53, 54, 57, 58, 60, 61, 63, 64, 66, 67, 69, 70, 71, 74, 75, 77 and 78.
			S. 29A omitted (w.e.f. 2-3-1970).	<i>Ibid.</i> , s. 12.
			Ss. 63BB, 68FF, 68J, 69A, 95AA, 110AA, 110CC, 110CCC, 113A, 123A, 131A and 132A inserted (w.e.f. 2-3-1970)	<i>Ibid.</i> , ss. 31, 42, 46, 47, 55, 59, 62, 65, 68, 72 and 73.
			Third Schedule, Sixth Schedule and Eighth Schedule substituted (w.e.f. 2-3-1970).	<i>Ibid.</i> , ss. 79, 80 and 81.
			Ss. 21, 41(2)(e), 63, 68, 68F and 68I amended (w.e.f. 1-10-1970).	<i>Ibid.</i> , ss. 9, 16(a), 29(e) 37, 41(a)(i) and 45.
			Ss. 31A, 66A, 68HH and 103A inserted (w.e.f. 1-10-1970).	<i>Ibid.</i> , ss. 13, 36, 44 and 56.
			S. 58 amended (w.e.f. 1-11-1970).	<i>Ibid.</i> ,
			Ss. 64 and 64A amended (w. e. f. 1-4-1971).	<i>Ibid.</i> , ss. 33 and 34.
			S. 135 and Twelfth Schedule inserted (w.e.f. 1-4-1971).	<i>Ibid.</i> , ss. 76 and 82.
			S. 42 (3) amended (when notified).	<i>Ibid.</i> , s. 17(a).
1944	1	Central Excises and Salt Act, 1944.	First Schedule amended.	14, s. 30.
1945	..	International Monetary Fund and Bank Act, 1945.	S. 2 amended (when notified).	41, s. 2.
			S. 3A inserted. (when notified).	<i>Ibid.</i> , s. 3.
1947	7	Foreign Exchange Regulation Act, 1947.	Ss. 12 and 23A amended.	40, ss. 2 and 3.
	14	Industrial Disputes Act, 1947. ^E	S. 2 amended (w.e.f. 19-7-1969).	22, s. 25.
1948	53	Oilfields (Regulation and Development) Act, 1948.	S. 6 amended (w.e.f. 1-1-1968).	39, s. 2.
			S. 6A and Schedule inserted (w.e.f. 1-1-1968).	<i>Ibid.</i> , ss. 3 and 4.
1949	1	Indian Tariff (Amendment) Act, 1949.	Ss. 4 and 5 amended.	14, s. 29.
	10	Banking Regulation Act, 1949.	Ss. 34A, 36AD, 51 and Fifth Schedule amended (w.e.f. 19-7-1969).	22, s. 25.
	46	Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949.	S. 2 amended (w. e. f. 19-7-1969).	22, s. 25.
1950	43	Representation of the People Act, 1950.	Third and Fourth Schedules amended (w. e. f. 1-8-1969).	20, s. 5.
			Third and Fourth Schedules amended (w.e.f. 7-1-1970).	46, s. 5.
1951	43	Representation of the People Act, 1951.	S. 8 amended.	35, s. 5.

Table showing effect of Parliamentary Legislation of 1969

v

1	2	3	4	5
1952	58 Salaries and Allowances of Ministers Act, 1952.	S. 4 amended (w.e.f. 1-11-1966). [¶]	47, s. 2.	
1954	29 Wakf Act, 1954.	Ss. 2, 7 and 8B amended. Ss. 3, 4, 5 and 46 amended retrospectively. S. 6 amended partly retrospectively.	38, ss. 2, 7, and 8. <i>Ibid.</i> , ss. 3, 4, 5 and 9 <i>Ibid.</i> , s. 6.	
	30 Salaries and Allowances of Members of Parliament Act, 1954.	S. 3 amended (w.e.f. 16-5-1969). Ss. 5 and 6 amended. S. 6A inserted.	25, s. 2.	<i>Ibid.</i> , Ss. 3 and 4. <i>Ibid.</i> , s. 5.
	43 Special Marriage Act, 1954.	Ss. 1, 2, 3, 4, 10 and 50 amended.	33, s. 29.	
1956	1 Companies Act, 1956.	S. 293A substituted. S. 324A inserted. S. 365 amended. (Provisions relating to Managing Agents, etc., shall cease to have effect w.e.f. 3-4-1970.)	17, s. 3; <i>Ibid.</i> , s. 4, <i>Ibid.</i> , s. 5.	
	37 States Reorganisation Act, 1956.	S. 16 amended (w.e.f. 2-4-1970).	55, s. 76.	
	74 Central Sales Tax, Act, 1956.	Ss. 2, 6(r) and 13 amended (retrospectively). S. 8A inserted (retrospectively). S. 9 substituted (retrospectively). Ss. 6(2), 8 and 10A amended (w. e. f. 1-10-1958).	28, ss. 2, 3 and 8. <i>Ibid.</i> , s. 5. <i>Ibid.</i> s. 6., <i>Ibid.</i> , ss. 3, 4 and 7.	
1957	20 Coal Bearing Areas (Acquisition and Development) Act, 1957.	S. 28 amended (retrospectively).	23, s. 2.	
	27 Wealth-tax Act, 1957.	Ss. 2 and 18 amended (w.e.f. 1-4-1969). S. 5 amended (w.e.f. 1-4-1970).	14, s. 24. <i>Ibid.</i> , s. 24.	
	44 Public Employment (Requirement as to Residence) Act., 1957.	Ss. 3 and 5 amended.	1, ss. 2 and 3.	
	58 Additional Duties of Excise (Goods of Special Importance) Act, 1957.	First Schedule amended.	14, s. 33.	
1959	29 Public wakfs (Extension of Limitation) Act, 1959.	S. 3 amended.	9, s. 2.	
1961	43 Income-tax Act, 1961.	Ss. 2, 16, 80C(2), 80L, 80P, 215, 216, 217 and Fifth Schedule amended (w.e.f. 1-4-1970). Ss. 40A, 80C(4), 80J, 209, 210, 211, 212, 213 and 218 amended (w.e.f. 1-4-1969). Ss. 80MM and 80RR inserted (w.e.f. 1-4-1970). S. 208 substituted (w. e. f. 1-4-1969). S. 273 substituted (w. e. f. 1-4-1970)	14, ss. 3, 4, 6(a), 8, 10, 18, 19, 20 and 23. <i>Ibid.</i> , ss. 5, 6(b), 7, 13, 14, 15, 16, 17 and 21. <i>Ibid.</i> , ss. 9 and 11. <i>Ibid.</i> , s. 12. <i>Ibid.</i> , s. 22.	
	47 Deposit Insurance Corporation Act, 1961.	Ss. 2 and 13 amended (w.e.f. 19-7-1969)	22, s. 25.	
1962	9 Estate Duty (Distribution) Act, 1962.	Long title and s. 3 amended (w. e. f. 1-4-1969).	15, ss. 2 and 3.	
	52 Customs Act, 1962.	Chapters IVA, IVB, IVC and s. 106A inserted (w.e.f. 3-1-1969). Ss. 111, 113 and 159 amended (w.e.f. 3-1-1969).	12, ss. 2 and 3. <i>Ibid.</i> , ss. 4, 5 and 6.	

Table showing effect of Parliamentary Legislation of 1969

1	2	3	4	5
1962 —concl.	57	Delhi Motor Vehicles Taxation Act, 1962.	S. 4 amended (w.e.f. 1-4-1969). Sch. I substituted (w.e.f. 1-4-1969).	11, s. 2. <i>Ibid.</i> , s. 3.
1963	36	Limitation Act, 1963.	S. 30 amended (partly retrospectively).	10, s. 2.
1964	7	Companies (Profits) Surtax Act, 1964.	Third Schedule amended (w.e.f. 1-4-1969).	14, s. 25.
1965	21	Payment of Bonus Act, 1965.	Ss. 15 and 7 amended.	8, ss. 2 and 3.
	34	Press Council Act, 1965.	S. 5 amended (w. e. f. 30-6-1969).	27, s. 2.
1966	26	Delhi High Court Act, 1966.	S. 3A inserted (w. e. f. 1-10-1969). Ss. 5 and 17 amended (w.e.f. 1-10-1969).	37, s. 2. <i>Ibid.</i> , ss. 3 and 4.
1967	37	Unlawful Activities (Prevention) Act, 1967.	S. 1. amended. S. 2A inserted.	24, s. 2. <i>Ibid.</i> , s. 3.
1968	45	Gold (Control) Act, 1968.	Ss. 5, 26 and 114 amended (w.e.f. 3-7-1969). Ss. 8, 17 and 31 amended retrospectively. Ss. 27, 39 and 50 amended partly w.e.f. 3-7-1969 and partly retrospectively.	26, ss. 2, 5 and 14. <i>Ibid.</i> , ss. 3, 4 and 7. <i>Ibid.</i> , ss. 6, 9 and 11.
	60	State Agricultural Credit Corporations Act, 1968.	Ss. 32, 46, 88 and 100 substituted (w.e.f. 3-7-1969). Ss. 2, 5, 9 and 18 amended (w.e.f. 19-7-1969).	<i>Ibid.</i> , ss. 8, 10, 12 and 13. 22, s. 25.

Part II.—Central Ordinances repealed

Year	No.	Short title of the Ordinance	No. and section of 1969 Act by which repealed
1968	12	Limitation (Amendment) Ordinance, 1968.	10, s. 3.
	13	Public Wakfs (Extension of Limitation) Amendment Ordinance, 1968.	9, s. 3.
1969	1	Customs (Amendment) Ordinance, 1969.	12, s. 7 (w.e.f. 3-1-1969).
	2	Payment of Bonus (Amendment) Ordinance, 1969.	8, s. 4.
	3	Indian Railways (Amendment) Ordinance, 1969.	21, s. 4.
	4	Central Sales Tax (Amendment) Ordinance, 1969.	28, s. 11.
	5	Press Council (Amendment) Ordinance, 1969.	27, s. 3 (w.e.f. 30-6-1969)
	6	Gold (Control) Amendment Ordinance, 1969.	26, s. 15 (w.e.f. 3-7-1969)
	8	Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1969.	22, s. 27 (w.e.f. 19-7-1969).
	9	Foreign Exchange Regulation (Amendment) Ordinance, 1969.	40, s. 4.

Part III.—Central Regulation amended

Year	No	Short title of Regulation	How affected	No. and section of 1969 Act by which amended
1958		Armed Forces (Special Powers) Regulation, 1958.	S. 1 amended.	3, s. 2.

Part IV.—Constitution of India amended

How affected	No. and section of 1969 Act by which affected
Article 168 amended (w.e.f. 1-8-1969).	20, s. 4.
Article 168 amended (w.e.f. 7-1-1970).	46, s. 4.
Articles 244A and 371B inserted.	22nd Amendment Act, ss. 2 and 4.
Article 275 amended.	22nd Amendment Act, s.3.
Sixth Schedule amended (w.e.f. 2-4-1970).	55, s. 74 and Schedule IV.

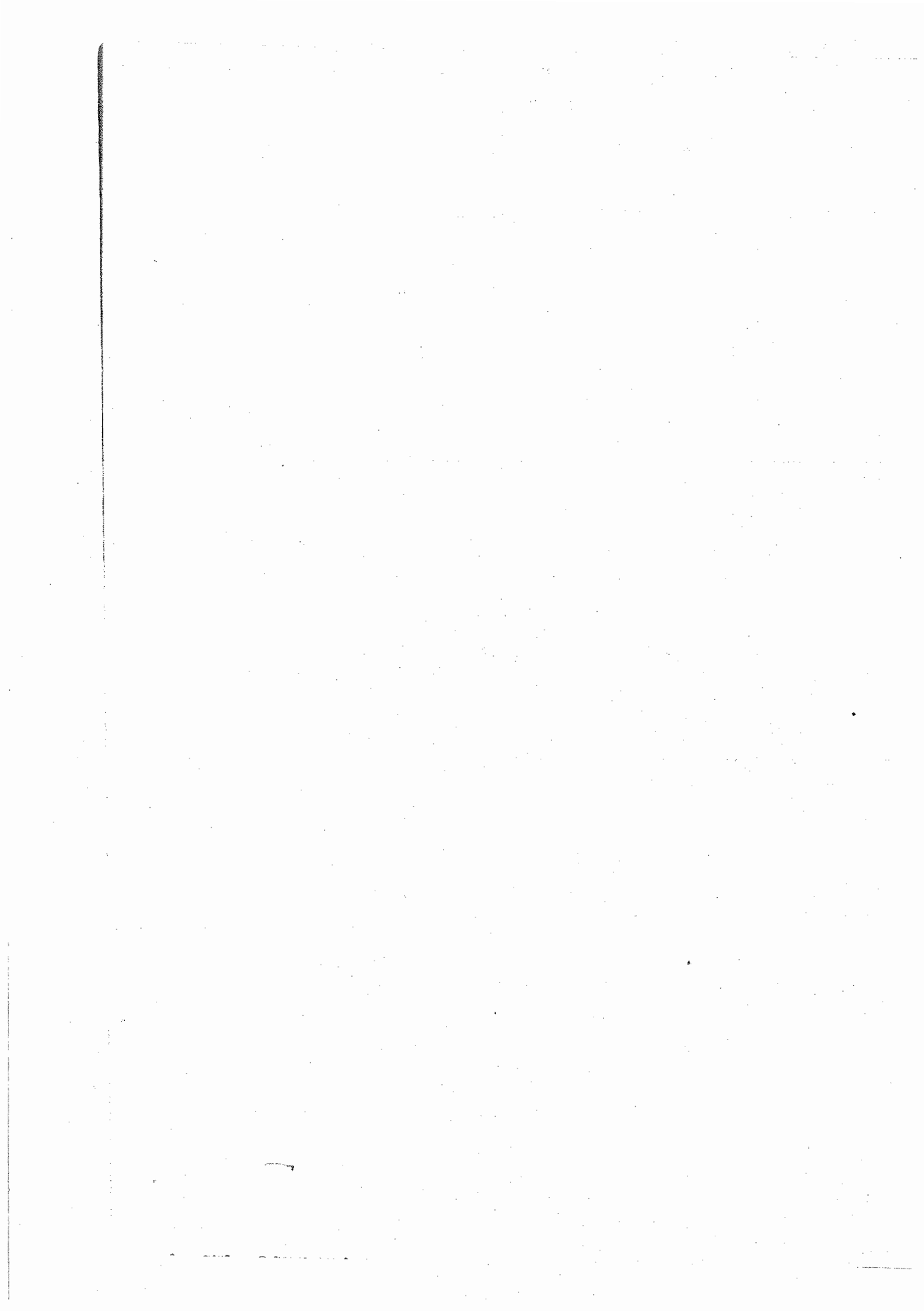
Part V.—State Acts amended or repealed

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1969 Act by which affected
1	2	3	4	5
1918	6	Punjab Courts Act, 1918.	S. 25 amended (w. e. f. 1-10-1969).	37, s. 5.
1948	20	Motor Vehicles (Andhra Area) Amendment Act, 1948.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1956	45	Motor Vehicles (Andhra Pradesh) Telengana Area Amendment Act, 1956.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1954	30	Assam State Road Transport Act, 1954.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1955	18	Assam State Road Transport (Amendment) Act, 1955.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1950	27	Motor Vehicles (Bihar Amendment) Act, 1949.	Repealed except ss. 1 and 3 (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1954	1	Motor Vehicles (Bihar Amendment) Act, 1953.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1948	20	Motor Vehicles (Madras Amendment) Act, 1948 as applicable to Kerala.	Repealed except ss. 1 and 3 (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1949	44	Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Kerala.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1954	39	Motor Vehicles (Madras Amendment) Act, 1954 as applicable to Kerala.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1948	20	Motor Vehicles (Madras Amendment) Act, 1948.	Repealed except ss. 1, 3 and 5 (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1949	44	Motor Vehicles (Madras Amendment) Act, 1949.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1954	39	Motor Vehicles (Madras Amendment) Act 1954.	Repealed except ss. 1 and 2 (w.e.f. 1-4-1971).	6, s. 82 and Sch.
1957	19	Motor Vehicles (Madras Amendment) Act, 1957.	Repealed (w.e.f. 1-4-1971)	56, s. 82 and Sch.

1	2	3	4	5
1948	3	Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Madhya Pradesh.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1947	7	Motor Vehicles (Bombay Amendment) Act, 1947.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
	3	Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Maharashtra.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1954	31	Motor Vehicles (Bombay Amendment) Act, 1954.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1955	55	Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Maharashtra.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1953	14	Motor Vehicles (Mysore Amendment) Act, 1953.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1955	16	Motor Vehicles (Mysore Amendment) Act, 1955.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1947	7	Motor Vehicles (Bombay Amendment) Act, 1947 as applicable to Mysore.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1954	31	Motor Vehicles (Bombay Amendment) Act, 1954 as applicable to Mysore.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1956	45	Motor Vehicles (Hyderabad Amendment) Act 1956 as applicable to Mysore.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1948	20	Motor Vehicles Madras (Amendment) Act, 1948 as applicable to Mysore.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1949	45	Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Mysore.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
	1	Orissa Motor Vehicles (Amendment) Act, 1948.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1947	36	Orissa Motor Vehicles (Regulation of Stage Carriage and Public Carrier's Services) Act, 1947.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1951	41	Orissa Motor Vehicles (Regulation of Stage Carriage and Public Carrier's Services) Amendment Act, 1951.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1948	28	Motor Vehicles (East Punjab Amendment) Act, 1948.	Repealed except ss. 1, 3, 4 and 10 (w.e.f. 1-4-1971).	56, s. 82 and Sch.
	11	Motor Vehicles (United Provinces Amendment) Act, 1948.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1953	28	Motor Vehicles (Uttar Pradesh Amendment) Act, 1953.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1955	9	Uttar Pradesh Road Transport Services (Development) Act, 1955.	Repealed except ss. 1 and 14 (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1951	19	Motor Vehicles (West Bengal Amendment) Act, 1951.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
1954	4	Motor Vehicles (Delhi Amendment) Act, 1954.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.
	5	Himachal Pradesh State Road Transport Act, 1953.	Repealed (w.e.f. 1-4-1971).	56, s. 82 and Sch.

Part VI.—State Orders amended

Year	Short title of the State Orders	How affected	No. and section of 1969 Act by which amended
1948	Himachal Pradesh (Courts) Order, 1948.	Para 20 amended (w.e.f. 1-10-1969).	37, s. 5.
1951	Delimitation of Council Constituencies (Punjab) Order, 1951.	Repealed (w.e.f. 7-1-1970).	46, s. 6.
	Delimitation of Council Constituencies (West Bengal) Order, 1951.	Repealed (w.e.f. 1-8-1969).	20, s. 6.



THE PUBLIC EMPLOYMENT (REQUIREMENT AS TO
RESIDENCE) AMENDMENT ACT, 1969

No. 1 OF 1969

[19th March, 1969]

An Act further to amend the Public Employment (Requirement
as to Residence) Act, 1957.

BE it enacted by Parliament in the Twentieth Year of the
Republic of India as follows:—

1. This Act may be called the Public Employment (Requirement as to Residence) Amendment Act, 1969. Short title.

44 of 1957. 2. In section 3 of the Public Employment (Requirement as to Residence) Act, 1957 (hereinafter referred to as the principal Act),— Amend-
ment of
section 3.

(i) in sub-section (1), in clause (c), for the words "local authority", the words "local or other authority" shall be substituted;

(ii) in sub-section (2), clause (a) shall be re-lettered as clause (aa) and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:—

11 of 1966. (a) "Himachal Pradesh" includes the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966;.

3. In section 5 of the principal Act, for the words "ten years", the words "fifteen years" shall be substituted. Amend-
ment of
section 5.

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1969

No. 2 OF 1969

[23rd March, 1969]

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 1969-70.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Appropriation (Vote on Account) Act, 1969.

Withdrawal
of Rs. 31,73,
2,92,000
from and out
of the Con-
solidated
Fund of
India for the
financial
year 1969-70.

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 three thousand one hundred and seventy-three crores, thirty-two lakhs and ninety-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1969-70.

pro-
riation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund 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	Ministry of Defence	29,51,000	..	29,51,000
2	Defence Services, Effective— Army	1,29,09,11,000	1,43,000	1,29,10,54,000
3	Defence Services, Effective— Navy	7,81,96,000	7,000	7,82,03,000
4	Defence Services, Effective— Air Force	32, 9,27,000	17,000	32,95,44,000
5	Defence Services, Non-Effec- tive	5,46,67,000	..	5,46,67,000
6	Ministry of Education and Youth Services	20,74,000	..	20,74,000
7	Education	10,04,39,000	..	10,04,39,000
8	Archaeology	26,93,000	..	26,93,000
9	Survey of India	95,25,000	..	95,25,000
10	Grants to Council of Scienti- fic and Industrial Research	3,24,75,000	..	3,24,75,000
11	Other Revenue Expenditure of the Ministry of Educa- tion and Youth Services	67,16,000	..	67,16,000
12	External Affairs	3,90,95,000	2,000	3,90,97,000
13	Other Revenue Expendi- ture of the Ministry of External Affairs	4,17,21,000	..	4,17,21,000
14	Ministry of Finance	51,66,000	..	51,66,000
15	Customs	1,38,16,000	8,000	1,38,24,000
16	Union Excise Duties	2,69,69,000	8,000	2,69,77,000
17	Taxes on Income including Corporation tax, etc.	2,75,38,000	21,000	2,75,59,000
18	Stamps	88,88,000	..	88,88,000
19	Audit	4,24,26,000	8,05,000	4,32,31,000
20	Currency and Coinage	2,92,10,000	..	2,92,10,000
21	Mint	55,06,000	..	55,06,000
22	Kolar Gold Mines	1,12,65,000	..	1,12,65,000
23	Pensions and other Retire- ment Benefits	1,96,03,000	5,74,000	2,01,77,000
24	Opium	3,55,19,000	..	3,55,19,000
25	Other Revenue Expenditure of the Ministry of Finance	6,41,37,000	50,000	6,41,87,000
26	Grants-in-aid to State and Union Territory Govern- ments	69,53,86,000	46,98,75,000	1,16,52,61,000
27	Miscellaneous Adjustments between the Central and State and Union Territory Governments	6,48,000	..	6,48,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
28	Pre-partition Payments	Rs. 30,000	Rs. 1,01,000	Rs. 1,31,000
	CHARGED.—Interest on Debt and Other Obligations and Reduction or Avoidance of Debt	..	93,97,68,000	93,97,68,000
	CHARGED.—Payments of States' Share of Union Excise Duties	..	25,19,99,000	25,19,99,000
29	Ministry of Food, Agriculture, Community Development and Co-operation	31,65,000	..	31,65,000
30	Agriculture	1,77,00,000	..	1,77,00,000
31	Payments to Indian Council of Agricultural Research	2,58,34,000	..	2,58,34,000
32	Forest	29,68,000	..	29,68,000
33	Other Revenue Expenditure of the Ministry of Food, Agriculture, Community Development and Co-ope- ration	7,60,16,000	5,34,000	7,65,50,000
34	Ministry of Foreign Trade and Supply	23,33,000	..	23,33,000
35	Supplies and Disposals	71,08,000	..	71,08,000
36	Foreign Trade	15,47,76,000	..	15,47,76,000
37	Other Revenue Expenditure of the Ministry of Foreign Trade and Supply	1,24,80,000	..	1,24,80,000
38	Ministry of Health and Family Planning and Works, Hous- ing and Urban Develop- ment	12,05,000	..	12,05,000
39	Medical and Public Health	3,99,94,000	..	3,99,94,000
40	Public Works	6,77,92,000	6,22,000	6,84,14,000
41	Stationery and Printing	2,37,01,000	1,000	2,37,02,000
42	Other Revenue Expenditure of the Ministry of Health and Family Planning and Works, Housing and Urban Development	43,20,000	1,82,000	45,02,000
43	Ministry of Home Affairs	29,19,000	..	29,19,000
44	Cabinet	11,11,000	..	11,11,000
45	Administration of Justice	41,000	4,64,000	5,05,000
46	Police	9,66,02,000	..	9,66,02,000
47	Census	26,31,000	..	26,31,000
48	Statistics	62,03,000	..	62,03,000
49	Privy Purses and Allowances of Indian Rulers	45,000	1,19,71,000	1,20,16,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
50	Territorial and Political Pensions	3,16,000	..	3,16,000
51	Delhi	7,21,65,000	3,42,000	7,25,07,000
52	Chandigarh	98,14,000	3,95,000	1,02,09,000
53	Andaman and Nicobar Islands	1,30,71,000	..	1,30,71,000
54	Tribal Areas	4,24,07,000	..	4,24,07,000
55	Dadra and Nagar Haveli Area	10,71,000	..	10,71,000
56	Laccadive, Minicoy and Amindivi Islands	20,16,000	..	20,16,000
57	Other Revenue Expenditure of the Ministry of Home Affairs	1,86,73,000	..	1,86,73,000
58	Ministry of Industrial Development, Internal Trade and Company Affairs	14,49,000	..	14,49,000
59	Industries	81,19,000	1,67,000	82,86,000
60	Salt	10,72,000	..	10,72,000
61	Other Revenue Expenditure of the Ministry of Industrial Development, Internal Trade and Company Affairs	2,48,26,000	..	2,48,26,000
62	Ministry of Information and Broadcasting	3,97,000	..	3,97,000
63	Broadcasting	1,98,76,000	..	1,98,76,000
64	Other Revenue Expenditure of the Ministry of Information and Broadcasting	1,07,96,000	..	1,07,96,000
65	Ministry of Irrigation and Power	6,52,000	..	6,52,000
66	Multi-purpose River Schemes	36,24,000	..	36,24,000
67	Other Revenue Expenditure of the Ministry of Irrigation and Power	1,57,30,000	..	1,57,30,000
68	Ministry of Labour, Employment and Rehabilitation	14,12,000	..	14,12,000
69	Director-General, Mines Safety	9,71,000	..	9,71,000
70	Labour and Employment	2,74,07,000	1,000	2,74,08,000
71	Expenditure on Displaced Persons	3,10,68,000	7,000	3,10,75,000
72	Other Revenue Expenditure of the Ministry of Labour, Employment and Rehabilitation	1,44,000	..	1,44,000
73	Ministry of Law	14,42,000	..	14,42,000
74	Other Revenue Expenditure of the Ministry of Law	33,71,000	..	33,71,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
75	Ministry of Petroleum and Chemicals and Mines and Metals	8,74,000	..	8,74,000
76	Geological Survey	1,68,56,000	..	1,68,56,000
77	Other Revenue Expenditure of the Ministry of Petroleum and Chemicals and Mines and Metals	2,65,34,000	3,000	2,65,37,000
78	Ministry of Shipping and Transport	23,44,000	..	23,44,000
79	Roads	3,33,63,000	85,000	3,34,48,000
80	Mercantile Marine	49,61,000	..	49,61,000
81	Lighthouses and Lightships	24,00,000	..	24,00,000
82	Other Revenue Expenditure of the Ministry of Shipping and Transport	51,59,000	..	51,59,000
83	Ministry of Steel and Heavy Engineering	3,80,000	..	3,80,000
84	Other Revenue Expenditure of the Ministry of Steel and Heavy Engineering	26,74,000	..	26,74,000
85	Ministry of Tourism and Civil Aviation	3,93,000	..	3,93,000
86	Meteorology	78,33,000	..	78,33,000
87	Aviation	2,71,24,000	..	2,71,24,000
88	Other Revenue Expenditure of the Ministry of Tourism and Civil Aviation	46,01,000	..	46,01,000
89	Department of Atomic Energy	7,01,000	..	7,01,000
90	Other Revenue Expenditure of the Department of Atomic Energy	3,42,12,000	..	3,42,12,000
91	Department of Communi- cations	3,17,000	..	3,17,000
92	Overseas Communications Service	47,51,000	..	47,51,000
93	Posts and Telegraphs (Work- ing Expenses)	36,13,84,000	2,000	36,13,86,000
94	Posts and Telegraphs— Dividend to General Re- venues, Appropriation to Reserve Funds and Repay- ments of Loans from Ge- neral Revenues	5,66,23,000	..	5,66,23,000
95	Other Revenue Expenditure of the Department of Communications	6,27,000	..	6,27,000
96	Department of Parliamentary Affairs	1,52,000	..	1,52,000

1	2	3		
		Voted by Parliament	Charged on the Consolidated Fund	Total
No. of Vote	Services and purposes	Rs.	Rs.	Rs.
97	Department of Social Welfare	3,30,000	..	3,30,000
98	Other Revenue Expenditure of the Department of Social Welfare	75,66,000	8,000	75,74,000
99	Planning Commission	26,32,000	..	26,32,000
100	Lok Sabha	31,35,000	14,000	31,49,000
101	Rajya Sabha	12,94,000	12,000	13,06,000
	CHARGED.—Staff, Household and Allowances of the President	..	6,66,000	6,66,000
102	Secretariat of the Vice-President	50,000	..	50,000
	CHARGED.—Union Public Service Commission	..	15,89,000	15,89,000
103	Defence Capital Outlay	21,83,67,000	1,67,000	21,85,34,000
104	Capital Outlay of the Ministry of Education and Youth Services	1,21,09,000	..	1,21,09,000
105	Capital Outlay on the India Security Press	11,09,000	..	11,09,000
106	Capital Outlay on Currency and Coinage	2,59,37,000	..	2,59,37,000
107	Capital Outlay on Mints	8,38,000	..	8,38,000
108	Capital Outlay on Kolar Gold Mines	20,98,000	..	20,98,000
109	Commuted Value of Pensions	1,00,47,000	42,000	1,00,89,000
110	Other Capital Outlay of the Ministry of Finance	32,00,000	..	32,00,000
111	Capital Outlay on Grants to State Governments for Development	5,83,01,000	..	5,83,01,000
112	Loans and Advances by the Central Government	90,62,42,000	1,37,81,88,000	2,28,44,30,000
	CHARGED.—Repayment of Debt	..	21,24,50,00,000	21,24,50,00,000
113	Purchase of Foodgrains and Fertilizers	67,20,30,000	17,000	67,20,47,000
114	Other Capital Outlay of the Ministry of Food, Agriculture, Community Development and Co-operation	9,40,01,000	18,000	9,40,19,000
115	Capital Outlay of the Ministry of Foreign Trade and Supply	34,77,000	..	34,77,000
116	Delhi Capital Outlay	1,17,29,000	5,38,000	1,22,67,000
117	Capital Outlay on Public Works	1,50,49,000	1,67,000	1,52,16,000

1 No of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
118	Other Capital Outlay of the Ministry of Health and Family Planning and Works, Housing and Urban Development	3,31,63,000	..	3,31,63,000
119	Capital Outlay in Union Territories and Tribal Areas	4,14,37,000	51,50,000	4,65,87,000
120	Other Capital Outlay of the Ministry of Home Affairs	8,00,000	..	8,00,000
121	Capital Outlay of the Ministry of Industrial Development, Internal Trade and Company Affairs	77,39,000	..	77,39,000
122	Capital Outlay of the Ministry of Information and Broadcasting	86,34,000	..	86,34,000
123	Capital Outlay on Multi-purpose River Schemes	3,41,76,000	..	3,41,76,000
124	Other Capital Outlay of the Ministry of Irrigation and Power	4,02,31,000	..	4,02,31,000
125	Capital Outlay of the Ministry of Labour, Employment and Rehabilitation	90,68,000	2,000	90,70,000
126	Capital Outlay of the Ministry of Petroleum and Chemicals and Mines and Metals	17,19,70,000	..	17,19,70,000
127	Capital Outlay on Roads	7,77,47,000	41,000	7,77,88,000
128	Capital Outlay on Ports	1,00,55,000	75,000	1,01,30,000
129	Other Capital Outlay of the Ministry of Shipping and Transport	1,11,43,000	..	1,11,43,000
130	Capital Outlay of the Ministry of Steel and Heavy Engineering	28,50,75,000	..	28,50,75,000
131	Capital Outlay on Aviation	2,13,42,000	42,000	2,13,84,000
132	Other Capital Outlay of the Ministry of Tourism and Civil Aviation	91,69,000	..	91,69,000
133	Capital Outlay of the Department of Atomic Energy	7,62,50,000	..	7,62,50,000
134	Capital Outlay on Posts and Telegraphs (Not met from Revenue)	9,61,67,000	..	9,61,67,000
135	Other Capital Outlay of the Department of Communications	74,97,000	3,000	75,00,000
	GRAND TOTAL	7,42,33,99,000	24,30,98,93,000	31,73,32,92,000

Rep. by Act.....⁵⁶.....of 1974, s. 2 & sch. I.

THE ARMED FORCES (SPECIAL POWERS) CONTINUANCE
ACT, 1969

No. 3 OF 1969

[26th March, 1969]

An Act to continue the Armed Forces (Special Powers) Regulation,
1958, for a further period.

BE it enacted by Parliament in the Twentieth Year of the Republic
of India as follows:—

1. This Act may be called the Armed Forces (Special Powers) Conti- Short
nuance Act, 1969. title.

Regulation 2 of 1958. 2. In section 1 of the Armed Forces (Special Powers) Regulation, Amend-
1958, in sub-section (4), for the words, figures and letters "the 5th day ment of
of April, 1969", the words, figures and letters "the 5th day of April, 1972", section 1.
shall be substituted.

THE APPROPRIATION ACT, 1969

No. 4 OF 1969

[26th March, 1969]

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, 1967 in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation Act, 1969.

Short
title.

Issue of
Rs. 11,52,
75,304
out of
the Con-
solidated
Fund
of
India to
meet
certain
excess
expendi-
ture for
the year
ended on
the 31st
March,
1967.

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 eleven crores, fifty-two lakhs, seventy-five thousand, three hundred and four 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, 1967, in excess of the amounts granted for those services and for that year.

Appro-
priation.

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, 1967.

THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3		
		Voted portion	Excess Charged portion	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce	65,740	..	65,740
8	Defence Services—Non-Effective	9,40,225	..	9,40,225
9	Ministry of Education	8,920	..	8,920
12	Survey of India	30,834	..	30,834
13	Botanical Survey	53,517	..	53,517
14	Zoological Survey	4,434	..	4,434
19	Customs . . . . .	..	2,579	2,579
21	Taxes on Income including Corporation Tax, etc.	4,35,138	..	4,35,138
	<i>CHARGED.— Interest on Debt and other Obligations and Reduction or Avoidance of Debt</i>	..	64,66,605	64,66,605
45	Cabinet	1,08,748	..	1,08,748
58	Ministry of Industry	69,886	..	69,886
62	Ministry of Information and Broadcasting	96,567	..	96,567
63	Broadcasting	16,19,566	..	16,19,566
71	Chief Inspector of Mines	25,052	..	25,052
77	Other Revenue Expenditure of the Ministry of Law	80,344	..	80,344
78	Ministry of Mines and Metals	27,653	..	27,653
85	Other Revenue Expenditure of the Ministry of Supply and Technical Development	16,617	..	16,617
86	Ministry of Transport and Aviation	6,45,840	..	6,45,840
89	Communications (including National High- ways)	65,83,292	..	65,83,292
92	Aviation	6,16,166	..	6,16,166
94	Ministry of Works, Housing and Urban Development	28,677	..	28,677
104	Other Revenue Expenditure of the Depart- ment of Communications	13,615	..	13,615
121	Other Capital Outlay of the Ministry of Finance	1,79,07,352	..	1,79,07,352
123	Loans and Advances by the Central Gov- ernment . . . . .	..	3,68,87,917	3,68,87,917

1 No. of Vote	2 Services and purposes	3		
		Voted portion	Excess	
	Rs.		Rs.	Total Rs.
130	Capital Outlay of the Ministry of Information and Broadcasting	3,25,978	..	3,25,978
137	Capital Outlay on Roads	1,13,62,206	1,25,197	1,14,87,403
144	Capital Outlay of the Department of Atomic Energy	9,03,244	..	9,03,244
145	Capital Outlay on Posts and Telegraphs (Not met from Revenue)	2,98,23,395	..	2,98,23,395
	TOTAL	7,17,93,006	4,34,82,298	11,52,75,304

THE APPROPRIATION (No. 2) ACT, 1969

No. 5 OF 1969

[26th March, 1969]

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 1968-69.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 2) Act, 1969.

Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three hundred and thirty-nine crores, sixty-nine lakhs and eighty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1968-69, in respect of the services specified in column 2 of the Schedule.

Issue of Rs.
3,39,69,
89,000 out of
the Consoli-
dated Fund
of India for
the year
1968-69.

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

Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce	5,03,000	..	5,03,000
3	Other Revenue Expenditure of the Ministry of Commerce	50,39,000	..	50,39,000
4	Ministry of Defence	1,00,000	..	1,00,000
5	Defence Services, Effective	58,57,18,000	..	58,57,18,000
6	Defence Services, Non-Effective	1,75,00,000	..	1,75,00,000
7	Ministry of Education	2,31,000	..	2,31,000
8	Education	2,000	..	2,000
13	External Affairs	42,00,000	..	42,00,000
14	Other Revenue Expenditure of the Ministry of External Affairs	1,53,00,000	..	1,53,00,000
15	Ministry of Finance	66,000	..	66,000
18	Taxes on Income including Cor- poration Tax, etc. . . .	70,00,000	..	70,00,000
20	Audit	60,00,000	..	60,00,000
21	Currency and Coinage	48,50,000	..	48,50,000
23	Kolar Gold Mines	4,40,000	..	4,40,000
24	Pensions and other Retirement Benefits	58,73,000	2,92,000	61,65,000
27	Grants-in-aid to State and Union Terri- tory Governments	54,76,00,000	..	54,76,00,000
	<i>CHARGED.—Payment of States' Share of Union Excise Duties</i>	..	23,39,84,000	23,39,84,000
30	Ministry of Food, Agriculture, Com- munity Development and Co-operation	5,58,000	..	5,58,000
34	Other Revenue Expenditure of the Ministry of Food, Agriculture, Community Development and Co- operation	11,42,000	..	11,42,000
35	Ministry of Health, Family Planning and Urban Development	4,52,000	..	4,52,000
38	Ministry of Home Affairs	9,05,000	..	9,05,000
41	Police	8,78,69,000	..	8,78,69,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
45	Territorial and Political Pensions	2,41,000	..	2,41,000
46	Delhi	5,03,65,000	3,65,000	5,07,30,000
47	Chandigarh . . . . .	..	1,31,000	1,31,000
48	Andaman and Nicobar Islands	64,98,000	2,000	65,00,000
49	Tribal Areas	41,71,000	..	41,71,000
52	Other Revenue Expenditure of the Ministry of Home Affairs	1,000	..	1,000
53	Ministry of Industrial Development and Company Affairs	5,10,000	..	5,10,000
54	Industries	16,01,000	..	16,01,000
55	Salt	6,04,000	..	6,04,000
56	Other Revenue Expenditure of the Ministry of Industrial Development and Company Affairs	3,25,000	..	3,25,000
57	Ministry of Information and Broad- casting	2,69,000	..	2,69,000
58	Broadcasting	62,66,000	..	62,66,000
60	Ministry of Irrigation and Power	1,23,000	..	1,23,000
66	Expenditure on Displaced Persons	4,72,95,000	..	4,72,95,000
69	Other Revenue Expenditure of the Ministry of Law	21,00,000	..	21,00,000
70	Ministry of Petroleum and Chemicals	40,000	..	40,000
72	Ministry of Steel, Mines and Metals	1,73,000	..	1,73,000
75	Ministry of Tourism and Civil Aviation	81,000	..	81,000
76	Meteorology	1,000	..	1,000
77	Aviation	1,58,23,000	..	1,58,23,000
79	Ministry of Transport and Shipping	4,16,000	..	4,16,000
80	Roads	4,10,79,000	5,00,000	4,15,79,000
81	Mercantile Marine	12,57,000	..	12,57,000
84	Ministry of Works, Housing and Supply	2,25,000	..	2,25,000
85	Public Works	34,70,000	..	34,70,000
93	Posts and Telegraphs—Working Ex- penses	3,87,07,000	50,000	3,87,57,000
96	Department of Parliamentary Affairs	1,94,000	..	1,94,000
	CHARGED.—Staff, Household and Allowances of the President . . . . .	..	45,000	45,000
110	Commuted Value of Pensions	28,81,000	2,99,000	31,80,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
113	Loans and Advances by the Central Government	80,00,00,000	63,00,00,000	1,43,00,00,000
115	Other Capital Outlay of the Ministry of Food, Agriculture, Community Development and Co-operation	3,48,00,000	..	3,48,00,000
117	Capital Outlay in Union Territories and Tribal Areas . . . . .	..	3,30,00,000	3,30,00,000
119	Capital Outlay of the Ministry of Industrial Development and Company Affairs	20,00,000	..	20,00,000
121	Capital Outlay on Multi-purpose River Schemes	2,64,02,000	..	2,64,02,000
123	Capital Outlay of the Ministry of Labour, Employment and Rehabilitation	1,08,70,000	..	1,08,70,000
124	Capital Outlay of the Ministry of Petroleum and Chemicals	4,63,63,000	..	4,63,63,000
125	Capital Outlay of the Ministry of Steel, Mines and Metals	4,59,89,000	..	4,59,89,000
129	Capital Outlay on Ports	1,30,06,000	3,00,000	1,33,06,000
130	Other Capital Outlay of the Ministry of Transport and Shipping	24,75,000	..	24,75,000
132	Capital Outlay on Public Works	1,000	..	1,000
134	Capital Outlay of the Department of Atomic Energy	1,000	..	1,000
136	Other Capital Outlay of the Department of Communications . . . . .	..	50,000	50,000
	TOTAL	2,49,79,71,000	89,90,18,000	3,39,69,89,000

THE APPROPRIATION (RAILWAYS) ACT, 1969

No. 6 OF 1969

[20th March, 1969]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1969-70 for the purposes of Railways.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) Act, 1969. Short title

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand five hundred and seventy-two crores, seventy-seven lakhs and two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1969-70, in respect of the services relating to railways specified in column 2 of the Schedule.

Issue of Rs.
15,72,77,02,000
out of the
Consolidated
Fund of
India for the
financial year
1969-70.

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

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

I 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	Railway Board	1,42,20,000	..	1,42,20,000
2	Miscellaneous Expenditure	6,11,29,000	3,00,000	6,14,29,000
3	Payments to Worked Lines and Others	17,58,000	..	17,58,000
4	Working Expenses—Administration	75,60,35,000	18,000	75,60,53,000
5	Working Expenses—Repairs and Main- tenance	2,41,82,94,000	10,000	2,41,83,04,000
6	Working Expenses—Operating Staff	1,56,23,32,000	15,000	1,56,23,47,000
7	Working Expenses—Operation (Fuel)	1,56,36,83,000	2,000	1,56,36,85,000
8	Working Expenses—Operation other than Staff and Fuel	46,15,72,000	49,38,000	46,65,10,000
9	Working Expenses—Miscellaneous Ex- penses	35,45,86,000	6,82,000	35,52,68,000
10	Working Expenses—Staff Welfare	24,57,06,000	..	24,57,06,000
11	Working Expenses—Appropriation to Depreciation Reserve Fund	95,00,00,000	..	95,00,00,000
11-A	Working Expenses—Appropriation to Pension Fund	10,00,00,000	..	10,00,00,000
12	Dividend to General Revenues	1,59,01,19,000	..	1,59,01,19,000
13	Open Line Works (Revenue)	8,40,52,000	..	8,40,52,000
14	Construction of New Lines—Capital and Depreciation Reserve Fund	29,48,50,000	..	29,48,50,000
15	Open Line Works—Capital, Depre- ciation Reserve Fund and Develop- ment Fund	5,16,15,62,000	4,50,000	5,16,20,12,000
16	Pensionary Charges—Pension Fund	6,34,59,000	..	6,34,59,000
17	Repayments of loans from General Revenues and interest thereon— Development Fund	1,59,53,000	..	1,59,53,000
18	Appropriation to Development Fund	1,91,51,000	..	1,91,51,000
20	Payments towards Amortisation of Over-capitalisation	28,26,000	..	28,26,000
	TOTAL	15,72,12,87,000	64,15,000	15,72,77,02,000

THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1969

No. 7 OF 1969

[26th March, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1968-69 for the purposes of railways.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

1. This Act may be called the Appropriation (Railways) No. 2 Act, 1969. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-nine crores, fourteen lakhs and seventy-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1968-69, in respect of the services relating to railways specified in column 2 of the Schedule. Issue of Rs. 29,14,78,000 out of the Consolidated Fund of India for the financial year 1968-69.

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

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Miscellaneous Expenditure	31,36,000	..	31,36,000
3	Payments to Worked Lines and Others	6,33,000	..	6,33,000
4	Working Expenses—Adminis- tration	1,80,05,000	5,000	1,80,10,000
5	Working Expenses—Repairs and Maintenance	7,55,60,000	1,58,000	7,57,18,000
6	Working Expenses—Operating Staff	5,11,84,000	1,50,000	5,13,34,000
7	Working Expenses—Operation (Fuel)	6,82,32,000	21,000	6,82,53,000
8	Working Expenses—Operation other than Staff and Fuel	4,86,18,000	..	4,86,18,000
9	Working Expenses—Miscel- laneous Expenses	1,00,19,000	9,57,000	1,09,76,000
10	Working Expenses—Staff Welfare . . . . .	..	12,000	12,000
13	Open Line Works (Revenue). . . . .	..	58,000	58,000
14	Construction of New Lines— Capital and Depreciation Reserve Fund . . . . .	..	30,47,000	30,47,000
15	Open Line Works—Capital, Depreciation Reserve Fund and Development Fund . . . . .	..	22,75,000	22,75,000
16	Pensionary Charges—Pension Fund	94,08,000	..	94,08,000
	TOTAL	28,47,95,000	66,83,000	29,14,78,000

THE PAYMENT OF BONUS (AMENDMENT) ACT, 1969

No. 8 OF 1969

[26th March, 1965.

An Act further to amend the Payment of Bonus Act, 1965.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Payment of Bonus (Amendment) Act, 1969. Short title.

21 of 1965. 2. In the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act), to section 5, the following proviso shall be added, namely:— Amendment of section 5.

“Provided that the available surplus in respect of the accounting year commencing on any day in the year 1968 and in respect of every subsequent accounting year shall be the aggregate of—

(a) the gross profits for that accounting year after deducting therefrom the sums referred to in section 6; and

(b) an amount equal to the difference between—

(i) the direct tax, calculated in accordance with the provisions of section 7, in respect of an amount equal to the gross profits of the employer for the immediately preceding accounting year; and

(ii) the direct tax, calculated in accordance with the provisions of section 7, in respect of an amount equal to the gross profits of the employer for such preceding accounting year after deducting therefrom the amount of bonus which the employer has paid or is liable to pay to his employees in accordance with the provisions of this Act for that year.”

3. In the principal Act, in section 7, for the words, brackets, letter and figure “For the purpose of clause (c) of section 6, any direct tax payable by the employer”, the words “Any direct tax payable by the employer” shall be substituted. Amendment of section 7.

2 of 1969. 4. (1) The Payment of Bonus (Amendment) Ordinance, 1969, is hereby repealed. Repeal and saving.

(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 as if this Act had come into force on the 10th day of January, 1969.

Rep. by Act.....56.....of 1974, 52 & 51

THE PUBLIC WAKFS (EXTENSION OF LIMITATION)
AMENDMENT ACT, 1969

No. 9 OF 1969

[26th March, 1969]

An Act further to amend the Public Wakfs (Extension of Limitation)
Act, 1959.

Be it enacted by Parliament in the Twentieth Year of the Republic
of India as follows:—

Short
title.

1. This Act may be called the Public Wakfs (Extension of Limitation)
Amendment Act, 1969.

Amend-
ment of
section 3
of Act 29
of 1959.

2. In the Public Wakfs (Extension of Limitation) Act, 1959 (herein-
after referred to as the principal Act), in section 3, for the words, figures
and letters "the 31st day of December, 1968", the words, figures and
letters "the 31st day of December, 1970" shall be substituted.

Repeal
and
saving.

3. (1) The Public Wakfs (Extension of Limitation) Amendment Ordi-
nance, 1968, is hereby repealed.

13 of 1968.

(2) Notwithstanding such repeal, anything done or any action taken
under the principal Act as amended by the said Ordinance shall be deem-
ed to have been done or taken under the principal Act as amended by
this Act as if this Act had come into force on the 31st day of December,
1968.

Rep. by Act... SB..... of 1974, S2 & SRT.

THE LIMITATION (AMENDMENT) ACT, 1969

No. 10 OF 1969

[26th March, 1969]

An Act further to amend the Limitation Act, 1963.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

- | | |
|---|--|
| 1. This Act may be called the Limitation (Amendment) Act, 1969. | Short title. |
| 2. In section 30 of the Limitation Act, 1963, in clause (a),— | Amendment of section 30 of Act 36 of 1963. |
| (a) for the words “five years”, the words “seven years” shall be, and shall be deemed always to have been, substituted; | |

(b) the following proviso shall be inserted at the end, namely:—

“Provided that if in respect of any such suit, the said period of seven years expires earlier than the period of limitation prescribed therefor under the Indian Limitation Act, 1908 and the said period of seven years together with so much of the period of limitation in respect of such suit under the Indian Limitation Act, 1908, as has already expired before the commencement of this Act is shorter than the period prescribed for such suit under this Act, then, the suit may be instituted within the period of limitation prescribed therefor under this Act.”

9 of 1908.

Ordinance
12 of 1968.

- | | |
|---|---------|
| 3. The Limitation (Amendment) Ordinance, 1968 is hereby repealed. | Repeal. |
|---|---------|

Rep. by Act...⁵⁶...of 1974, S. 2 & Sch. I.

THE DELHI MOTOR VEHICLES TAXATION
(AMENDMENT) ACT, 1969

No. 11 OF 1969

[28th March, 1969]

An Act further to amend the Delhi Motor Vehicles Taxation Act, 1962.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Delhi Motor Vehicles Taxation (Amendment) Act, 1969.

(2) It shall come into force on the 1st day of April, 1969.

Amendment of section 4.

2. In the Delhi Motor Vehicles Taxation Act, 1962 (hereinafter 57 of 1962. referred to as the principal Act), in section 4, in sub-section (2), for clause (c) and the proviso thereto, the following clause shall be substituted, namely:—

“(c) for any period less than a quarter expiring on the last day of the quarter, at one-twelfth of the annual rate for each complete month or part thereof included in such period.”

Substitution of new Schedule for Schedule I.

3. For Schedule I to the principal Act, the following Schedule shall be substituted, namely:—

“SCHEDULE I

(See section 3)

<i>Description of motor vehicles</i>	<i>Annual rate of tax for each motor vehicle</i>
Rupees	
PART A.—Motor vehicles fitted solely with pneumatic tyres—	
I. Motor cycles and tricycles (including motor scooters and cycles with attachment for propelling the same by mechanised power)—	
(a) motor cycles, scooters (flat rate)	Forty.

<i>Description of motor vehicles</i>	<i>Annual rate of tax for each motor vehicle</i>
	Rupees
(b) scooterettes and auto cycles (flat rate)	Twenty.
(c) tricycles (flat rate)	Fifty.
(d) motor cycles or tricycles used for drawing a trailer or side car	The rate specified in (a) or (b) or (c) above plus fifteen rupees.
II. Motor vehicles (adapted and used for invalids) the registered unladen weight of which does not exceed two hundred and fifty kilograms	Ten.
III. Motor vehicles (including tricycles) used for the transport or haulage of goods or materials, the registered laden weight of which—	
(a) does not exceed one tonne	One hundred and seventy-five.
(b) exceeds one tonne but does not exceed two tonnes	Two hundred and fifty.
(c) exceeds two tonnes but does not exceed four tonnes	Three hundred and seventy-five.
(d) exceeds four tonnes but does not exceed six tonnes	Five hundred.
(e) exceeds six tonnes but does not exceed eight tonnes	Six hundred and twenty-five.
(f) exceeds eight tonnes but does not exceed nine tonnes	Seven hundred and fifty.
(g) exceeds nine tonnes but does not exceed ten tonnes	Eight hundred and seventy-five.
(h) exceeds ten tonnes	The rate specified in (g) above plus one hundred and twenty-five rupees for every one tonne or part thereof in addition to ten tonnes.
IV. Additional tax payable in respect of vehicles referred to in Item III, used for drawing trailers—	
(a) for each trailer the registered laden weight of which does not exceed two tonnes	One hundred and twenty-five.
(b) for each trailer the registered laden weight of which exceeds two tonnes	Two hundred and fifty.
Provided that two or more vehicles shall not be chargeable under this Item in respect of the same trailer.	

<i>Description of motor vehicles</i>	<i>Annual rate of tax for each motor vehicle</i>
	Rupees
V. Motor vehicles (including tricycles) plying for hire and used for the transport of passengers, when—	
(a) licensed to carry, in all, not more than two passengers (excluding driver)	One hundred.
(b) licensed to carry, in all, more than two but not more than four passengers (excluding driver and conductor)	Two hundred.
(c) licensed to carry, in all, more than four passengers but not more than six passengers (excluding driver and conductor)	Three hundred and seventy-five.
(d) licensed to carry, in all, more than six passengers but not more than eighteen passengers (excluding driver and conductor)	Five hundred.
(e) licensed to carry more than eighteen passengers (excluding driver and conductor)	The rate specified in (d) above plus seventy-five rupees for every passenger in addition to eighteen passengers which the vehicle is so licensed to carry—subject to a maximum of two thousand seven hundred and fifty rupees per annum.
VI. Motor vehicles owned by Airline Companies or Corporations for carrying passengers and staff—	
(a) the seating capacity of which does not exceed four (excluding driver)	Two hundred.
(b) the seating capacity of which exceeds four but does not exceed six (excluding driver)	Three hundred and seventy-five.
(c) the seating capacity of which exceeds six but does not exceed eighteen (excluding driver)	Five hundred.
(d) the seating capacity of which exceeds eighteen	The rate specified in (c) above plus seventy-five rupees for every person in addition to eighteen persons subject to a maximum of two thousand seven hundred and fifty rupees per annum.

~~REPEALED~~

Description of motor vehicles	Annual rate of tax for each motor vehicle
	Rupees
VII. Break-down vans used for towing disabled vehicles	Two hundred and fifty.
VIII. Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule, the registered unladen weight of which—	
(a) does not exceed one thousand kilograms	One hundred.
(b) exceeds one thousand kilograms but does not exceed one thousand and five hundred kilograms	One hundred and twenty-five.
(c) exceeds one thousand and five hundred kilograms but does not exceed two thousand kilograms	One hundred and seventy-five.
(d) exceeds two thousand kilograms	The rate specified in (c) above plus one hundred and twenty-five rupees for every one thousand kilograms or part thereof in addition to two thousand kilograms.
IX. Additional tax payable in respect of vehicles referred to in Item VIII, if such vehicles are used for drawing trailers—	
(i) for each trailer the registered unladen weight of which does not exceed one tonne	Fifty.
(ii) for each trailer the registered unladen weight of which exceeds one tonne :	One hundred.
Provided that two or more vehicles shall not be chargeable under this Item in respect of the same trailer.	
PART B.—Motor vehicles other than those fitted solely with pneumatic tyres	The rates shown in Part A plus fifty per cent. thereof.
NOTE.—The registered unladen weight of a motor vehicle shall be as specified in the certificate of registration.	

Rep. by Act.....of 1974, S. 2 sub. I

THE CUSTOMS (AMENDMENT) ACT, 1969

No. 12 OF 1969

[28th March, 1969]

An Act further to amend the Customs Act, 1962.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title, extent and commencement

1. (1) This Act may be called the Customs (Amendment) Act, 1969.

(2) It extends to the whole of India.

52 of 1962.

(3) It shall be deemed to have come into force on the 3rd day of January, 1969.

Insertion of new Chapters IVA, IVB and IVC.

2. After Chapter IV of the Customs Act, 1962 (hereinafter referred to as the principal Act), the following Chapters shall be inserted, namely:—

52 of 1962.

'CHAPTER IVA

DETECTION OF ILLEGALLY IMPORTED GOODS AND PREVENTION OF THE DISPOSAL THEREOF

Definitions.

11A. In this Chapter, unless the context otherwise requires,—

(a) "illegal import" means the import of any goods in contravention of the provisions of this Act or any other law for the time being in force;

(b) "intimated place" means a place intimated under sub-section (1), sub-section (2) or sub-section (3), as the case may be, of section 11C;

(c) "notified date", in relation to goods of any description, means the date on which the notification in relation to such goods is issued under section 11B;

(d) "notified goods" means goods specified in the notification issued under section 11B.

11B. If, having regard to the magnitude of the illegal import of goods of any class or description, the Central Government is satisfied that it is expedient in the public interest to take special measures for the purpose of checking the illegal import, circulation or disposal of such goods, or facilitating the detection of such goods, it may, by notification in the Official Gazette, specify goods of such class or description.

Power of
Central
Govern-
ment
to notify
goods.

11C. (1) Every person who owns, possesses or controls, on the notified date, any notified goods, shall, within seven days from that date, deliver to the proper officer a statement (in such form, in such manner and containing such particulars as may be specified by rules made in this behalf) in relation to the notified goods owned, possessed or controlled by him and the place where such goods are kept or stored.

Persons
possessing
notified
goods to
intimate
the place
of storage,
etc.

(2) Every person who acquires, after the notified date, any notified goods, shall, before making such acquisition, deliver to the proper officer an intimation containing the particulars of the place where such goods are proposed to be kept or stored after such acquisition and shall, immediately on such acquisition, deliver to the proper officer a statement (in such form, in such manner and containing such particulars as may be specified by rules made in this behalf) in relation to the notified goods acquired by him:

Provided that a person who has delivered a statement, whether under sub-section (1) or sub-section (2), in relation to any notified goods, owned, possessed, controlled or acquired by him, shall not be required to deliver any further statement in relation to any notified goods acquired by him, after the date of delivery of the said statement, so long as the notified goods so acquired are kept or stored at the intimated place.

(3) If any person intends to shift any notified goods to any place other than the intimated place, he shall, before taking out such goods from the intimated place, deliver to the proper officer an intimation containing the particulars of the place to which such goods are proposed to be shifted.

(4) No person shall, after the expiry of seven days from the notified date, keep or store any notified goods at any place other than the intimated place.

(5) Where any notified goods have been sold or transferred, such goods shall not be taken from one place to another unless they are accompanied by the voucher referred to in section 11F.

(6) No notified goods (other than those which have been sold or transferred) shall be taken from one place to another unless they are accompanied by a transport voucher (in such form and containing such particulars as may be specified by rules made in this behalf) prepared by the persons owning, possessing or controlling such goods.

Precautions to be taken by persons acquiring notified goods.

11D. No person shall acquire (except by gift or succession, from any other individual in India), after the notified date, any notified goods—

(i) unless such goods are accompanied by,—

(a) the voucher referred to in section 11F or the memorandum referred to in sub-section (2) of section 11G, as the case may be, or

(b) in the case of a person who has himself imported any goods, any evidence showing clearance of such goods by the Customs Authorities; and

(ii) unless he has taken, before acquiring such goods from a person other than a dealer having a fixed place of business, such reasonable steps as may be specified by rules made in this behalf, to ensure that the goods so acquired by him are not goods which have been illegally imported.

Persons possessing notified goods to maintain accounts.

11E. (1) Every person who, on or after the notified date, owns, possesses, controls or acquires any notified goods shall maintain (in such form and in such manner as may be specified by rules made in this behalf) a true and complete account of such goods and shall, as often as he acquires or parts with any notified goods, make an entry in the said account in relation to such acquisition or parting with, and shall also state therein the particulars of the person from whom such goods have been acquired or in whose favour such goods have been parted with, as the case may be, and such account shall be kept, along with the goods, at the place of storage of the notified goods to which such accounts relate:

Provided that it shall not be necessary to maintain separately accounts in the form and manner specified by rules made in this behalf in the case of a person who is already maintaining accounts which contain the particulars specified by the said rules.

(2) Every person who owns, possesses or controls any notified goods and who uses any such goods for the manufacture of any other goods, shall maintain (in such form, in such manner and containing such particulars as may be specified by rules made in this behalf) a true and complete account of the notified goods so used by him and shall keep such account at the intimated place.

Sale, etc., of notified goods to be evidenced by vouchers.

11F. On and from the notified date, no person shall sell or otherwise transfer any notified goods, unless every transaction in relation to the sale or transfer of such goods is evidenced by a voucher in such form and containing such particulars as may be specified by rules made in this behalf.

Sections 11C, 11E and 11F not to apply to goods in personal use.

11G. (1) Nothing in sections 11C, 11E and 11F shall apply to any notified goods which are—

(a) in personal use of the person by whom they are owned, possessed or controlled, or

(b) kept in the residential premises of a person for his personal use.

(2) If any person, who is in possession of any notified goods referred to in sub-section (1), sells, or otherwise transfers for a valuable consideration, any such goods, he shall issue to the purchaser or transferee, as the case may be, a memorandum containing such particulars as may be specified by rules made in this behalf and no such goods shall be taken from one place to another unless they are accompanied by the said memorandum.

CHAPTER IVB

PREVENTION OR DETECTION OF ILLEGAL EXPORT OF GOODS

11H. In this Chapter, unless the context otherwise requires,—

Defini-
tions.

(a) "illegal export" means the export of any goods in contravention of the provisions of this Act or any other law for the time being in force;

(b) "intimated place" means a place intimated under sub-section (1), sub-section (2) or sub-section (3), as the case may be, of section 11J;

(c) "specified area" includes the Indian customs waters, and such inland area, not exceeding one hundred kilometres in width from any coast or other border of India, as the Central Government may, having regard to the vulnerability of that area to smuggling, by notification in the Official Gazette, specify in this behalf:

Provided that where a part of any village, town or city falls within a specified area, the whole of such village, town or city shall, notwithstanding that the whole of it is not within one hundred kilometres from any coast or other border of India, be deemed to be included in such specified area;

(d) "specified date", in relation to specified goods, means the date on which any notification is issued under section 11-I in relation to those goods in any specified area;

(e) "specified goods" means goods of any description specified in the notification issued under section 11-I in relation to a specified area.

11-I. If, having regard to the magnitude of the illegal export of goods of any class or description, the Central Government is satisfied that it is expedient in the public interest to take special measures for the purpose of checking the illegal export or facilitating the detection of goods which are likely to be illegally exported, it may, by notification in the Official Gazette, specify goods of such class or description.

Power of
Central
Govern-
ment to
specify
goods.

11J. (1) Every person who owns, possesses or controls, on the specified date, any specified goods, the market price of which exceeds fifteen thousand rupees shall, within seven days from that date, deliver to the proper officer an intimation containing the particulars of the place where such goods are kept or stored within the specified area.

Persons
possessing
specified
goods to
intimate
the place
of storage
etc.

(2) Every person who acquires (within the specified area), after the specified date, any specified goods,—

(i) the market price of which, or

(ii) the market price of which together with the market price of any specified goods of the same class or description, if any, owned, possessed or controlled by him on the date of such acquisition,

exceeds fifteen thousand rupees shall, before making such acquisition, deliver to the proper officer an intimation containing the particulars of the place where such goods are proposed to be kept or stored after such acquisition:

Provided that a person who has delivered an intimation, whether under sub-section (1) or sub-section (2), in relation to any specified goods, owned, possessed, controlled or acquired by him, shall not be required to deliver any further intimation so long as the specified goods are kept or stored at the intimated place.

(3) If any person intends to shift any specified goods to which sub-section (1) or sub-section (2) applies, to any place other than the intimated place, he shall, before taking out such goods from the intimated place, deliver to the proper officer an intimation containing the particulars of the place to which such goods are proposed to be shifted.

(4) No person shall, after the expiry of seven days from the specified date, keep or store any specified goods to which sub-section (1) or sub-section (2) applies, at any place other than the intimated place.

Transport
of specified
goods to be
covered by
vouchers.

11K. (1) No specified goods shall be transported from, into or within any specified area or loaded on any animal or conveyance in such area, unless they are accompanied by a transport voucher (in such form and containing such particulars as may be specified by rules made in this behalf) prepared by the person owning, possessing, controlling or selling such goods:

Provided that no transport voucher shall be necessary for the transport, within a village, town or city, of any specified goods the market price of which, on the date of transport, does not exceed one thousand rupees.

(2) Notwithstanding anything contained in sub-section (1), where the Central Government, after considering the nature of any specified goods, the time, mode, route and the market price of the goods intended to be transported, the purpose of the transportation and the vulnerability of the specified area with regard to the illegal export of such goods, is satisfied that it is expedient in the public interest so to do, it may,—

(i) by notification in the Official Gazette, specify goods of such class or description and of a market price exceeding such sum as that Government may notify; and different sums in relation to the specified goods of the same class or description, or different classes or descriptions, may be notified for the same specified area or for different specified areas, and

(ii) direct that no person shall transport any goods so specified unless the transport voucher in relation to them has been countersigned by the proper officer.

11L. (1) Every person who, on or after the specified date, owns, possesses or controls, within a specified area, any specified goods of a market price exceeding fifteen thousand rupees, shall maintain (in such form and in such manner as may be specified by rules made in this behalf) a true and complete account of such goods and shall, as often as he acquires or parts with any specified goods, make an entry in the said account in relation to such acquisition or parting with, and shall also state therein the particulars of the person from whom such goods have been acquired or in whose favour such goods have been parted with, as the case may be, and such account shall be kept, along with the goods, at the place of storage of the specified goods to which such accounts relate.

Persons possessing specified goods to maintain accounts.

Provided that it shall not be necessary to maintain separately accounts in the form and manner specified by rules made in this behalf in the case of a person who is already maintaining accounts which contain the particulars specified by the said rules.

(2) Every person who owns, possesses or controls any specified goods to which the provisions of sub-section (1) apply, and who uses any such goods for the manufacture of any other goods, shall maintain (in such form, in such manner and containing such particulars as may be specified by rules made in this behalf) a true and complete account of the specified goods so used by him and shall keep such account at the intimated place.

(3) If at any time, on a verification made by a proper officer, it is found that any specified goods owned, possessed or controlled by a person are lesser in quantity than the stock of such goods as shown, at the time of such verification, in the accounts referred to in sub-section (1), read with the accounts referred to in sub-section (2), it shall be presumed, unless the contrary is proved, that such goods, to the extent that they are lesser than the stock shown in the said accounts, have been illegally exported and that the person owning, possessing or controlling such goods has been concerned with the illegal export thereof.

11M. Except where he receives payment by cheque drawn by the purchaser, every person who sells or otherwise transfers within any specified area, any specified goods, shall obtain, on his copy of the sale or transfer voucher, the signature and full postal address of the person to whom such sale or transfer is made and shall also take such other reasonable steps as may be specified by rules made in this behalf to satisfy himself as to the identity of the purchaser or the transferee, as the case may be, and if after an inquiry made by a proper officer, it is found that the purchaser or the transferee, as the case may be, is not either readily traceable or is a fictitious person, it shall be presumed, unless the contrary is proved, that such goods have been illegally exported and the person who had sold or otherwise transferred such goods had been concerned in such illegal export:

Steps to be taken by persons selling or transferring any specified goods.

Provided that nothing in this section shall apply to petty sales of any specified goods if the aggregate market price obtained by such

petty sales, made in the course of a day, does not exceed two thousand and five hundred rupees.

Explanation.—In this section “petty sale” means a sale at a price which does not exceed one thousand rupees.

CHAPTER IVC

POWER TO EXEMPT FROM THE PROVISIONS OF CHAPTERS IVA AND IVB

Power to exempt.

11N. If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, exempt generally, either absolutely or subject to such conditions as may be specified in the notification, goods of any class or description from all or any of the provisions of Chapter IVA or Chapter IVB.

Insertion of new section 106A.

3. After section 106 of the principal Act, the following section shall be inserted, namely:—

Power to inspect.

“106A. Any proper officer authorised in this behalf by the Collector of Customs may, for the purpose of ascertaining whether or not the requirements of this Act have been complied with, at any reasonable time, enter any place intimated under Chapter IVA or Chapter IVB, as the case may be, and inspect the goods kept or stored therein and require any person found therein, who is for the time being in charge thereof, to produce to him for his inspection the accounts maintained under the said Chapter IVA or Chapter IVB, as the case may be, and to furnish to him such other information as he may reasonably require for the purpose of ascertaining whether or not such goods have been illegally imported, exported or are likely to be illegally exported.”

Amendment of section 111.

4. In section 111 of the principal Act, after clause (o), the following clause shall be inserted, namely:—

“(p) any notified goods in relation to which any provisions of Chapter IVA or of any rule made under this Act for carrying out the purposes of that Chapter have been contravened.”

Amendment of section 113.

5. In section 113 of the principal Act, after clause (k), the following clause shall be inserted, namely:—

“(l) any specified goods in relation to which any provisions of Chapter IVB or of any rule made under this Act for carrying out the purposes of that Chapter have been contravened.”

Amendment of section 159.

6. In section 159 of the principal Act, after the figures “11”, the figures and letters, “11B, 11H, 11-I, 11K, 11N” shall be inserted.

Repeal and saving.

7. (1) The Customs (Amendment) Ordinance, 1969, is hereby repealed. 1 of 1969.

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

THE APPROPRIATION (No. 3) ACT, 1969

No. 13 OF 1969

[13th May, 1969]

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 1969-70.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 3) Act, 1969.

Short title.

2 of 1969.

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 (Vote on Account) Act, 1969] to the sum of sixteen thousand and seventy-two crores, eighty-eight lakhs and ninety thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1969-70 in respect of the services specified in column 2 of the Schedule.

Issue
of Rs.
1,60,72,88,
90,000 out
of the
Consoli-
dated
Fund of
India for
the year
1969-70.

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

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Defence	1,77,09,000	..	1,77,09,000
2	Defence Services, Effective— Army	7,74,54,65,000	8,60,000	7,74,63,25,000
3	Defence Services, Effective— Navy	46,91,75,000	40,000	46,92,15,000
4	Defence Services, Effective— Air Force	1,97,71,60,000	1,00,000	1,97,72,60,000
5	Defence Services, Non-Effective	32,80,00,000	..	32,80,00,000
6	Ministry of Education and Youth Services	1,24,41,000	..	1,24,41,000
7	Education	60,26,33,000	..	60,26,33,000
8	Archaeology	1,61,58,000	..	1,61,58,000
9	Survey of India	5,71,49,000	..	5,71,49,000
10	Grants to Council of Scientific and Industrial Research	19,48,52,000	..	19,48,52,000
11	Other Revenue Expenditure of the Ministry of Education and Youth Services	4,02,98,000	..	4,02,98,000
12	External Affairs	23,45,68,000	10,000	23,45,78,000
13	Other Revenue Expenditure of the Ministry of External Affairs	25,03,28,000	..	25,03,28,000
14	Ministry of Finance	3,09,94,000	..	3,09,94,000
15	Customs	8,29,00,000	50,000	8,29,50,000
16	Union Excise Duties	16,18,17,000	50,000	16,18,67,000
17	Taxes on Income including Corporation Tax etc.	16,52,26,000	1,25,000	16,53,51,000
18	Stamp	5,33,27,000	..	5,33,27,000
19	Audit	25,45,59,000	48,28,000	25,93,87,000
20	Currency and Coinage	17,52,62,000	..	17,52,62,000
21	Mint	3,30,39,000	..	3,30,39,000
22	Kolar Gold Mines	6,75,91,000	..	6,75,91,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
23	Pensions and Other Retirement Benefits	7,84,11,000	22,97,000	8,07,08,000
24	Opium	4,59,14,000	..	4,59,14,000
25	Other Revenue Expenditure of the Ministry of Finance	38,48,22,000	3,00,000	38,51,22,000
26	Grants-in-aid to State and Union Territory Governments	4,17,23,16,000	1,87,95,00,000	6,05,18,16,000
27	Miscellaneous Adjustments between the Central and State and Union Territory Governments	38,90,000	..	38,90,000
28	Pre-partition Payments	1,78,000	6,09,000	7,87,000
	CHARGED.—Interest on Debt and Other Obligations and Reduction or Avoidance of Debt . . . . .	..	5,68,86,07,000	5,68,86,07,000
	CHARGED.—Payments of States' Share of Union Excise Duties . . . . .	..	3,02,39,91,000	3,02,39,91,000
29	Ministry of Food, Agriculture, Community Development and Co-operation	1,89,87,000	..	1,89,87,000
30	Agriculture	10,62,01,000	..	10,62,01,000
31	Payments to Indian Council of Agricultural Research	15,50,03,000	..	15,50,03,000
32	Forest	1,78,06,000	..	1,78,06,000
33	Other Revenue Expenditure of the Ministry of Food, Agriculture, Community Development and Co-operation	45,59,05,000	32,04,000	45,91,09,000
34	Ministry of Foreign Trade and Supply	1,39,96,000	..	1,39,96,000
35	Supplies and Disposals	4,26,49,000	..	4,26,49,000
36	Foreign Trade	92,86,58,000	..	92,86,58,000
37	Other Revenue Expenditure of the Ministry of Foreign Trade and Supply	7,48,81,000	..	7,48,81,000
38	Ministry of Health and Family Planning and Works, Housing and Urban Development	72,31,000	..	72,31,000
39	Medical and Public Health	23,99,66,000	..	23,99,66,000
40	Public Works	40,67,50,000	37,34,000	41,04,84,000
41	Stationery and Printing	14,22,07,000	2,000	14,22,09,000
42	Other Revenue Expenditure of the Ministry of Health and Family Planning and Works, Housing and Urban Development	2,59,21,000	10,92,000	2,70,13,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
43	Ministry of Home Affairs	1,75,15,000	..	1,75,15,000
44	Cabinet	66,68,000	..	66,68,000
45	Administration of Justice	2,45,000	27,87,000	30,32,000
46	Police	57,96,14,000	..	57,96,14,000
47	Census	1,57,84,000	..	1,57,84,000
48	Statistics	3,72,18,000	..	3,72,18,000
49	Privy Purses and Allowances of Indian Rulers	1,81,000	4,78,85,000	4,80,66,000
50	Territorial and Political Pensions	18,93,000	..	18,93,000
51	Delhi	43,29,90,000	20,50,000	43,50,40,000
52	Chandigarh	5,88,81,000	23,68,000	6,12,49,000
53	Andaman and Nicobar Islands	7,84,26,000	2,000	7,84,28,000
54	Tribal Areas	25,44,45,000	..	25,44,45,000
55	Dadra and Nagar Haveli Area	64,25,000	..	64,25,000
56	Laccadive, Minicoy and Amindivi Islands	1,20,98,000	..	1,20,98,000
57	Other Revenue Expenditure of the Ministry of Home Affairs	11,20,38,000	..	11,20,38,000
58	Ministry of Industrial Develop- ment, Internal Trade and Company Affairs	86,92,000	..	86,92,000
59	Industries	4,87,11,000	10,00,000	4,97,11,000
60	Salt	64,30,000	..	64,30,000
61	Other Revenue Expenditure of the Ministry of Industrial De- velopment, Internal Trade and Company Affairs	14,89,55,000	..	14,89,55,000
62	Ministry of Information and Broadcasting	23,79,000	..	23,79,000
63	Broadcasting	11,92,58,000	..	11,92,58,000
64	Other Revenue Expenditure of the Ministry of Information and Broadcasting	6,47,77,000	..	6,47,77,000
65	Ministry of Irrigation and Power	39,10,000	..	39,10,000
66	Multi-purpose River Schemes .	2,17,45,000	..	2,17,45,000
67	Other Revenue Expenditure of the Ministry of Irrigation and Power	9,43,82,000	..	9,43,82,000
68	Ministry of Labour, Employment and Rehabilitation	84,72,000	..	84,72,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
69	Director General, Mines Safety	58,28,000	..	58,28,000
70	Labour and Employment	16,44,39,000	5,000	16,44,44,000
71	Expenditure on Displaced Persons	18,64,06,000	42,000	18,64,48,000
72	Other Revenue Expenditure of the Ministry of Labour, Em- ployment and Rehabilitation	8,64,000	..	8,64,000
73	Ministry of Law	86,53,000	..	86,53,000
74	Other Revenue Expenditure of the Ministry of Law	2,02,25,000	..	2,02,25,000
75	Ministry of Petroleum and Chemicals and Mines and Metals	52,46,000	..	52,46,000
76	Geological Survey	10,11,38,000	..	10,11,38,000
77	Other Revenue Expenditure of the Ministry of Petroleum and Chemicals and Mines and Metals	15,89,80,000	19,000	15,89,99,000
78	Ministry of Shipping and Trans- port	1,40,62,000	..	1,40,62,000
79	Roads	20,01,76,000	5,10,000	20,06,86,000
80	Mercantile Marine	2,97,65,000	..	2,97,65,000
81	Lighthouses and Lightships	1,44,00,000	..	1,44,00,000
82	Other Revenue Expenditure of the Ministry of Shipping and Transport	3,09,57,000	..	3,09,57,000
83	Ministry of Steel and Heavy Engineering	22,80,000	..	22,80,000
84	Other Revenue Expenditure of the Ministry of Steel and Heavy Engineering	1,60,42,000	..	1,60,42,000
85	Ministry of Tourism and Civil Aviation	23,58,000	..	23,58,000
86	Meteorology	4,69,99,000	..	4,69,99,000
87	Aviation	16,27,42,000	..	16,27,42,000
88	Other Revenue Expenditure of the Ministry of Tourism and Civil Aviation	2,76,06,000	..	2,76,06,000
89	Department of Atomic Energy	42,05,000	..	42,05,000
90	Other Revenue Expenditure of the Department of Atomic Energy	20,52,73,000	..	20,52,73,000
91	Department of Communications	19,05,000	..	19,05,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		Total Rs.
		Voted by Parliament	Charged on the Consoli- dated Fund	
		Rs.	Rs.	
92	Overseas Communications Service	2,85,07,000	..	2,85,07,000
93	Posts and Telegraphs (Working Expenses)	2,16,83,04,000	10,000	2,16,83,14,000
94	Posts and Telegraphs—Dividend to General Revenues, Appropriation to Reserve Funds and Repayments of Loans from General Revenues	33,97,48,000	..	33,97,48,000
95	Other Revenue Expenditure of the Department of Communications	37,59,000	..	37,59,000
96	Department of Parliamentary Affairs	9,13,000	..	9,13,000
97	Department of Social Welfare	19,78,000	..	19,78,000
98	Other Revenue Expenditure of the Department of Social Welfare	4,53,98,000	50,000	4,54,48,000
99	Planning Commission	1,57,95,000	..	1,57,95,000
100	Lok Sabha	1,84,51,000	83,000	1,85,34,000
101	Rajya Sabha	77,63,000	74,000	78,37,000
	<i>CHARGED.—Staff, Household and Allowances of the President</i>	..	39,99,000	39,99,000
102	Secretariat of the Vice-President	3,02,000	..	3,02,000
	<i>CHARGED.—Union Public Service Commission</i>	..	95,31,000	95,31,000
103	Defence Capital Outlay	1,31,02,00,000	10,00,000	1,31,12,00,000
104	Capital Outlay of the Ministry of Education and Youth Services	7,26,55,000	..	7,26,55,000
105	Capital Outlay on the India Security Press	66,56,000	..	66,56,000
106	Capital Outlay on Currency and Coinage	15,56,24,000	..	15,56,24,000
107	Capital Outlay on Mints	50,27,000	..	50,27,000
108	Capital Outlay on Kolar Gold Mines	1,25,87,000	..	1,25,87,000
109	Commuted Value of Pensions	6,02,79,000	2,50,000	6,05,29,000
110	Other Capital Outlay of the Ministry of Finance	1,92,00,000	..	1,92,00,000
111	Capital Outlay on Grants to State Governments for Development	34,98,03,000	..	34,98,03,000
112	Loans and Advances by the Central Government	4,83,74,53,000	7,66,91,30,000	12,50,65,83,000
	<i>CHARGED.—Repayment of Debt</i>	..	1,00,10,11,06,000	1,00,10,11,06,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
113	Purchase of Foodgrains and Fertilizers	2,70,60,78,000	1,01,000	2,70,61,79,000
114	Other Capital Outlay of the Ministry of Food, Agriculture, Community Development and Co-operation	56,40,09,000	1,10,000	56,41,19,000
115	Capital Outlay of the Ministry of Foreign Trade and Supply	2,08,62,000	..	2,08,62,000
116	Delhi Capital Outlay	7,03,76,000	32,29,000	7,36,05,000
117	Capital Outlay on Public Works	9,02,95,000	10,00,000	9,12,95,000
118	Other Capital Outlay of the Ministry of Health and Family Planning and Works, Housing and Urban Development	19,89,79,000	..	19,89,79,000
119	Capital Outlay in Union territories and Tribal Areas	24,86,20,000	3,09,00,000	27,95,20,000
120	Other Capital Outlay of the Ministry of Home Affairs	48,00,000	..	48,00,000
121	Capital Outlay of the Ministry of Industrial Development, Internal Trade and Company Affairs	4,64,37,000	..	4,64,37,000
122	Capital Outlay of the Ministry of Information and Broadcasting	5,18,04,000	..	5,18,04,000
123	Capital Outlay on Multi-purpose River Schemes	20,50,56,000	..	20,50,56,000
124	Other Capital Outlay of the Ministry of Irrigation and Power	24,13,84,000	..	24,13,84,000
125	Capital Outlay of the Ministry of Labour, Employment and Rehabilitation	5,44,07,000	10,000	5,44,17,000
126	Capital Outlay of the Ministry of Petroleum and Chemicals and Mines and Metals	86,60,69,000	..	86,60,69,000
127	Capital Outlay on Roads	46,64,82,000	2,50,000	46,67,32,000
128	Capital Outlay on Ports	6,03,29,000	4,50,000	6,07,79,000
129	Other Capital Outlay of the Ministry of Shipping and Transport	6,68,61,000	..	6,68,61,000
130	Capital Outlay of the Ministry of Steel and Heavy Engineering	1,71,04,50,000	..	1,71,04,50,000
131	Capital Outlay on Aviation	12,80,51,000	2,50,000	12,83,01,000
132	Other Capital Outlay of the Ministry of Tourism and Civil Aviation	5,50,15,000	..	5,50,15,000
133	Capital Outlay of the Department of Atomic Energy	45,75,00,000	..	45,75,00,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
134	Capital Outlay on Posts and Telegraphs (Not met from Revenue)	57,70,00,000	..	57,70,00,000
135	Other Capital Outlay of the Department of Communications	4,49,80,000	20,000	4,50,00,000
	TOTAL	42,24,12,70,000	1,18,48,76,20,000	1,60,72,88,90,000

THE FINANCE ACT, 1969

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title and commencement.

CHAPTER II

RATES OF INCOME-TAX

2. Income-tax.

CHAPTER III

INCOME-TAX

3. Amendment of section 2.
4. Amendment of section 16.
5. Amendment of section 40A.
6. Amendment of section 80C.
7. Amendment of section 80J.
8. Amendment of section 80L.
9. Insertion of new section 80MM.
10. Amendment of section 80P.
11. Insertion of new section 80RR.
12. Substitution of new section for section 207.
13. Amendment of section 209.
14. Amendment of section 210.
15. Amendment of section 211.
16. Amendment of section 212.
17. Amendment of section 213.
18. Amendment of section 215.
19. Amendment of section 216.
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CHAPTER IV

OTHER DIRECT TAXES

SECTIONS

24. Amendment of Act 27 of 1957.
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INDIRECT TAXES

26. Amendment of Act 32 of 1934.
27. Special duties of customs.
28. Regulatory duties of customs.
29. Amendment of Act 1 of 1949.
30. Amendment of Act 1 of 1944.
31. Special duties of excise on certain goods.
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33. Amendment of Act 58 of 1957.
34. Discontinuance of salt duty.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE FINANCE ACT, 1969

No. 14 of 1969

[13th May, 1969]

An Act to give effect to the financial proposals of the Central Government for the financial year 1969-70.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Finance Act, 1969.

(2) Save as otherwise provided in this Act, sections 2 to 25 shall be deemed to have come into force on the 1st day of April, 1969.

Short
title
and com-
mence-
ment.

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, 1969, income-tax shall be charged at the rates specified in Part I of the First Schedule and, in the cases to which Paragraphs A, B, C and D of that Part apply, shall be increased by a surcharge for purposes of the Union and in the cases to which Paragraph C applies, also by a special surcharge for purposes of the Union, calculated in each case in the manner provided therein.

Income-
tax.

(2) In making any assessment for the assessment year commencing on the 1st day of April, 1969, where the total income of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, includes any profits and gains from life insurance business, the income-tax payable by it shall be the aggregate of the income-tax calculated—

31 of 1956.

(i) on the amount of profits and gains from life insurance business so included, at the rate applicable in the case of the Life

Insurance Corporation of India, in accordance with Paragraph E of Part I of the First Schedule, to that part of its total income which consists of profits and gains from life insurance business; and

(ii) on the remaining part of its total income, at the rate applicable to the company on its total income.

(3) In cases to which Chapter XII of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) applies, the tax chargeable shall be determined as provided in that Chapter, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter, as the case may be. 43 of 1961,

(4) In cases in which tax has to be deducted under sections 193, 194, 194A and 195 of the Income-tax Act at the rates in force, the deduction shall be made at the rates specified in Part II of the First Schedule.

(5) In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) 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 calculated, charged, deducted or computed at the rate or rates specified in Part III of the First Schedule.

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

(a) "company in which the public are substantially interested" means a company which is such a company as is referred to in section 108 of the Income-tax Act;

(b) "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, 1969, 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 in accordance with the provisions of section 194 of that Act;

(c) "industrial company" means a company which is mainly engaged in the business of generation or distribution of electricity or any other form of power or in the construction of ships or in the manufacture or processing of goods or in mining.

Explanation.—For the purposes of this clause, a company shall be deemed to be mainly engaged in the business of generation or distribution of electricity or any other form of power or in the construction of ships or in the manufacture or processing of goods or in mining, if the income attributable to any one or more of the aforesaid activities included in its total income of the previous year (as computed before making any deduction under Chapter VIA of the Income-tax Act) is not less than fifty-one per cent. of such total income;

(d) “tax free security” means any security of the Central Government issued or declared to be income-tax free, or any security of a State Government issued income-tax free, the income-tax whereon is payable by the State Government;

(e) 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

INCOME-TAX

3. In section 2 of the Income-tax Act, in clause (18), for sub-clause (b), the following sub-clause shall be substituted with effect from the 1st day of April, 1970, namely:— Amendment of section 2.

1 of 1956. (b) if it is a company which is not a private company as defined in the Companies Act, 1956, and the conditions specified either in item (A) or in item (B) are fulfilled, namely:—

42 of 1956. (A) shares in the company (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) were, as on the last day of the relevant previous year, listed in a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956, and any rules made thereunder;

(B) (i) shares in the company (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) carrying not less than fifty per cent. of the voting power have been allotted unconditionally to, or acquired unconditionally by, and were throughout the relevant previous year beneficially held by—

(a) the Government, or

(b) a corporation established by a Central, State or Provincial Act, or

(c) any company to which this clause applies or any subsidiary company of such company where such subsidiary company fulfils the conditions laid down in clause (b) of section 108 (hereafter in this clause referred to as the subsidiary company), or

(d) the public (not being a director, or a company to which this clause does not apply);

(ii) the said shares were, during the relevant previous year, freely transferable by the holder to the other members of the public; and

(iii) the affairs of the company, or the shares carrying more than fifty per cent. of its total voting power were at no time, during the relevant previous year, controlled or held by five or less persons.

Explanation 1.—In computing the number of five or less persons aforesaid,—

(i) the Government or any corporation established by a Central, State or Provincial Act or a company to which this clause applies or the subsidiary company of such company shall not be taken into account, and

(ii) persons who are relatives of one another, and persons who are nominees of any other person together with that other person, shall be treated as a single person.

Explanation 2.—In its application to an Indian company whose business consists mainly in the construction of ships or in the manufacture or processing of goods or in mining or in the generation or distribution of electricity or any other form of power, item (B) shall have effect as if for the words “not less than fifty per cent.” and “more than fifty per cent.”, the words “not less than forty per cent.” and “more than sixty per cent.” had, respectively, been substituted;.

Amend-
ment of
section
16.

4. In section 16 of the Income-tax Act, in clause (iv), for item (1), the following item shall be substituted with effect from the 1st day of April, 1970, namely:—

“(1) where the conveyance is a motor car and the amount of the salary due to the assessee in respect of the previous year—

(a) does not exceed Rs. 25,000Rs. 200;

(b) exceeds Rs. 25,000Rs. 250;”.

Amend-
ment of
section
40 A.

5. In section 40A of the Income-tax Act, 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 or in any contract, where any payment in respect of any expenditure has to be made by a crossed cheque drawn on a bank or by a crossed bank draft in order that such expenditure may not be disallowed as a deduction under sub-section (3), then the payment may be made by such cheque or draft; and where the payment is so made or tendered, no person shall be allowed to raise, in any suit or other proceeding, a plea based on the ground that the payment was not made or tendered in cash or in any other manner.”.

Amend-
ment of
section
80 C.

6. In section 80C of the Income-tax Act,—

(a) in sub-section (2),—

(i) in clause (a), for the words “on the life of the wife or husband of the assessee”, wherever they occur, the words “on the life of the wife or husband or any child of the assessee” shall be substituted with effect from the 1st day of April, 1970;

(ii) in clause (b), for the words "on the life of any male member of the family or of the wife of any such member", the words "on the life of any member of the family" shall be substituted with effect from the 1st day of April, 1970;

(iii) in the *Explanation* at the end of clause (b), in clause (ii), the brackets and words "(being the assessee, or a male member of a Hindu undivided family where such family is the assessee)" shall be omitted with effect from the 1st day of April, 1970;

(b) in sub-section (4),—

(i) in clause (i), the proviso shall be omitted;

(ii) in clause (ii), the brackets, words and letter "[including an author, playwright, artist, musician or actor, to whom the provisions of clause (i) do not apply]," shall be omitted.

7. In section 80J of the Income-tax Act,—

(a) in sub-section (4), in clause (iii), for the words "twenty-three years", the words "twenty-eight years" shall be substituted.

(b) in sub-section (5), in clause (iii), for the words "twenty-three years", the words "twenty-eight years" shall be substituted.

8. In section 80L of the Income-tax Act, in sub-section (1), for the words "five hundred rupees", wherever they occur, the words "one thousand rupees" shall be substituted with effect from the 1st day of April 1970.

9. After section 80M of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 1970, namely:—

'80MM. (1) Where the gross total income of an assessee being an Indian company includes any income by way of royalty, commission, fees or any other payment (not being income chargeable under the head "Capital gains") received by it from any person carrying on a business in India in consideration for—

(i) the provision of technical know-how which is likely to assist in the manufacture or processing of goods or materials, or in the installation or erection of machinery or plant for such manufacture or processing, or in the working of a mine, oil well or other source of mineral deposits, or in the search for, or discovery or testing of, mineral deposits or the winning of access to them, or in carrying out any operation relating to agriculture, animal husbandry, dairy or poultry farming, forestry or fishing,

(ii) rendering services in connection with the provision of such technical know-how,

under an agreement entered into by the assessee with such person on or after the 1st day of April, 1969 and for which approval of the Central Government in this behalf is applied for before the 1st day of October of the relevant assessment year, there shall be allowed a deduction from such income of an amount equal to forty per cent thereof, in computing the total income of the assessee.

(2) For the purposes of this section "provision of technical know-how" means,—

(i) the transfer of all or any rights (including the granting of a licence) in respect of a patent, invention, model, design, secret formula or process or similar property;

(ii) the imparting of any information concerning the working of, or the use of, a patent, invention, model, design, secret formula or process or similar property;

(iii) the use of any patent, invention, model, design, secret formula or process or similar property;

(iv) the imparting of any information concerning industrial, commercial or scientific knowledge, experience or skill.

(3) The provisions of sub-section (1) shall not apply in relation to any income in respect of which the assessee is entitled to the deduction specified in section 80O.

Amend-
ment of
section
80P.

10. In section 80P of the Income-tax Act,—

(a) in sub-section (2), in clause (c), for the words "fifteen thousand rupees", the words "twenty thousand rupees" shall be substituted with effect from the 1st day of April, 1970;

(b) sub-section (4) shall be omitted with effect from the 1st day of April, 1970.

Insertion
of new
Section
80RR.

11. After section 80R of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 1970, namely:—

"80RR. Where the gross total income of an individual resident in India, being an author, playwright, artist, musician or actor, includes any income derived by him in the exercise of his profession from the Government of a foreign State or any person not resident in India, and such income is received in, or brought into, India by him or on his behalf in accordance with the Foreign Exchange Regulation Act, 1947, and any rules made thereunder, there shall be allowed a deduction from such income of an amount equal to twenty-five per cent. of the income so received or brought, in computing the total income of the individual." 7 of 1947.

Substitu-
tion of
new sec-
tion for
section
208.

12. For section 208 of the Income-tax Act, the following section shall be substituted, namely:—

Condi-
tion of
liability
to pay
advance
tax.

"208. (1) Advance tax shall be payable during the financial year—

(a) where the total income, exclusive of capital gains, of the assessee, referred to in sub-clause (i) of clause (a) of section 209, exceeds the amount specified in sub-section (2), or

(b) where it is payable by virtue of the provisions of sub-section (3) of section 212,

(2) The amount referred to in clause (a) of sub-section (1) shall be—

- (a) in the case of a company or a local authority .. Rs. 2,500;
- (b) in the case of a registered firm Rs. 30,000;
- (c) in the case of a person other than a company, a local authority or a registered firm,—

(i) where such person was not resident in India during the previous year referred to in sub-clause (i) of clause (a) of section 209 or such person being a person referred to in sub-section (3) of section 212 is not likely to be resident in India during the previous year relevant to the assessment year next following the financial year in which the advance tax is payable Rs. 5,000;

(ii) in any other case Rs. 10,000.”.

13. In section 209 of the Income-tax Act,—

(a) in clause (a), in sub-clause (iii), for the words “on any income, included in the said total income”, the words and brackets “on any income (as computed before allowing any deductions admissible under this Act) on which tax is required to be deducted under the said sections and which has been taken into account in computing the said total income” shall be substituted;

Amen
ment
sectio
209.

(b) in clause (c), after the words, brackets and figure “sub-section (3)”, the words, brackets, figure and letter “or sub-section (3A)” shall be inserted.

14. In section 210 of the Income-tax Act, in sub-section (3), for the words, figures and letters “before the 15th day of February of the financial year”, the words, brackets and figures “at any time before the date which is fifteen days prior to the date on which the last instalment of advance tax is payable by the assessee under sub-section (1) of section 211” shall be substituted.

Amen
ment
sectio
210.

15. In section 211 of the Income-tax Act,—

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

Amen
ment
sectio
211.

‘(1) Subject to the provisions of this section and of section 212, advance tax shall be payable in three equal instalments on the following dates during the financial year, namely:—

(i) the 15th day of June, the 15th day of September and the 15th day of December, in the case of an assessee whose total income to the extent of 75 per cent. thereof or more is derived from a source or sources for which the previous year (relevant to the assessment year next following the financial year aforesaid) ends on or before the 31st day of December;

(ii) the 15th day of September, the 15th day of December and the 15th day of March, in any other case:

Provided that in respect of any class of assessee referred to in clause (i), the Board may, having regard to the nature of dealings in the business carried on by such assessee, the

method of accounting followed by them and other relevant factors, authorise, by notification in the Official Gazette and subject to such conditions as may be specified therein, the payment of the last instalment of the advance tax on the 15th day of March during the financial year, instead of on the 15th day of December.

Explanation.—In this sub-section, "total income" means,—

(a) in a case where advance tax is paid by the assessee in accordance with an order of the Income-tax Officer under section 210, the total income with reference to which the advance tax payable has been calculated in such order;

(b) in a case where the advance tax is paid in accordance with an estimate made by the assessee under section 212, the total income with reference to which the advance tax is so estimated,

as reduced, in either case, by the capital gains, if any, included therein;

(b) in sub-section (2), for the figures, letters and words "1st day of March" and "1st day of December", the figures, letters and words "15th day of March" and "15th day of December" shall, respectively, be substituted.

16. In section 212 of the Income-tax Act,—

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

"(1) If any assessee who is required to pay advance tax by an order under section 210 estimates at any time before the last instalment of advance tax is due in his case that, by reason of his total income (exclusive of capital gains, if any) of the period which would be the previous year for the immediately following assessment year (such total income being, hereafter in this section, referred to as current income) being likely to be less than the income on which the advance tax payable by him under section 210 has been computed or for any other reason, the advance tax payable by him would be less than the amount which he is so required to pay, he may, at his option, send to the Income-tax Officer an estimate of—

(i) the current income, and

(ii) the advance tax payable by him on the current income calculated in the manner laid down in section 209,

and shall pay such amount of advance tax as accords with his estimate in equal instalments on such of the dates applicable in his case under section 211 as have not expired, or in one sum if only the last of such dates has not expired."

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

"(3) Any person who has not previously been assessed by way of regular assessment under this Act or under the Indian Income-tax Act, 1922, shall, in each financial year, before the date on which the last instalment of advance tax is due in his case under sub-section (1) of section 211, if his current income

mend-
ent
section
12.

is likely to exceed the amount specified in sub-section (2) of section 208, send to the Income-tax Officer an estimate of—

(i) the current income, and

(ii) the advance tax payable by him on the current income calculated in the manner laid down in section 209,

and shall pay such amount of advance tax as accords with his estimate on such of the dates applicable in his case under section 211 as have not expired, by instalments which may be revised according to sub-section (2).

(3A) In the case of any assessee who is required to pay advance tax by an order under section 210, if, by reason of the current income being likely to be greater than the income on which the advance tax payable by him under section 210 has been computed or for any other reason, the amount of advance tax computed in the manner laid down in section 209 on the current income (which shall be estimated by the assessee) exceeds the amount of advance tax demanded from him under section 210 by more than 33-1/3 per cent. of the latter amount, he shall, at any time before the date on which the last instalment of advance tax is due from him, send to the Income-tax Officer an estimate of—

(i) the current income, and

(ii) the advance tax payable by him on the current income calculated in the manner laid down in section 209,

and shall pay such amount of advance tax as accords with his estimate on such of the dates applicable in his case under section 211 as have not expired, by instalments which may be revised according to sub-section (2)."

17. In section 213 of the Income-tax Act, the word "quarterly" shall be omitted.

18. In section 215 of the Income-tax Act,—

(a) for sub-section (1), the following sub-section shall be substituted with effect from the 1st day of April, 1970, namely:—

"(1) Where, in any financial year, an assessee has paid advance tax under section 212 on the basis of his own estimate, and the advance tax so paid is less than seventy-five per cent. of the assessed tax, simple interest at the rate of nine per cent. per annum from the 1st day of April next following the said financial year up to the date of the regular assessment shall be payable by the assessee upon the amount by which the advance tax so paid falls short of the assessed tax."

(b) in sub-section (2), in clause (ii), for the words "the said seventy-five per cent.", the words "the assessed tax" shall be substituted with effect from the 1st day of April, 1970;

(c) after sub-section (4), the following sub-section shall be inserted with effect from the 1st day of April, 1970, namely:—

(5) In this section and sections 217 and 273, "assessed tax" means the tax determined on the basis of the regular assessment (reduced by the amount of tax deductible in accordance with the provisions of sections 192 to 194, section 194A and section

Amendment of section 213.

Amendment of section 215.

195) so far as such tax relates to income subject to advance tax and so far as it is not due to variations in the rates of tax made by the Finance Act enacted for the year for which the regular assessment is made.’

Amend-
ment of
section
216.

19. In section 216 of the Income-tax Act, for clause (a), the following clause shall be substituted with effect from the 1st day of April, 1970, namely:—

“(a) under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (3A) of section 212 under-estimated the advance tax payable by him and thereby reduced the amount payable in either of the first two instalments; or”.

Amend-
ment of
section
217.

20. In section 217 of the Income-tax Act, for sub-section (1), the following sub-sections shall be substituted with effect from the 1st day of April, 1970, namely:—

“(1) Where, on making the regular assessment, the Income-tax Officer finds that any such person as is referred to in sub-section (3) of section 212 has not sent the estimate referred to therein, simple interest at the rate of nine per cent. per annum from the 1st day of April next following the financial year in which the advance tax was payable in accordance with the said sub-section up to the date of the regular assessment shall be payable by the assessee upon the amount equal to the assessed tax as defined in sub-section (5) of section 215.

(1A) Where, on making the regular assessment, the Income-tax Officer finds that any such person as is referred to in sub-section (3A) of section 212 has not sent the estimate referred to therein, simple interest at the rate of nine per cent. per annum from the 1st day of April next following the financial year in which the advance tax was payable in accordance with the said sub-section up to the date of the regular assessment shall be payable by the assessee upon the amount by which the advance tax paid by him falls short of the assessed tax as defined in sub-section (5) of section 215.”.

Amend-
ment of
section
218.

21. In section 218 of the Income-tax Act, in sub-section (2), after the word, brackets and figure “sub-section (3)”, the words, brackets, figure and letter “or sub-section (3A)” shall be inserted.

Substitu-
tion of
new sec-
tion for
section
273.

22. For section 273 of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 1970, namely:—

False
estimate
of, or
failure
to pay,
advance
tax.

“273. If the Income-tax Officer, in the course of any proceedings in connection with the regular assessment for the assessment year commencing on the 1st day of April, 1970 or any subsequent assessment year, is satisfied that any assessee—

(a) has furnished under section 212 an estimate of the advance tax payable by him which he knew or had reason to believe to be untrue, or

(b) has without reasonable cause failed to furnish an estimate of the advance tax payable by him in accordance with the provisions of sub-section (3) of section 212, or

(c) has without reasonable cause failed to furnish an estimate of the advance tax payable by him in accordance with the provisions of sub-section (3A) of section 212,

he may direct that such person shall, in addition to the amount of tax, if any, payable by him, pay by way of penalty a sum—

(i) which, in the case referred to in clause (a), shall not be less than ten per cent. but shall not exceed one and a half times the amount by which the tax actually paid during the financial year immediately preceding the assessment year under the provisions of Chapter XVII-C falls short of—

(1) seventy-five per cent. of the assessed tax as defined in sub-section (5) of section 215, or

(2) where a notice under section 210 was issued to the assessee, the amount payable thereunder,

whichever is less;

(ii) which, in the case referred to in clause (b), shall not be less than ten per cent. but shall not exceed one and a half times of seventy-five per cent. of the assessed tax as defined in sub-section (5) of section 215; and

(iii) which, in the case referred to in clause (c), shall not be less than ten per cent. but shall not exceed one and a half times the amount by which the tax payable under the notice issued to the assessee under section 210 falls short of seventy-five per cent. of the assessed tax as defined in sub-section (5) of section 215.”

23. In the Fifth Schedule to the Income-tax Act, after item (31), the following items shall be inserted with effect from the 1st day of April, 1970, namely:—

Amendment of the Fifth Schedule.

“(32) Textiles (including those dyed, printed or otherwise processed) made wholly or mainly of cotton, including cotton yarn, hosiery and rope.

(33) Textiles (including those dyed, printed or otherwise processed) made wholly or mainly of jute, including jute twine and jute rope.”

CHAPTER IV

OTHER DIRECT TAXES

24. In the Wealth-tax Act, 1957,—

(a) in section 2, for clause (e), the following clause shall be substituted, namely:—

Amendment of Act 27 of 1957.

‘(e) “assets” includes property of every description, movable or immovable, but does not include,—

(1) in relation to the assessment year commencing on the 1st day of April, 1969 or any earlier assessment year—

(i) agricultural land and growing crops, grass or standing trees on such land;

(ii) any building owned or occupied by a cultivator of, or receiver of rent or revenue out of, agricultural land;

Provided that the building is on or in the immediate vicinity of the land and is a building which the cultiva-

tor or the receiver of rent or revenue by reason of his connection with the land requires as a dwelling-house or a store-house or an outhouse;

(iii) animals;

(iv) a right to any annuity in any case where the terms and conditions relating thereto preclude the commutation of any portion thereof into a lump sum grant;

(v) any interest in property where the interest is available to an assessee for a period not exceeding six years from the date the interest vests in the assessee;

(2) in relation to the assessment year commencing on the 1st day of April, 1970 or any subsequent assessment year—

(i) animals;

(ii) a right to any annuity in any case where the terms and conditions relating thereto preclude the commutation of any portion thereof into a lump sum grant;

(iii) any interest in property where the interest is available to an assessee for a period not exceeding six years from the date the interest vests in the assessee;

(b) in section 5, in sub-section (1),—

(i) after clause (iv), the following clause shall be inserted with effect from the 1st day of April, 1970, namely:—

“(iva) agricultural land belonging to the assessee subject to a maximum of one hundred and fifty thousand rupees in value:

Provided that where the assessee owns any house or part of a house situate in a place with a population exceeding ten thousand and to which the provisions of clause (iv) apply and the value of such house or part of a house together with the value of the agricultural land exceeds one hundred and fifty thousand rupees, then the amount that shall not be included in the net wealth of the assessee under this clause shall be one hundred and fifty thousand rupees as reduced by so much of the value of such house or part of house as is not to be included in the net wealth of the assessee under clause (iv);”;

(ii) after clause (viii), the following clause shall be inserted with effect from the 1st day of April, 1970, namely:—

“(viiiia) growing crops (including fruits on trees) on agricultural land and grass on such land;”;

(iii) for clause (ix) and the *Explanation* thereto, the following clause and *Explanation* shall be substituted with effect from the 1st day of April, 1970, namely:—

“(ix) the tools, implements and equipment used by the assessee for the cultivation, conservation, improvement or maintenance of agricultural land, or for the raising or harvesting of any agricultural or horticultural produce on such land.

Explanation.—For the purposes of this clause, tools, implements and equipment do not include any plant or machinery used in any tea or other plantation in connection with the processing of any agricultural produce or in the manufacture of any article from such produce;”;

(c) in section 18, in sub-section (1), for clauses (i) and (ii), the following clauses and *Explanation* shall be substituted, namely:—

(i) in the cases referred to in clause (a), in addition to the amount of wealth-tax, if any, payable by him, a sum, for every month during which the default continued, equal to one-half per cent. of—

(A) the net wealth assessed under section 16 as reduced by the amount of net wealth on which, in accordance with the rates of wealth-tax specified in Paragraph A of Part I of the Schedule or Part II of the Schedule, the wealth-tax chargeable is *nil*, or

(B) the net wealth assessed under section 17, where assessment has been made under that section, as reduced by—

(1) the net wealth, if any, assessed previously under section 16 or section 17, or

(2) the amount of net wealth on which, in accordance with the rates of wealth-tax specified in Paragraph A of Part I of the Schedule or Part II of the Schedule, the wealth-tax chargeable is *nil*,

whichever is greater,

but not exceeding, in the aggregate, an amount equal to the net wealth assessed under section 16, or, as the case may be, the net wealth assessed under section 17, as reduced in either case in the manner aforesaid;

(ii) in the cases referred to in clause (b), in addition to the amount of wealth-tax payable by him, a sum which shall not be less than one per cent. of the assessed net wealth but which shall not exceed the amount of the assessed net wealth.

Explanation.—For the purposes of clause (ii), “assessed net wealth” shall be taken to be the net wealth assessed under section 16 as reduced by the net wealth declared in the return, if any, furnished by such person, or, as the case may be, the net wealth assessed under section 17 as reduced by—

(i) the net wealth, if any, assessed previously under section 16 or section 17, or

(ii) the net wealth declared in the return, if any, furnished by such person under section 17,

whichever is greater;’

25. In the Companies (Profits) Surtax Act, 1964, in the Third Schedule, the proviso shall be omitted. Amendment of Act 7 of 1964.

CHAPTER V

INDIRECT TAXES

26 In the Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act),— Amendment of Act 32 of 1934.

(a) in section 2A,—

(i) in the *Explanation* below sub-section (1), for the words, brackets, figure and letter “In this sub-section and sub-section (1A)”, the words “In this section” shall be substituted;

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

“(2) If the Central Government is satisfied that it is

necessary in the public interest to levy on any imported article [whether on such article duty is leviable under sub-section (1) or not], such additional duty as would counter-balance the excise duty leviable on any raw materials, components and ingredients of the same nature as, or similar to those, used in the production or manufacture of such article, it may, by notification in the Official Gazette, direct that such imported article shall, in addition, be liable to an additional duty representing such portion of the excise duty leviable on such raw materials, components and ingredients as, in either case, may be determined by rules made by the Central Government in this behalf.”;

(b) the First Schedule shall be amended in the manner specified in Parts I and II of the Second Schedule.

Special
duties
of cus-
toms.

27. (1) In the case of goods chargeable with a duty of customs which is specified in the First Schedule to the Tariff Act, or in that Schedule as amended by a subsequent Central Act, if any, or in that Schedule read with any notification of the Central Government for the time being in force, there shall be levied and collected as an addition to, and in the same manner as, the total amount so chargeable, a special duty of customs equal to 10 per cent. of such amount:

Provided that in computing the total amount so chargeable, any duty chargeable under section 2A of the Tariff Act or section 28 of this Act shall not be included.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1970, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act. 10 of 1897.

Regula-
tory
duties of
customs.

28. (1) With a view to regulating or bringing greater economy in imports, there shall be levied and collected, with effect from such date, and at such rate, as may be specified in this behalf by the Central Government by notification in the Official Gazette, on all or any of the goods mentioned in the First Schedule to the Tariff Act or in that Schedule as amended by a subsequent Central Act, if any, a regulatory duty of customs not exceeding—

(a) 25 per cent. of the rate, if any, specified in the said First Schedule read with any notification issued under section 3A, or sub-section (1) of section 4, of the Tariff Act; or

(b) 10 per cent. of the value of the goods as determined in accordance with the provisions of section 14 of the Customs Act, 1962, 52 of 1962.

whichever is higher:

Provided that different dates and different rates may be specified by the Central Government for different kinds of goods.

(2) Sub-section (1) shall cease to have effect after the 15th day of May, 1970, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act. 10 of 1897.

(3) The regulatory duty of customs leviable under this section in respect of any goods referred to in sub-section (1) shall be in addition to any other duty of customs chargeable on such goods under the Customs Act, 1962.

(4) The provisions of the Customs Act, 1962, and the rules and regulations made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the regulatory duty of customs leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of customs on such goods under that Act or those rules and regulations.

(5) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be placed before each House of Parliament.

29. In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures "1969", the figures "1970" shall be substituted.

Amendment of Act 1 of 1949.

30. In the Central Excises and Salt Act, 1944 (hereinafter referred to as the Central Excises Act), in the First Schedule,—

Amendment of Act 1 of 1944.

(i) in Item No. 1, for the entries in the third column against sub-items (1) and (2), the entries "Nineteen per cent. *ad valorem*." and "Ten per cent. *ad valorem*." shall, respectively, be substituted;

(ii) in Item No. 1A, in the entry in the second column against sub-item (2), after the word "chocolates", the words "in bulk or" shall be inserted;

(iii) after Item No. 1A, the following Item shall be inserted, namely:—

<p>"1B. PREPARED OR PRESERVED FOODS PUT UP IN UNIT CONTAINERS AND ORDINARILY INTENDED FOR SALE, INCLUDING PREPARATIONS OF VEGETABLES, FRUIT, MILK, CEREALS, FLOUR, STARCH, BIRDS' EGGS, MEAT, MEAT OFFALS, ANIMAL BLOOD, FISH, CRUSTACEANS OR MOLLUSCS, NOT ELSEWHERE SPECIFIED.</p>	<p>Ten per cent. <i>ad valorem</i>."</p>
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(iv) in Item No. 4, under "II. *Manufactured tobacco*—", for the entry in the third column against sub-item (2), the entry "One hundred and twenty-five per cent. *ad valorem*." shall be substituted;

(v) in Item No. 6, for the entry in the third column, the entry "Six hundred and twenty rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;

(vi) in Item No. 13, for the entry in the third column, the entry "Ten per cent. *ad valorem*." shall be substituted;

(vii) in Item No. 14A, for the entry in the third column, the entry "Five per cent. *ad valorem*." shall be substituted;

(viii) for Item No. 14B, the following Item shall be substituted, namely:—

“14B CAUSTIC SODA, WHETHER IN A SOLID FORM OR IN LYE. Five per cent. *ad valorem.*”;

(ix) in Item No. 14BB, for the entry in the third column, the entry “Twenty-five per cent. *ad valorem.*” shall be substituted;

(x) after Item No. 14H, the following Item shall be inserted, namely:—

“14HH FERTILISERS, ALL SORTS, BUT EXCLUDING NATURAL ANIMAL OR VEGETABLE FERTILISERS WHEN NOT CHEMICALLY TREATED. Ten per cent. *ad valorem.*”;

(xi) in Item No. 15,—

(i) for the entries in the third column against sub-items I(1) and I(2), the entries “Six and a half per cent. *ad valorem.*” and “Nine and a half per cent. *ad valorem.*” shall, respectively, be substituted;

(ii) for sub-item II, the following sub-item shall be substituted, namely:—

“II Soap, in or in relation to the manufacture of which no process has been carried on with the aid of power or of steam for heating. Six and a half per cent. *ad valorem.*”;

(xii) for Item No. 19, the following Item shall be substituted, namely:—

‘19. COTTON FABRICS—

“Cotton fabrics” means all varieties of fabrics manufactured either wholly or partly from cotton and includes dhoties, sarees, chadders, bed-sheets, bed-spreads, counterpanes, table-cloths, embroidery in the piece, in strips or in motifs and fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials but does not include any such fabric if it contains—

(i) 40 per cent. or more by weight of wool;

(ii) 40 per cent. or more by weight of silk; or

(iii) 60 per cent. or more by weight of rayon or artificial silk.

Provided that in the case of embroidery in the piece, in strips or in motifs and fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials, the percentages referred to in (i) to (iii) above shall be in relation to the base fabrics which are embroidered or impregnated or coated, as the case may be—

I. Cotton fabrics other than (i) embroidery in the piece, in strips or in motifs, and (ii) fabrics impregnated

or coated with preparations of cellulose derivatives or of other artificial plastic materials,—

(1) Coating, suiting, tussors, corduroy, gaberdine, bed-ford, satin, denim, lappet, lace, knitted fabric, tapestry, furnishing fabric including jacquard curtain cloth, gadlapet, mattress fabric, terry towel including turkish towel, terry towelling cloth including turkish towelling cloth, blanket, canvas, duck, filter cloth, tracing cloth and bukram cloth.	Twelve and a half per cent. <i>ad valorem</i> .
(2) Others—	
(a) Cotton fabrics, superfine— that is to say, fabrics in which the average count of yarn is 48s or more.	Eighty paise per square metre.
(b) Cotton fabrics, fine— that is to say, fabrics in which the average count of yarn is 35s or more but is less than 48s.	Eighty paise per square metre.
(c) Cotton fabrics, medium-A— that is to say, fabrics in which the average count of yarn is 26s or more but is less than 35s.	Sixty paise per square metre.
(d) Cotton fabrics, medium-B— that is to say, fabrics in which the average count of yarn is 17s or more but is less than 26s.	Sixty paise per square metre.
(e) Cotton fabrics, coarse— that is to say, fabrics in which the average count of yarn is less than 17s.	Sixty paise per square metre.
(f) Cotton fabrics not otherwise specified.	Eighty paise per square metre.

II. Embroidery, in the piece, in strips or in motifs, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power. The duty for the time being leviable on the base fabrics, if not already paid, *plus* twenty per cent. *ad valorem*.

III. Cotton fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials. The duty for the time being leviable on the base fabrics, if not already paid, *plus* twenty-five per cent. *ad valorem*.

Explanation I.—“Base fabrics” means fabrics falling under sub-item I of this Item which are subjected to the process of embroidery or which are impregnated or coated with preparations of cellulose derivatives or of other plastic materials.

Explanation II.—"Count" means count of grey yarn.

Explanation III.—For the purpose of determining the average count of yarn, the following rules shall apply, namely:—

(a) yarn used in the borders or selvages shall be ignored;

(b) for multiple-fold yarn, the count of the basic single yarn shall be taken and the number of ends per 25.4 millimetres in the reed or the number of picks per 25.4 millimetres, as the case may be, shall be multiplied by the number of plies in the yarn;

(c) in the case of fabrics manufactured from cotton and other yarns, the other yarns, shall, for the aforesaid purpose, be deemed to be cotton yarn;

(d) the average count shall be obtained by applying the following formula, namely:—

$$\frac{(\text{Count of warp} \times \text{number of ends per 25.4 millimetres in the reed}) + (\text{Count for weft} \times \text{number of picks per 25.4 millimetres})}{\text{Number of ends per 25.4 millimetres in the reed} + \text{Number of picks per 25.4 millimetres}},$$

the result being rounded off, wherever necessary, by treating any fraction which is one-half or more as one, and disregarding any fraction which is less than one-half";

(xiii) for Item No. 20, the following Item shall be substituted, namely:—

'20. SILK FABRICS—

"Silk fabrics" means all varieties of fabrics manufactured either wholly or partly from silk and includes embroidery in the piece, in strips or in motifs but does not include any such fabric—

(i) if it contains 40 per cent. or more by weight of wool;

(ii) if it contains cotton or artificial silk or both and less than 40 per cent. by weight of silk;

(iii) if it contains no cotton and no artificial silk and less than 40 per cent. by weight of silk; or

(iv) if manufactured on a handloom:

Provided that in the case of embroidery in the piece, in strips or in motifs, the percentages referred to in (i) to (iv) above shall be in relation to the base fabrics which are embroidered—

(1) Silk fabrics, other than embroidery in the piece, in strips or in motifs. Thirty-six paise per square metre.

(2) Embroidery, in the piece, in strips or in motifs, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power. The duty for the time being leviable on the base fabrics, if not already paid, plus twenty per cent. *ad valorem*.

Explanation.—“Base fabrics” means fabrics falling under sub-item (1) of this Item which are subjected to the process of embroidery.’;

(xiv) for Item No. 21, the following Item shall be substituted, namely:—

‘21 WOOLLEN FABRICS—

“Woollen fabrics” means all varieties of fabrics manufactured wholly of wool or which contain 40 per cent. or more by weight of wool and includes blankets, lohis, rugs, shawls and embroidery in the piece, in strips or in motifs:

Provided that in the case of embroidery in the piece, in strips or in motifs, the percentage referred to above shall be in relation to the base fabrics which are embroidered—

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|--|---|
| (1) Woollen fabrics, other than embroidery in the piece, in strips or in motifs. | Six and a quarter per cent. <i>ad valorem</i> . |
| (2) Embroidery in the piece, in strips or in motifs, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power. | The duty for the time being leviable on the base fabrics, if not already paid, <i>plus</i> twenty per cent. <i>ad valorem</i> . |

Explanation.—“Base fabrics” means fabrics falling under sub-item (1) of this Item which are subjected to the process of embroidery.’;

(xv) for Item No. 22, the following Item shall be substituted, namely:—

‘22 RAYON OR ARTIFICIAL SILK FABRICS—

“Rayon or artificial silk fabrics” means all varieties of fabrics manufactured either wholly or partly from rayon or artificial silk and includes embroidery in the piece, in strips or in motifs and fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials, but does not include any such fabric—

(i) if it contains 40 per cent. or more by weight of wool;

(ii) if it contains 40 per cent. or more by weight of silk;

(iii) if it contains cotton and less than 60 per cent. by weight of rayon or artificial silk; or

(iv) if it contains no cotton and less than 40 per cent. by weight of wool and less than 40 per cent. by weight of rayon or artificial silk:

Provided that in the case of embroidery in the piece, in strips or in motifs and fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials, the percentages referred to in (i) to (iv) above shall be in relation to the base fabrics which are embroidered or impregnated or coated, as the case may be—

- | | |
|--|---|
| (1) Rayon or artificial silk fabrics other than (i) embroidery in the piece, in strips or in motifs, and (ii) fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials. | Seven paise per square metre. |
| (2) Embroidery in the piece, in strips or in motifs, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power. | The duty for the time being leviable on the base fabrics, if not already paid, plus twenty per cent. <i>ad valorem</i> . |
| (3) Fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials. | The duty for the time being leviable on the base fabrics, if not already paid, plus twenty-five per cent. <i>ad valorem</i> . |

Explanation.—“Base fabrics” means fabrics falling under sub-item (1) of this Item which are subjected to the process of embroidery or which are impregnated or coated with preparations of cellulose derivatives or of other plastic materials.’;

(xvi) in Item No. 22A, for the entries in the third column against sub-items (i) and (ii), the entries “Five hundred and fifty rupees per metric tonne.” and “Three hundred and fifty rupees per metric tonne.” shall, respectively, be substituted;

(xvii) for Item No. 22B, the following Item shall be substituted, namely:—

“22B TEXTILE FABRICS IMPREGNATED OR COATED WITH PREPARATIONS OF CELLULOSE DERIVATIVES OR OF OTHER ARTIFICIAL PLASTIC MATERIALS NOT ELSEWHERE SPECIFIED.	Twenty-five per cent. <i>ad valorem</i> .”;
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(xviii) Item No. 22C shall be omitted;

(xix) in Item No. 23, for the entry in the third column, the entry “Twenty-one per cent. *ad valorem*.” shall be substituted;

(xx) in Item No. 26A, after sub-item (1), the following sub-item shall be inserted, namely:—

“(1a) Wire bars, wire rods and castings, not otherwise specified.	One thousand and five hundred rupees per metric tonne.”;
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(xxi) in Item No. 27, after sub-item (a), the following sub-item shall be inserted, namely:—

“(aa) Wire bars, wire rods and castings, not otherwise specified. Nine hundred and fifty rupees per metric tonne.”;

(xxii) after Item No. 30, the following Item shall be inserted, namely:—

“30A POWER DRIVEN PUMPS (INCLUDING MOTOR PUMPS, TURBO PUMPS AND MONOBLOC PUMP SETS) FOR LIQUIDS, WHETHER OR NOT FITTED WITH MEASURING DEVICES. Twenty per cent. *ad valorem*.”;

(xxiii) in Item No. 32,—

(i) for sub-item (1), the following sub-item shall be substituted, namely:—

“(1) Vacuum and gas-filled bulbs. Eleven per cent. *ad valorem*.”;

(ii) for the entries in the third column against sub-items (2), (3) and (4), the entries “Twenty-two per cent. *ad valorem*,” “Six per cent. *ad valorem*,” and “Sixteen per cent. *ad valorem*,” shall, respectively, be substituted;

(xxiv) for Item No. 33, the following Item shall be substituted, namely:—

“33 ELECTRIC FANS, including air circulators but excluding those which are designed for use in an industrial system as parts indispensable for its operation and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose—

(1) Table, cabin, carriage, pedestal and air circulator fans, not exceeding 40·6 centimetres. Six per cent. *ad valorem*.”;

(2) All other fans. Eight and a half per cent. *ad valorem*.”;

(xxv) after Item No. 33B, the following Item shall be inserted, namely:—

“33C DOMESTIC ELECTRICAL APPLIANCES NOT ELSEWHERE SPECIFIED Ten per cent. *ad valorem*.”

Explanation I.—“Domestic electrical appliances” means electrical appliances normally used in the household and similar appliances used in hotels, restaurants, hostels, offices, educational institutions, hospitals, train kitchens, aircraft or ships’ pantries, canteens, tailoring establishments, laundry shops and hair dressing saloons.

Explanation II.—Interchangeable parts or auxiliary devices accompanying an appliance to make it suitable for various purposes shall be assessed to duty along with the appliance.”;

(xxvi) for Item No. 37, the following Item shall be substituted, namely:—

“37 CINEMATOGRAPH FILMS—

I. Unexposed	Two paise per metre	
II. Exposed.—		
	Of a width of 30 mm. or higher	Below 30 mm. in width
(1) News-reels and shorts not exceeding 500 metres.	Fifty paise per metre.	Thirty paise per metre.
(2) Feature films, advertisement shorts, and films not otherwise specified.	One rupee and fifty paise per metre.	One rupee per metre.”

(xxvii) for Item No. 37A, the following Item shall be substituted, namely:—

“37A GRAMOPHONES, INCLUDING RECORD PLAYERS, RECORD PLAYING DECKS AND RECORD CHANGER DECKS, WHETHER MECHANICALLY OR ELECTRICALLY DRIVEN, WITH OR WITHOUT AN IN-BUILT SYSTEM OF SOUND REPRODUCTION OR AMPLIFICATION (ACOUSTIC, ELECTRONIC OR TRANSISTORISED), AND PARTS AND ACCESSORIES THEREOF NOT ELSEWHERE SPECIFIED, AND GRAMOPHONE RECORDS, ALL SORTS—

(i) Gramophones, record players, record playing decks or record changer decks.	Twenty per cent. <i>ad valorem.</i>
(ii) Parts and accessories of gramophones, record players, record playing decks or record changer decks.	Thirty per cent. <i>ad valorem.</i>
(iii) Gramophone records, all sorts, other than matrices.	Fifteen per cent. <i>ad valorem.</i>
(iv) Matrices for records, impressed.	Thirty per cent. <i>ad valorem.</i>
(v) Gramophone needles or styli—	
(a) wholly made of steel	Twenty per cent. <i>ad valorem.</i>
(b) Others	Twenty-five per cent. <i>ad valorem.</i> ”;

(xxviii) after Item No. 41, the following Items shall be inserted, namely:—

“42 PILFER PROOF CAPS FOR PACKAGING, ALL SORTS, WITH OR WITHOUT WASHERS OR OTHER FITTINGS OF CORK, RUBBER, POLYETHYLENE OR ANY OTHER MATERIAL. One paisa each.

43. WOOL TOPS Five rupees per kilogram.”

31. (1) When goods of the description mentioned in this section chargeable with a duty of excise under the Central Excises Act (as amended by this Act or any subsequent Central Act) read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable, are assessed to duty, there shall be levied and collected—

Special duties of excise on certain goods.

(a) as respects goods comprised in Items Nos. 6, 8, 9, 14D, 22A, 23A except sub-item (1) thereof, 23B, 28, 29, sub-items (2) and (3) of Item No. 31 and Item No. 32 of the First Schedule to the Central Excises Act, a special duty of excise equal to 10 per cent. of the total amount so chargeable on such goods;

(b) as respects goods comprised in Items Nos. 2, 3(1), sub-items I, II(2) and II(3) of Item No. 4, Items Nos. 13, 14, 14F, 15, 15A, 15B, 16, 16A, 17, 18A(2), 21, 22, 23, 23A(1), 27, 30, 31(1), 33, sub-items (1), (3a) and (4) of Item No. 34 and sub-items II(1) and II(2) of Item No. 37 of that Schedule, a special duty of excise equal to 20 per cent. of the total amount so chargeable on such goods; and

(c) as respects goods comprised in sub-item II(1) of Item No. 4 and Items Nos. 18, 18A(1), 18B, 20, 29A, 33A and sub-items (2) and (3) of Item No. 34 of that Schedule, a special duty of excise equal to 33½ per cent. of the total amount so chargeable on such goods.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1970, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

of 1897.

(3) The duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of excise chargeable on such goods under the Central Excises Act or any other law for the time being in force and such special duties shall be levied for purposes of the Union and the proceeds thereof shall not be distributed among the States.

(4) The provisions of the Central Excises Act and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the duties or excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of duties of excise on such goods under that Act or those rules.

32. (1) With a view to regulating or bringing greater economy in consumption, there shall be levied and collected, with effect from such date, and at such rate as may be specified in this behalf by the Central Government by notification in the Official Gazette, on all or any of the goods mentioned in the First Schedule to the Central Excises Act as amended by this Act or any subsequent Central Act, a regulatory duty of excise which shall not exceed 15 per cent. of the value of the goods as determined in accordance with the provisions of section 4 of the Central Excises Act:

Regulatory duties of excise.

Provided that different dates and different rates may be specified by the Central Government for different kinds of goods.

(2) Sub-section (1) shall cease to have effect after the 15th day of May, 1970, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, shall apply upon ¹⁰ of 1897. such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of excise chargeable on such goods under the Central Excises Act or any other law for the time being in force and such regulatory duties shall be levied for purposes of the Union and the proceeds thereof shall not be distributed among the States.

(4) The provisions of the Central Excises Act and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the regulatory duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of excise on such goods under that Act or those rules.

(5) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be placed before each House of Parliament.

Amendment of Act 58 of 1957.

33. In the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957,—

(i) in Item No. 1, for the entry in the third column, the entry "Four per cent. *ad valorem*." shall be substituted;

(ii) for Item No. 19, the following Item shall be substituted, namely:—

"19 COTTON FABRICS—

I. Cotton fabrics other than—

(i) embroidery, in the piece, in strips or in motifs, and

(ii) fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials,—

(1) Coating, suiting, tussors, corduroy, gaberdine, bed-ford, satin, denim, lappet lace, knitted fabric, tapestry, furnishing fabric including jacquard curtain cloth, gadlapet, mattress fabric, terry towel including turkish towel, terry towelling cloth including turkish towelling cloth, blanket, canvas, duck, filter cloth, tracing cloth and bukram cloth. Two and a half per cent. *ad valorem*.

(2) Others—

(a) Cotton fabrics, superfine	15·5 paise per square metre.
(b) Cotton fabrics, fine	9·6 paise per square metre.
(c) Cotton fabrics, medium-A	4·8 paise per square metre.
(d) Cotton fabrics, medium-B	4·8 paise per square metre.
(e) Cotton fabrics, coarse	3·6 paise per square metre.
(f) Cotton fabrics not otherwise specified	15·5 paise per square metre.

II. Embroidery, in the piece, in strips or in motifs, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power. The duty for the time being leviable, on the base fabrics if not already paid.

III. Cotton fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials. The duty for the time being leviable on the base fabrics, if not already paid.

(iii) for Item No. 20, the following Item shall be substituted, namely:—

“20 SILK FABRICS—

(1) Silk fabrics, other than embroidery in the piece, in strips or in motifs. Thirty paise per square metre.

(2) Embroidery, in the piece, in strips or in motifs, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power. The duty for the time being leviable on the base fabrics, if not already paid.”;

(iv) for Item No. 21, the following Item shall be substituted namely:—

“21 WOOLLEN FABRICS—

(1) Woollen fabrics, other than embroidery in the piece, in strips or in motifs. Five per cent. *ad valorem*.

(2) Embroidery, in the piece, in strips or in motifs, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power. The duty for the time being leviable on base fabrics, if not already paid.”;

(v) for Item No. 22, the following Item shall be substituted, namely:—

“22 RAYON OR ARTIFICIAL SILK FABRICS—

(1) Rayon or artificial silk fabrics other than (i) embroidery, in the piece, in strips or in motifs, and (ii) fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials. 3·6 paise per square metre.

(2) Embroidery, in the piece, in strips or in motifs, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power. The duty for the time being leviable on the base fabrics if not already paid

(3) Fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials. The duty for the time being leviable on the base fabrics, not already paid.”

Discontinu-
ance of
salt duty.

34. For the year beginning on the 1st day of April, 1969, no duty under the Central Excises Act, or the Tariff Act shall be levied in respect of salt manufactured in, or imported into, India.

THE FIRST SCHEDULE

(See section 2)

PART I

INCOME-TAX AND SURCHARGES ON INCOME-TAX

Paragraph A

In the case of every individual or Hindu undivided family or unregistered firm or other 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. 5,000 5 per cent. of the total income;

(2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000 Rs. 250 plus 10 per cent. of the amount by which the total income exceeds Rs. 5,000;

(3) where the total income exceeds Rs. 10,000 but does not exceed Rs. 15,000 Rs. 750 plus 15 per cent. of the amount by which the total income exceeds Rs. 10,000;

- (4) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 Rs. 1,500 plus 20 per cent. of the amount by which the total income exceeds Rs. 15,000;
- (5) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 Rs. 2,500 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000;
- (6) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000;
- (7) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000 Rs. 6,000 plus 50 per cent. of the amount by which the total income exceeds Rs. 30,000;
- (8) where the total income exceeds Rs. 50,000 but does not exceed Rs. 70,000 Rs. 16,000 plus 60 per cent. of the amount by which the total income exceeds Rs. 50,000;
- (9) where the total income exceeds Rs. 70,000 but does not exceed Rs. 1,00,000 Rs. 28,000 plus 65 per cent. of the amount by which the total income exceeds Rs. 70,000;
- (10) where the total income exceeds Rs. 1,00,000 but does not exceed Rs. 2,50,000 Rs. 47,500 plus 70 per cent. of the amount by which the total income exceeds Rs. 1,00,000;
- (11) where the total income exceeds Rs. 2,50,000 Rs. 1,52,500 plus 75 per cent. of the amount by which the total income exceeds Rs. 2,50,000:

Provided that for the purposes of this Paragraph, in the case of a person, not being a non-resident—

(i) no income-tax shall be payable on a total income not exceeding the following limit, namely:—

(a) Rs. 7,000 in the case of every Hindu undivided family which at any time during the previous year satisfies either of the following two conditions, namely:—

(1) that it has at least two members entitled to claim partition who are not less than eighteen years of age; or

(2) that it has at least two members entitled to claim partition who are not lineally descended one from the other and who are not lineally descended from any other living member of the family;

(b) Rs. 4,000 in every other case;

(ii) where such person is an individual whose total income does not exceed Rs. 10,000 and who has, during the previous year, incurred any expenditure for the maintenance of any one or more of his parents or grand-parents mainly dependent on him, the income-tax computed at the rate hereinbefore specified shall be reduced by so much of the amount specified hereunder, as does not exceed the amount of income-tax so computed:—

(a) Rs. 145 in the case of an unmarried individual;

(b) Rs. 220 in the case of a married individual who has no child mainly dependent on him;

- (c) Rs. 240 in the case of a married individual who has one child mainly dependent on him;
- (d) Rs. 260 in the case of a married individual who has more than one child mainly dependent on him;

so, however, that in the case of a married individual whose spouse has a total income exceeding Rs. 4,000, this clause shall have effect as if for the amounts of Rs. 220, Rs. 240 and Rs. 260, the amounts of Rs. 145, Rs. 165 and Rs. 185 had, respectively, been substituted;

(iii) where such person is an individual not falling under clause (ii) or a Hindu undivided family, the income-tax computed at the rate hereinbefore specified shall be reduced by so much of the amount specified hereunder, as does not exceed the amount of income-tax so computed:—

- (a) Rs. 125 in the case of an unmarried individual;
- (b) Rs. 200 in the case of a married individual who has no child mainly dependent on him or a Hindu undivided family which has no minor coparcener;
- (c) Rs. 220 in the case of a married individual who has one child mainly dependent on him or a Hindu undivided family which has one minor coparcener mainly supported from the income of such family;
- 1) Rs. 240 in the case of a married individual who has more than one child mainly dependent on him or a Hindu undivided family which has more than one minor coparcener mainly supported from the income of such family,

so, however, that in the case of a married individual whose spouse has a total income exceeding Rs. 4,000, this clause shall have effect as if for the amounts of Rs. 200, Rs. 220 and Rs. 240, the amounts of Rs. 125, Rs. 145 and Rs. 165 had, respectively, been substituted;

(iv) (A) where such person is an individual whose total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 and who has, during the previous year, incurred any expenditure for the maintenance of any one or more of his parents or grand-parents mainly dependent on him, the income-tax payable by him in respect of such total income shall not exceed the aggregate of—

- (1) the income-tax which would have been payable by the individual if his total income had been Rs. 10,000, and

(2) 40 per cent. of the amount by which the total income of the individual exceeds Rs. 10,000;

(B) where such person is not an individual whose case falls under sub-clause (A) and the total income of such person does not exceed Rs. 20,000, the income-tax payable thereon shall not exceed 40 per cent. of the amount by which the total income exceeds the limit specified in sub-clause (a) or, as the case may be, sub-clause (b) of clause (i) of this proviso.

Explanation.—For the purposes of clause (ii) and sub-clause (A) of clause (iv) of this proviso, a parent or grand-parent of an individual shall not be treated as being mainly dependent on such individual if the income of the parent or, as the case may be, the grand-parent from all sources in respect of the previous year relevant to the assessment year exceeds one thousand rupees.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 5,000 | 5 per cent. of the total income; |
| (2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000 | Rs. 250 plus 10 per cent. of the amount by which the total income exceeds Rs. 5,000; |
| (3) where the total income exceeds Rs. 10,000 but does not exceed Rs. 15,000 | Rs. 750 plus 15 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (4) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 | Rs. 1,500 plus 20 per cent. of the amount by which the total income exceeds Rs. 15,000; |
| (5) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 | Rs. 2,500 plus 25 per cent. of the amount by which the total income exceeds Rs. 20,000; |
| (6) where the total income exceeds Rs. 25,000 | Rs. 3,750 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000; |

Provided that—

(i) no income-tax shall be payable on a total income not exceeding Rs. 4,000; and

(ii) where the total income is Rs. 20,000 or less, the income-tax payable shall not exceed 40 per cent. of the amount by which the total income exceeds Rs. 4,000.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph C

In the case of every registered firm,—

Rates of income-tax

- (1) where the total income Nil; does not exceed Rs. 25,000
- (2) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000 6 per cent. of the amount by which the total income exceeds Rs. 25,000;
- (3) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 Rs. 1,500 plus 12 per cent. of the amount by which the total income exceeds Rs. 50,000;
- (4) where the total income exceeds Rs. 1,00,000 Rs. 7,500 plus 20 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

Surcharges on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by the aggregate of surcharges for purposes of the Union calculated as specified hereunder:—

(a) in the case of a registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent. of such total income, a surcharge calculated at the rate of ten per cent. of the amount of income-tax computed at the rate hereinbefore specified;

(b) in the case of any other registered firm, a surcharge calculated at the rate of twenty per cent. of the amount of income-tax computed at the rate hereinbefore specified; and

(c) a special surcharge calculated at the rate of ten per cent. on the aggregate of the following amounts, namely:—

(i) the amount of income-tax computed at the rate hereinbefore specified; and

(ii) the amount of the surcharge calculated in accordance with clause (a), or, as the case may be, clause (b), of this subparagraph.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income

50 per cent.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph E

In the case of the Life Insurance Corporation of India established 31 of 1956. under the Life Insurance Corporation Act, 1956,—

Rates of income-tax

(i) on that part of its total income which consists of profits and gains from life insurance business 52.5 per cent.;

(ii) on the balance, if any, of the total income the rate of income-tax applicable, in accordance with Paragraph F of this Part, to the total income of a domestic company which is a company in which the public are substantially interested.

Paragraph F

In the case of a company, other than the Life Insurance Corporation 31 of 1956. of India established under the Life Insurance Corporation Act, 1956,—

Rates of income-tax

I. In the case of a domestic company—

(1) where the company is a company in which the public are substantially interested,—

(i) in a case where the total income does not exceed Rs. 50,000 45 per cent. of the total income;

(ii) in a case where the total income exceeds Rs. 50,000 55 per cent. of the total income;

(2) where the company is not a company in which the public are substantially interested,—

(i) in the case of an industrial company—

(a) on so much of the total income as does not exceed Rs. 10,00,000 55 per cent. ;

(b) on the balance, if any, of the total income 60 per cent. ;

(ii) in any other case 65 per cent. of the total income:

Provided that the income-tax payable by a domestic company, being a company in which the public are substantially interested, the total income of which exceeds Rs. 50,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 50,000 (the income of Rs. 50,000

for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and

(b) 80 per cent. of the amount by which its total income exceeds Rs. 50,000.

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 an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961, or

(b) fees for rendering technical services received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 29th day of February, 1964,

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 70 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 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 deduction, at the following rates:—

	Income-tax	
	Rate of income-tax	Rate of surcharge
1. In the case of a person other than a company—		
(a) where the person is resident—		
(i) on income by way of interest other than "Interest on securities"	10 per cent.	Nil
(ii) on any other income (excluding interest payable on a tax free security)	20 per cent.	2 per cent.

	Income-tax	
	Rate of income-tax	Rate of surcharge
(b) where the person is not resident in India—		
(i) on the whole income (excluding interest payable on a tax free security)	Income-tax at 30 per cent.	and surcharge at 3 per cent. of the amount of the income
<i>or</i>		
	income-tax and surcharge on income-tax in respect of the income at the rates prescribed in Paragraph A of Part III of this Schedule, if such income had been the total income,	
	whichever is higher;	
(ii) on the income by way of interest payable on a tax free security.	15 per cent.	1.5 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.	<i>Nil</i>
(ii) on any other income (excluding interest payable on a tax free security)	22 per cent.	<i>Nil</i>
(b) where the company is not a domestic company—		
(i) on the income by way of dividends payable by an Indian company as is referred to in clause (a) (i) of sub-section (1) of section 80M of the Income-tax Act	14 per cent.	<i>Nil</i>
(ii) on the income by way of dividends payable by any domestic company other than a company referred to in (i) hereinabove	24.5 per cent.	<i>Nil</i>
(iii) on the income by way of royalties payable by an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961, and which has been approved by the Central Government.	50 per cent.	<i>Nil</i>

	Income-tax	
	Rate of income-tax	Rate of surcharge
(iv) on the income by way of fees payable by an Indian concern for rendering technical services in pursuance of an agreement made by it with the Indian concern after the 29th day of February, 1964, and which has been approved by the Central Government	50 per cent.	Nil
(v) on the income by way of interest payable on a tax free security	44 per cent.	Nil
(vi) on any other income	70 per cent.	Nil

PART III

Rates for calculating or charging income-tax in certain cases, deducting income-tax from income chargeable under the head "Salaries" or any payment referred to in sub-section (9) of section 80E and computing "advance tax".

In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) 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 calculated, charged, deducted or computed at the following rate or rates:—

Paragraph A

In the case of every individual or Hindu undivided family or unregistered firm or other 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. 5,000 5 per cent. of the total income;

(2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000 Rs. 250 plus 10 per cent. of the amount by which the total income exceeds Rs. 5,000;

(3) where the total income exceeds Rs. 10,000 but does not exceed Rs. 15,000	Rs. 750 plus 17 per cent. of the amount by which the total income exceeds Rs. 10,000;
(4) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000	Rs. 1,600 plus 23 per cent. of the amount by which the total income exceeds Rs. 15,000;
(5) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000	Rs. 2,750 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000;
(6) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000	Rs. 4,250 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000;
(7) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000	Rs. 6,250 plus 50 per cent. of the amount by which the total income exceeds Rs. 30,000;
(8) where the total income exceeds Rs. 50,000 but does not exceed Rs. 70,000	Rs. 16,250 plus 60 per cent. of the amount by which the total income exceeds Rs. 50,000;
(9) where the total income exceeds Rs. 70,000 but does not exceed Rs. 1,00,000	Rs. 28,250 plus 65 per cent. of the amount by which the total income exceeds Rs. 70,000;
(10) where the total income exceeds Rs. 1,00,000 but does not exceed Rs. 2,50,000	Rs. 47,750 plus 70 per cent. of the amount by which the total income exceeds Rs. 1,00,000;
(11) where the total income exceeds Rs. 2,50,000	Rs. 1,52,750 plus 75 per cent. of the amount by which the total income exceeds Rs. 2,50,000;

Provided that for the purposes of this Paragraph, in the case of a person, not being a non-resident—

(i) no income-tax shall be payable on a total income not exceeding the following limit, namely:—

(a) Rs. 7,000 in the case of every Hindu undivided family which at any time during the previous year relevant to the assessment year commencing on the 1st day of April, 1970, satisfies either of the following two conditions, namely:—

(1) that it has at least two members entitled to claim partition who are not less than eighteen years of age; or

(2) that it has at least two members entitled to claim partition who are not lineally descended one from the other and who are not lineally descended from any other living member of the family;

(b) Rs. 4,000 in every other case;

(ii) where such person is an individual whose total income does not exceed Rs. 10,000 and who has, during the previous year relevant to the assessment year commencing on the 1st day of April, 1970, incurred any expenditure for the maintenance of any one or more of his parents or grand-parents mainly dependent on him, the income-tax computed at the rate hereinbefore specified shall be reduced by so

much of the amount specified hereunder, as does not exceed the amount of income-tax so computed:—

- (a) Rs. 145 in the case of an unmarried individual;
- (b) Rs. 220 in the case of a married individual who has no child mainly dependent on him;
- (c) Rs. 240 in the case of a married individual who has one child mainly dependent on him;
- (d) Rs. 260 in the case of a married individual who has more than one child mainly dependent on him,

so, however, that in the case of a married individual whose spouse has a total income exceeding Rs. 4,000 in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1970, this clause shall have effect as if for the amounts of Rs. 220, Rs. 240 and Rs. 260, the amounts of Rs. 145, Rs. 165 and Rs. 185 had, respectively, been substituted;

(iii) where such person is an individual not falling under clause (ii) or a Hindu undivided family, the income-tax computed at the rate hereinbefore specified shall be reduced by so much of the amount specified hereunder, as does not exceed the amount of income-tax so computed:—

- (a) Rs. 125 in the case of an unmarried individual;
- (b) Rs. 200 in the case of a married individual who has no child mainly dependent on him or a Hindu undivided family which has no minor coparcener;
- (c) Rs. 220 in the case of a married individual who has one child mainly dependent on him or a Hindu undivided family which has one minor coparcener mainly supported from the income of such family;
- (d) Rs. 240 in the case of a married individual who has more than one child mainly dependent on him or a Hindu undivided family which has more than one minor coparcener mainly supported from the income of such family,

so, however, that in the case of a married individual whose spouse has a total income exceeding Rs. 4,000 in respect of the previous year relevant to the assessment year commencing on the 1st day of April,

1970, this clause shall have effect as if for the amounts of Rs. 200, Rs. 220 and Rs. 240, the amounts of Rs. 125, Rs. 145 and Rs. 165 had, respectively, been substituted;

(iv) (A) where such person is an individual whose total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 and who has, during the previous year relevant to the assessment year commencing on the 1st day of April, 1970, incurred any expenditure for the maintenance of any one or more of his parents or grand-parents mainly dependent on him, the income-tax payable by him in respect of such total income shall not exceed the aggregate of—

(1) the income-tax which would have been payable by the individual if his total income had been Rs. 10,000, and

(2) 40 per cent. of the amount by which the total income of the individual exceeds Rs. 10,000;

(B) where such person is not an individual whose case falls under sub-clause (A) and the total income of such person does not exceed Rs. 20,000, the income-tax payable thereon shall not exceed 40 per cent. of the amount by which the total income exceeds the limit specified in sub-clause (a) or, as the case may be, sub-clause (b) of clause (i) of this proviso.

Explanation.—For the purposes of clause (ii) and sub-clause (A) of clause (iv) of this proviso, a parent or grand-parent of an individual shall not be treated as being mainly dependent on such individual if the income of the parent or, as the case may be, the grand-parent from all sources in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1970 exceeds one thousand rupees.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent of such income-tax.

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 15 per cent. of the total income;
- (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 Rs. 1,500 plus 25 per cent. of the amount by which the total income exceeds Rs. 10,000;
- (3) where the total income exceeds Rs. 20,000 Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent of such income-tax.

Paragraph C

In the case of every registered firm,—

Rates of income-tax

- (1) where the total income does not exceed Rs. 10,000 Nil;
- (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000 4 per cent. of the amount by which the total income exceeds Rs. 10,000;
- (3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000 Rs. 600 plus 6 per cent. of the amount by which the total income exceeds Rs. 25,000;
- (4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 Rs. 2,100 plus 12 per cent. of the amount by which the total income exceeds Rs. 50,000;
- (5) where the total income exceeds Rs. 1,00,000 Rs. 8,100 plus 20 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

Surcharges on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by the aggregate of surcharges for purposes of the Union calculated as specified hereunder:—

(a) in the case of a registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent. of such total income, a surcharge calculated at the rate of ten per cent. of the amount of income-tax computed at the rate hereinbefore specified;

(b) in the case of any other registered firm, a surcharge calculated at the rate of twenty per cent. of the amount of income-tax computed at the rate hereinbefore specified; and

(c) a special surcharge calculated at the rate of ten per cent. on the aggregate of the following amounts, namely:—

(i) the amount of income-tax computed at the rate hereinbefore specified; and

(ii) the amount of the surcharge calculated in accordance with clause (a), or, as the case may be, clause (b), of this subparagraph.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 50 per cent.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph E

In the case of the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956,—
31 of 1956.

Rates of income-tax

(i) on that part of its total income which consists of profits and gains from life insurance business 52·5 per cent. ;

(ii) on the balance, if any, of the total income the rate of income-tax applicable in accordance with Paragraph F of this Part, to the total income of a domestic company which is a company in which the public are substantially interested.

Paragraph F

In the case of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956,—
13 of 1956.

Rates of income-tax

I. In the case of a domestic company—

(1) where the company is a company in which the public are substantially interested,—

(i) in a case where the total income does not exceed Rs. 50,000 45 per cent. of the total income;

(ii) in a case where the total income exceeds Rs. 50,000 55 per cent. of the total income;

(2) where the company is not a company in which the public are substantially interested,—

(i) in the case of an industrial company—

(a) on so much of the total income as does not exceed Rs. 10,00,000 55 per cent.;

(b) on the balance, if any, of the total income 60 per cent.

(ii) in any other case 65 per cent. of the total income:

Provided that the income-tax payable by a domestic company, being a company in which the public are substantially interested, the total income of which exceeds Rs. 50,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 50,000 (the income of Rs. 50,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and

(b) 80 per cent. of the amount by which its total income exceeds Rs. 50,000.

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 an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961, or

(b) fees for rendering technical services received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 29th day of February, 1964,

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 70 per cent.

THE SECOND SCHEDULE

(See section 26)

PART I

In the First Schedule to the Tariff Act,—

(i) in Item No. 75(11) (v), in the entry in the second column, the words "roller bearings" shall be omitted;

(ii) in Item No. 87A, for the entries (ii), (iii) and (iv) in the second column, the following entry shall be substituted, namely:—

"(ii) alcoholic drinks."

PART II

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
1	2	3	4	5	6	7

In the First Schedule to the Tariff Act,—

(i) for Item No. 8(2), the following Item shall be substituted, namely:—

“8(2) Fruits, dried (Salted and all other kinds) not otherwise specified. Preferential Revenue. 100 per cent *ad valorem*. .. 90 per cent *ad valorem*.”;

(ii) for Item No. 72(35), the following Item shall be substituted, namely:—

“72(35) Ball bearings (including adapter ball bearings) not exceeding 60 millimetre bore diameter. Revenue 100 per cent *ad valorem*. .. .”;

(iii) for Item No. 72(36), the following Item shall be substituted, namely:—

“72(36) Ball bearings (including adapter ball bearings) exceeding 60 millimetres bore diameter. Revenue 40 per cent *ad valorem*. .. .”;

(iv) for Item No. 72(37), the following Item shall be substituted, namely:—

“72(37) Roller bearings (excluding adapter roller bearings) not exceeding 85 millimetres bore diameter. Revenue 100 per cent *ad valorem*. .. .”;

(v) for Item No. 72(38), the following Item shall be substituted, namely:—

72(38) Roller bearings exceeding 85 millimetres bore diameter and adapter roller bearings of all sizes. Revenue 40 per cent *ad valorem*. .. .”;

(vi) after Item No. 87A, the following Items shall be inserted, namely:—

“87B All dutiable articles, even if elsewhere specified, intended for personal use, imported by post or air, and exempt from any prohibition in respect of the import thereof under the Imports and Exports (Control)

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
1	2	3	4	5	6	7

Act, 1947, but excluding alcoholic drinks :

- | | | | | | |
|-------------------------|---------|----------------------------------|----|----|----|
| (i) Drugs and medicines | Revenue | 50 per cent <i>ad valorem</i> . | .. | .. | .. |
| (ii) others | Revenue | 100 per cent <i>ad valorem</i> . | .. | .. | .. |

87C The following articles of stores on board a vessel or aircraft on which duty is leviable under the Customs Act, 1962 (52 of 1962), even if elsewhere specified, namely: —

- | | | | | | |
|---|---------|----------------------------------|----|----|----|
| (i) Prepared or preserved meat, fish and vegetables; dairy produce; soups; lard; fresh fruits; | Revenue | 25 per cent <i>ad valorem</i> . | .. | .. | .. |
| (ii) all other consumable stores, excluding fuel, lubricating oil, alcoholic drinks and tobacco products. | Revenue | 100 per cent <i>ad valorem</i> . | .. | .. | .. |

Rep. by Act... 56 of 1979, S. 2 of Sch. I.

THE ESTATE DUTY (DISTRIBUTION) AMENDMENT ACT, 1969

No. 15 OF 1969

[19th May, 1969]

An Act further to amend Estate Duty (Distribution) Act, 1962.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Estate Duty (Distribution) Amendment Act, 1969.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of April, 1969.

2. In the long title of the Estate Duty (Distribution) Act, 1962 (hereinafter referred to as the principal Act), for the figures, letters and words "12th day of August, 1965," the figures, letters and words "31st day of October, 1968" shall be substituted.

Amendment of long title.

3. In section 3 of the principal Act,—

(i) in sub-section (1),—

Amendment of section 3.

(a) for the figures, letters and words "1st day of April, 1966," the figures, letters and words "1st day of April, 1969," shall be substituted;

(b) for the words "two per cent.," the words "three per cent." shall be substituted;

(ii) in sub-section (2), for clause (b) and the provisos occurring at the end of that clause, the following clause shall be substituted, namely:—

"(b) the balance shall be distributed among the States as follows:—

State	Percentage
Andhra Pradesh	8.37
Assam	2.76
Bihar	10.80

State	Percentage
Gujarat	4.80
Haryana	1.76
Jammu and Kashmir	0.83
Kerala	3.93
Madhya Pradesh	7.53
Maharashtra	9.20
Mysore	5.48
Nagaland	0.09
Orissa	4.08
Punjab	2.59
Rajasthan	4.68
Tamil Nadu	7.83
Uttar Pradesh	17.15
West Bengal	8.12

THE PRESIDENT (DISCHARGE OF FUNCTIONS) ACT, 1969

No. 16 OF 1969

[28th May, 1969]

An Act to provide for the discharge of the functions of the President in certain contingencies.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the President (Discharge of Functions) Act, 1969. Short title.

2. In this Act, "President", "Vice-President" and "Second Schedule" shall mean the President of India, the Vice-President of India and the Second Schedule to the Constitution respectively. Definitions.

3. (1) In the event of the occurrence of vacancies in the offices of both the President and the Vice-President, by reason in each case of death, resignation or removal, or otherwise, the Chief Justice of India or, in his absence, the seniormost Judge of the Supreme Court of India available shall discharge the functions of the President until a new President elected in accordance with the provisions of the Constitution to fill the vacancy in the office of the President enters upon his office or a new Vice-President so elected begins to act as President under article 65 of the Constitution, whichever is earlier. Discharge of President's functions in certain contingencies.

(2) When the Vice-President, while discharging the functions of the President, dies, resigns or is removed or otherwise ceases to hold office, the Chief Justice of India or, in his absence, the seniormost Judge referred to in sub-section (1) shall discharge the said functions until the President resumes his duties or a new Vice-President is elected as aforesaid, whichever is earlier.

(3) When the Vice-President,—

(a) while acting as President, or

(b) while discharging the functions of the President,

is unable to discharge the functions of the President owing to absence, illness or any other cause, the Chief Justice of India or, in his absence, the seniormost Judge referred to in sub-section (1) shall discharge the said functions—

(i) in the case referred to in clause (a), until a new President elected as aforesaid enters upon his office or until the Vice-President acting as President resumes his duties, whichever is earlier;

(ii) in the case referred to in clause (b), until the President resumes his duties, or the Vice-President resumes his duties, whichever is earlier.

(4) The person discharging the functions of the President under this section shall, during, and in respect of, the period while he is so discharging the said functions, have all the powers and immunities of the President and be entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and, until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule.

THE COMPANIES (AMENDMENT) ACT, 1969

No. 17 OF 1969

[28th May, 1969]

An Act further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Companies (Amendment) Act, 1969.

Short title.

2. In this Act, unless the context otherwise requires, "appointed day" means the 3rd day of April, 1970.

Definition.

(4000)
1 of 1956. ~~3. For section 293A of the Companies Act, 1956 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—~~

Substitution of section 293A.

"293A. (1) Notwithstanding anything contained in any other provision of this Act, neither a company in general meeting nor its Board of directors shall, after the commencement of the Companies (Amendment) Act, 1969, contribute any amount or amounts—

Prohibition regarding making of political contributions.

(a) to any political party, or

(b) for any political purpose to any individual or body.

(2) If a company contravenes the provisions of sub-section (1), then—

(i) the company shall be punishable with fine which may extend to five thousand rupees; and

(ii) every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine."

4. After section 324 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 324A.

"324A. (1) Notwithstanding anything contained in any other provision of this Act or in the memorandum or articles of association or in any contract to the contrary, where any company has, on the 3rd day of April, 1970, a managing agent or secretaries and treasurers, the term of office of such managing agent or, as the case may be, the secretaries and treasurers shall expire, if it does not expire earlier, on that date.

Abolition of managing agencies and secretaries and treasurers.

Rep. by Act 56 of 1979, s. 2 sch. I.

(2) No company shall appoint or re-appoint any managing agent or secretaries and treasurers on or after the 3rd day of April 1970."

Amend-
ment of
section
365.

5. In section 365 of the principal Act, in clause (c), after the word and figures "~~section 324,~~" the figures and letter "~~324A,~~" shall be inserted.

Cesser of
certain
provi-
sions
of the
Act.

6. On and from the appointed day, so much of the provisions of the principal Act as relate to managing agents and secretaries and treasurers shall cease to have effect except as respects things done or omitted to be done under those provisions before such cesser.

**THE REGISTRATION OF BIRTHS AND DEATHS
ACT, 1969**

ARRANGEMENT OF SECTIONS

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PRELIMINARY

SECTIONS

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2. Definitions and interpretation.

CHAPTER II

REGISTRATION-ESTABLISHMENT

3. Registrar-General, India.
4. Chief Registrar.
5. Registration divisions.
6. District Registrar.
7. Registrars.

CHAPTER III

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8. Persons required to register births and deaths.
9. Special provision regarding births and deaths in a plantation.
10. Duty of certain persons to notify births and deaths and to certify cause of death.
11. Informant to sign the register.
12. Extracts of registration entries to be given to informant.
13. Delayed registration of births and deaths.
14. Registration of name of child.
15. Correction or cancellation of entry in the register of births and deaths.

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MAINTENANCE OF RECORDS AND STATISTICS

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CHAPTER V

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20. Special provision as to registration of births and deaths of citizens outside India.
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22. Power to give directions.
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26. Registrars and Sub-Registrars to be deemed public servants.
27. Delegation of powers.
28. Protection of action taken in good faith.
29. Act not to be in derogation of Act 6 of 1886.
30. Power to make rules.
31. Repeal and saving.
32. Power to remove difficulty.

**THE REGISTRATION OF BIRTHS AND DEATHS
ACT, 1969
NO. 18 OF 1969**

[31st May, 1969]

An Act to provide for the regulation of registration of births and deaths and for matters connected therewith.

Enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Registration of Births and Deaths Act, 1969.

(2) It extends to the whole of India.

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

Provided that different/dates may be appointed for different parts of a State.

Short
title,
extent
and com-
merce-
ment.

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

(a) "birth" means live-birth or still-birth;

(b) "death" means the permanent disappearance of all evidence of life at any time after live-birth has taken place;

(c) "foetal death" means absence of all evidence of life prior to the complete expulsion or extraction from its mother of a product of conception irrespective of the duration of pregnancy;

(d) "live-birth" means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, and each product of such birth is considered live-born;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "State Government", in relation to a Union territory, means the Administrator thereof;

(g) "still-birth" means foetal death where a product of conception has attained at least the prescribed period of gestation.

Definitions
and inter-
pretation.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

REGISTRATION-ESTABLISHMENT

Registrar-General,
India.

3. (1) The Central Government may, by notification in the Official Gazette, appoint a person to be known as the Registrar-General, India.

(2) The Central Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Registrar-General, such functions of the Registrar-General under this Act as he may, from time to time, authorise them to discharge.

(3) The Registrar-General may issue general directions regarding registration of births and deaths in the territories to which this Act extends, and shall take steps to co-ordinate and unify the activities of Chief Registrars in the matter of registration of births and deaths and submit to the Central Government an annual report on the working of this Act in the said territories.

Chief Registrar.

4. (1) The State Government may, by notification in the Official Gazette, appoint a Chief Registrar for the State.

(2) The State Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Chief Registrar, such of his functions as he may, from time to time, authorise them to discharge.

(3) The Chief Registrar shall be the chief executive authority in the State for carrying into execution the provisions of this Act and the rules and orders made thereunder subject to the directions, if any, given by the State Government.

(4) The Chief Registrar shall take steps, by the issue of suitable instructions or otherwise, to co-ordinate, unify and supervise the work of registration in the State for securing an efficient system of registration and shall prepare and submit to the State Government, in such manner and at such intervals as may be prescribed, a report on the working of this Act in the State along with the statistical report referred to in subsection (2) of section 19.

Registration divisions.

5. The State Government may, by notification in the Official Gazette, divide the territory within the State into such registration divisions as it may think fit and prescribe different rules for different registration divisions.

District Registrar.

6. (1) The State Government may appoint a District Registrar for each revenue district and such number of Additional District Registrars as it thinks fit who shall, subject to the general control and direction of the District Registrar, discharge such functions of the District Registrar as the District Registrar may, from time to time, authorise them to discharge.

(2) The District Registrar shall superintend, subject to the direction of the Chief Registrar, the registration of births and deaths in the district and shall be responsible for carrying into execution in the district the provisions of this Act and the orders of the Chief Registrar issued from time to time for the purposes of this Act.

7. (1) The State Government may appoint a Registrar for each local area comprising the area within the jurisdiction of a municipality, panchayat or other local authority or any other area or a combination of any two or more of them: Registrars.

Provided that the State Government may appoint in the case of a municipality, panchayat or other local authority, any officer or other employee thereof as a Registrar.

(2) Every Registrar shall, without fee or reward, enter in the register maintained for the purpose all information given to him under section 8 or section 9 and shall also take steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.

(3) Every Registrar shall have an office in the local area for which he is appointed.

(4) Every Registrar shall attend his office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing, in the local language, his name with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

(5) The Registrar may, with the prior approval of the Chief Registrar, appoint Sub-Registrars and assign to them any or all of his powers and duties in relation to specified areas within his jurisdiction.

CHAPTER III

REGISTRATION OF BIRTHS AND DEATHS

8. (1) It shall be the duty of the persons specified below to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section (1) of section 16,— Persons required to register births and deaths.

(a) in respect of births and deaths in a house, whether residential or non-residential, not being any place referred to in clauses (b) to (e), the head of the house or, in case more than one household live in the house, the head of the household, the head being the person, who is so recognised by the house or the household, and if he is not present in the house at any time during the period within which the birth or death has to be reported, the nearest relative of the head present in the house, and in the absence of any such person, the oldest adult male person present therein during the said period;

(b) in respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in charge or any person authorised by him in this behalf;

(c) in respect of births and deaths in a jail, the jailor in charge;

(d) in respect of births and deaths in a choultry, chattram, hostel, dharmasala, boarding-house, lodging-house, tavern, barrack, toddy shop or place of public resort, the person in charge thereof;

(e) in respect of any new-born child or dead body found deserted in a public place, the headman or other corresponding officer of the village in the case of a village and the officer in charge of the local police station elsewhere:

Provided that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer aforesaid;

(f) in any other place, such person as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the State Government, having regard to the conditions obtaining in a registration division, may by order require that for such period as may be specified in the order, any person specified by the State Government by designation in this behalf, shall give or cause to be given information regarding births and deaths in a house referred to in clause (a) of sub-section (1) instead of the persons specified in that clause.

Special provision regarding births and deaths in a plantation.

9. In the case of births and deaths in a plantation, the superintendent of the plantation shall give or cause to be given to the Registrar the information referred to in section 8:

Provided that the persons referred to in clauses (a) to (f) of sub-section (1) of section 8 shall furnish the necessary particulars to the superintendent of the plantation.

Explanation.—In this section, the expression “plantation” means any land not less than four hectares in extent which is being prepared for the production of, or actually produces, tea, coffee, pepper, rubber, cardamom, cinchona or such other products as the State Government may, by notification in the Official Gazette, specify and the expression “superintendent of the plantation” means the person having the charge or supervision of the labourers and work in the plantation, whether called a manager, superintendent or by any other name.

Duty of certain persons to notify births and deaths and to certify cause of death.

10. (1) It shall be the duty of—

(i) the midwife or any other medical or health attendant at a birth or death,

(ii) the keeper or the owner of a place set apart for the disposal of dead bodies or any person required by a local authority to be present at such place, or

(iii) any other person whom the State Government may specify in this behalf by his designation,

to notify every birth or death or both at which he or she attended or was present, or which occurred in such areas as may be prescribed, to the Registrar within such time and in such manner as may be prescribed.

(2) In any area, the State Government, having regard to the facilities available therein in this behalf, may require that a certificate as to the cause of death shall be obtained by the Registrar from such person and in such form as may be prescribed.

(3) Where the State Government has required under sub-section (2) that a certificate as to the cause of death shall be obtained, in the event of the death of any person who, during his last illness, was attended by a medical practitioner, the medical practitioner shall, after the death of that person, forthwith, issue without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death; and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.

11. Every person who has orally given to the Registrar any information required under this Act shall write in the register maintained in this behalf, his name, description and place of abode, and, if he cannot write, shall put his thumb mark in the register against his name, description and place of abode, the particulars being in such a case entered by the Registrar.

Informant to sign the register.

12. The Registrar shall, as soon as the registration of a birth or death has been completed, give, free of charge, to the person who gives information under section 8 or section 9 an extract of the prescribed particulars under his hand from the register relating to such birth or death.

Extracts of registration entries to be given to informant.

13. (1) Any birth or death of which information is given to the Registrar after the expiry of the period specified therefor, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

Delayed registration of births and deaths.

(2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorised in this behalf by the State Government.

(3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

(4) The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefor and any such birth or death may be registered during the pendency of any such action.

14. Where the birth of any child has been registered without a name, the parent or guardian of such child shall within the prescribed period give information regarding the name of the child to the Registrar either orally or in writing and thereupon the Registrar shall enter such name in the register and initial and date the entry.

Registration of name of child.

Correc-
tion or
cancel-
lation of
entry in
the
register
of births
and
deaths.

15. If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

CHAPTER IV

MAINTENANCE OF RECORDS AND STATISTICS

Regis-
trars to
keep re-
gisters in
the
prescribed
form.

16. (1) Every Registrar shall keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.

(2) The Chief Registrar shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms in the local language shall be posted in some conspicuous place on or near the outer door of the office of every Registrar.

Search of
births and
deaths
register.

17. (1) Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may—

(a) cause a search to be made by the Registrar for any entry in a register of births and deaths; and

(b) obtain an extract from such register relating to any birth or death:

Provided that no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.

(2) All extracts given under this section shall be certified by the Registrar or any other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates. 1 of 1872.

Inspection
of regis-
tration
offices.

18. The registration offices shall be inspected and the registers kept therein shall be examined in such manner and by such authority as may be specified by the District Registrar.

Registrars
to send
periodical
returns to
the Chief
Registrar
for compi-
lation.

19. (1) Every Registrar shall send to the Chief Registrar or to any officer specified by him, at such intervals and in such form as may be prescribed, a return regarding the entries of births and deaths in the register kept by such Registrar.

(2) The Chief Registrar shall cause the information in the returns furnished by the Registrars to be compiled and shall publish for the information of the public a statistical report on the registered births and deaths during the year at such intervals and in such form as may be prescribed.

CHAPTER V

MISCELLANEOUS

57 of 1955. 20. (1) The Registrar-General shall, subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of citizens of India outside India received by him under the rules relating to the registration of such citizens at Indian Consulates made under the Citizenship Act, 1955, and every such registration shall also be deemed to have been duly made under this Act. Special provision as to registration of births and deaths of citizens outside India.

(2) In the case of any child born outside India in respect of whom information has not been received as provided in sub-section (1), if the parents of the child return to India with a view to settling therein, they may, at any time within sixty days from the date of the arrival of the child in India, get the birth of the child registered under this Act in the same manner as if the child was born in India and the provisions of section 13 shall apply to the birth of such child after the expiry of the period of sixty days aforesaid.

21. The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition. Power of Registrar to obtain information regarding births or death.

22. The Central Government may give such directions to any State Government as may appear to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made thereunder. Powers to give directions.

23. (1) Any person who— Penalties.

(a) fails without reasonable cause to give any information which it is his duty to give under any of the provisions of sections 8 and 9; or

(b) gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or

(c) refuses to write his name, description and place of abode or to put his thumb mark in the register as required by section 11,

shall be punishable with fine which may extend to fifty rupees.

(2) Any Registrar or Sub-Registrar who neglects or refuses, without reasonable cause, to register any birth or death occurring in his jurisdiction or to submit any returns as required by sub-section (1) of section 19 shall be punishable with fine which may extend to fifty rupees.

(3) Any medical practitioner who neglects or refuses to issue a certificate under sub-section (3) of section 10 and any person who neglects or refuses to deliver such certificate shall be punishable with fine which may extend to fifty rupees.

(4) Any person who, without reasonable cause, contravenes any provision of this Act for the contravention of which no penalty is provided for in this section shall be punishable with fine which may extend to ten rupees.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this section shall be tried summarily by 5 of 1898. a magistrate.

Power to compound offences.

24. (1) Subject to such conditions as may be prescribed, any officer authorised by the Chief Registrar by a general or special order in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding fifty rupees.

(2) On the payment of such sum of money, such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.

Sanction for prosecution.

25. No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Chief Registrar by general or special order in this behalf.

Registrars and Sub-Registrars to be demand public servants.

26. All Registrars and Sub-Registrars shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Delegation of powers.

27. The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act (except the power to make rules under section 30) or the rules made thereunder shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction.

Protection of action taken in good faith

28. (1) No suit, prosecution or other legal proceeding shall lie against the Government, the Registrar-General, any Registrar, or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

29. Nothing in this Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriages Registration Act, 1886. Act not to be in derogation of Act 6 of 1886.

30. (1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) the forms of registers of births and deaths required to be kept under this Act;

(b) the period within which and the form and the manner in which information should be given to the Registrar under section 8;

(c) the period within which and the manner in which births and deaths shall be notified under sub-section (1) of section 10;

(d) the person from whom and the form in which a certificate as to cause of death shall be obtained;

(e) the particulars of which extract may be given under section 12;

(f) the authority which may grant permission for registration of a birth or death under sub-section (2) of section 13;

(g) the fees payable for registration made under section 13;

(h) the submission of reports by the Chief Registrar under sub-section (4) of section 4;

(i) the search of birth and death registers and the fees payable for such search and for the grant of extracts from the registers;

(j) the forms in which and the intervals at which the returns and the statistical report under section 19 shall be furnished and published;

(k) the custody, production and transfer of the registers and other records kept by Registrars;

(l) the correction of errors and the cancellation of entries in the register of births and deaths;

(m) any other matter which has to be, or may be, prescribed.

Repeal
and
saving.

31. (1) Subject to the provisions of section 29, as from the coming into force of this Act in any State or part thereof, so much of any law in force therein as relates to the matters covered by this Act shall stand repealed in such State or part, as the case may be.

(2) Notwithstanding such repeal, anything done or any action taken (including any instruction or direction issued, any regulation or rule or order made) under any such law shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

Power to
remove
difficulty.

32. If any difficulty arises in giving effect in a State to the provisions of this Act in their application to any area, the State Government may, with the approval of the Central Government, by order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the State Government to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section in relation to any area in a State after the expiration of two years from the date on which this Act comes into force in that area.

**THE UNION TERRITORIES (SEPARATION OF JUDICIAL
AND EXECUTIVE FUNCTIONS) ACT, 1969**

No. 19 OF 1969

[31st May, 1969.]

An Act to provide for the separation of judicial and executive functions in Union territories.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Union Territories (Separation of Judicial and Executive Functions) Act, 1969.

Short title, extent and commencement.

(2) It extends to all Union territories except the Union territory of Chandigarh.

(3) It shall come into force in a Union territory to which it extends on such date as the Central Government may, by notification in the Official Gazette, appoint in respect thereof:

Provided that different dates may be appointed for different areas in a Union territory and any reference to the commencement of this Act in relation to a Union territory or an area therein shall mean the date on which it comes into force in that Union territory or area.

2. In sections 3 to 9, "Union territory" means any Union territory other than the Union territory of Chandigarh. Definition.

Name of Union Territory	Date of enforcement	Notification No.
All areas of the Union Territory of Laccadivi, Minicoy and Amindive Islands.	1-3-1970	S.O. 384, dt. 29.1.70
All the areas of the Union Territory of Goa, Daman and Diu.	1-7-71	S.O. 2018, dt. 12.5.71 <i>Rescinded by S.O. 2495, dt. 29.6.71.</i>
All the areas of the Union Territory of Delhi.	2-10-1969.	S.O. 3836, dt. 17.9.69

Functions exercisable by Judicial and Executive Magistrates.

5. Where under any law the functions exercisable by a Magistrate relate to matters which involve the appreciation or sifting of evidence or the formulation of any decision which exposes any person to any punishment, or penalty, or detention in custody pending investigation, inquiry or trial or would have the effect of sending him for trial before any court, such functions shall, subject to the provisions of this Act and the Code of Criminal Procedure, 1898, as amended by this Act, be exercisable by a Judicial Magistrate; and where such functions relate to matters which are administrative or executive in nature, such as the grant of a licence, the suspension or cancellation of a licence, sanctioning a prosecution, or withdrawing from a prosecution, they shall, subject as aforesaid be exercisable by an Executive Magistrate. 5 of 1898.

Repeal of laws in transferred areas in Himachal Pradesh.

6. On the commencement of this Act in the transferred areas in the Union territory of Himachal Pradesh, the Punjab Separation of Judicial and Executive Functions Act, 1964, and the Code of Criminal Procedure, 1898, as in force immediately before such commencement in the said areas shall stand repealed except as respects things done or omitted to be done before such repeal under the said Punjab Act or under the provisions of the laws amended by the said Punjab Act and section 6 of the General Clauses Act, 1897, shall apply upon such repeal as if such repeal were a repeal of an enactment by a Central Act; and on such commencement, the said Code as amended by this Act shall extend to, and come into force in, the said areas and the provisions of the laws (other than the said Code) amended by the said Punjab Act shall have effect in the said areas as if such provisions had not been amended by the said Punjab Act. Punjab Act 25 of 1964. 5 of 1898. 10 of 1897.

Explanation.—In this section, “transferred areas” means the territories added to the Union territory of Himachal Pradesh by sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966, except the territories comprised in the districts of Lahaul and Spiti. 31 of 1966.

Saving.

7. (1) Save as provided in this section, nothing in this Act shall be deemed to affect—

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done before the commencement of this Act;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such commencement;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such commencement;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed in accordance with the provisions of this Act and the Code of Criminal Procedure, 1898, as amended by this Act. 5 of 1898.

(2) All legal proceedings pending before a Magistrate or Court immediately before the commencement of this Act shall, if such Magistrate or Court ceases to have jurisdiction in respect of such proceedings under

5 of 1898. the provisions of the Code of Criminal Procedure, 1898, as amended by this Act, stand on such commencement transferred to the Magistrate or Court having jurisdiction under the provisions of the Code of Criminal Procedure, 1898, as amended by this Act and shall be heard and disposed of by such Magistrate or Court and such Magistrate or Court shall have all the powers and jurisdiction in respect thereof as if they had been originally instituted before such Magistrate or in such Court, including the power of the succeeding Magistrate under section 350 of the Code of Criminal Procedure, 1898.

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the High Court having jurisdiction in relation to the Union territory concerned, may, by order, do anything (including the specification of the appropriate Magistrate, whether Judicial or Executive, having jurisdiction under any law) not inconsistent with such provisions for the purpose of removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiration of three years from the commencement of this Act.

5 of 1898. *Explanation.*—In this section, “High Court” shall have the same meaning as in clause (i) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898.

(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.

20 of 1963. 9. Notwithstanding anything contained in section 21 of the Government of Union Territories Act, 1963, the Legislative Assembly of a Union territory may by law amend this Act in its application to that Union territory.

Power of Legislative Assembly of Union territory to amend this Act.

THE SCHEDULE

(See section 3)

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1898

(5 OF 1898)

1. For section 6, the following sections shall be substituted, namely:—

“6. Besides the High Court and the Courts constituted under any law other than this Code for the time being in force, there shall be two classes of Criminal Courts, namely:—

Classes of Criminal Courts.

I. Courts of Session.

II. Courts of Magistrates.

A1.—Classes of Magistrates

6A. There shall be the following classes of Magistrates, namely:—

Classes of Magistrates.

I. Judicial Magistrates:

(1) Chief Judicial Magistrates.

- (2) Judicial Magistrates of the first class.
- (3) Judicial Magistrates of the second class.

II. Executive Magistrates:

- (1) District Magistrates.
- (2) Sub-divisional Magistrates.
- (3) Executive Magistrates of the first class.
- (4) Executive Magistrates of the second class.
- (5) Special Executive Magistrates."

2. In section 7, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

"(2) The State Government, in consultation with the High Court, may alter the limits, or the number, of such divisions and districts.

(3) The sessions divisions and districts existing in any Union territory immediately before the commencement of the Union Territories (Separation of Judicial and Executive Functions) Act, 1969 in that Union territory shall be sessions divisions and districts respectively, unless and until they are altered as provided in sub-section (2)."

3. In section 9,—

(i) in sub-section (1), after the words "sessions division, and", the words ", in consultation with the High Court," shall be inserted;

(ii) in sub-section (2), after the words "State Government", the words ", in consultation with the High Court," shall be inserted;

(iii) in sub-section (3), after the words "may also", the words ", in consultation with the High Court," shall be inserted; and

(iv) in sub-section (4), after the words "State Government", wherever they occur, the words ", in consultation with the High Court," shall be inserted.

4. In section 10,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

"District Magistrate and Chief Judicial Magistrate.";

(ii) in sub-section (1), for the words "a Magistrate", the words "an Executive Magistrate" shall be substituted;

(iii) in sub-section (2), for the words "any Magistrate of the first class", the words "any Executive Magistrate of the first class" shall be substituted and after that sub-section as so amended, the following sub-sections shall be inserted, namely:—

"(2A) In every district the State Government shall, in consultation with the High Court, invest a Judicial Magistrate of the first class with the powers of a Chief Judicial Magistrate under this Code or any other law for the time being in force.

(2B) The State Government may, in consultation with the High Court, appoint any Judicial Magistrate of the first class to

be an Additional Chief Judicial Magistrate and such Additional Chief Judicial Magistrate shall have all or any of the powers of a Chief Judicial Magistrate referred to in sub-section (2A) as the State Government may, in consultation with the High Court, direct.”;

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

“(3) For the purposes of section 88, sub-section (6C), section 406B and section 528, sub-sections (2B) and (3), such Additional District Magistrate shall be deemed to be subordinate to the District Magistrate; and for the purposes of section 88, sub-section (6C), section 192, sub-section (1), section 406B and section 528, sub-sections (2) and (2A), such Additional Chief Judicial Magistrate shall be deemed to be subordinate to the Chief Judicial Magistrate.”.

5. For section 12, the following section shall be substituted, namely:—

“12. (1) The State Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Executive Magistrates of the first or second class in any district, and the State Government or the District Magistrate, subject to the control of the State Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may, respectively, be invested under this Code. Executive Magistrates and Judicial Magistrates.

(2) The State Government, in consultation with the High Court, may confer on any person who is a civil judge or a member of the Judicial Service of a Union territory or a group of such territories, the powers of any class of Judicial Magistrates in any district; and the State Government, in consultation with the High Court, or the Chief Judicial Magistrate, subject to the control of the High Court, may, from time to time, define local areas within which he may exercise all or any of the powers with which he may be invested under this Code.

(3) The State Government, in consultation with the High Court, may, for such period not exceeding three years from the commencement of the Union Territories (Separation of Judicial and Executive Functions) Act, 1969, as it may think fit, appoint as many persons, who are members of a Civil Service in any Union territory or in any State and who are or have been exercising the powers of a Magistrate in such territory or State at or before the commencement of the said Act, as may be considered necessary to be Judicial Magistrates in any district; and the State Government, in consultation with the High Court, may define local areas within which such persons may exercise all or any of the powers with which they may, respectively, be invested under this Code.

(4) Except as otherwise provided by any such definition as is referred to in sub-section (1), (2) or (3), the jurisdiction and powers of such persons shall extend throughout such district.”.

6. In sub-section (1) of section 13, for the word "Magistrate", the words "Executive Magistrate" shall be substituted.

7. For section 14, the following section shall be substituted, namely:—

Special
Executive
Magis-
trates.

"14. The State Government may appoint Executive Magistrates for particular areas or for the performance of particular functions and confer on them such powers as it deems fit. Such Magistrates shall be called Special Executive Magistrates and shall be appointed for such term as the State Government may, by general or special order, direct."

8. For sub-section (1) of section 15, the following sub-section shall be substituted, namely:—

Benches
of Judicial
Magis-
trates.

"(1) The State Government, in consultation with the High Court, may direct any two or more Judicial Magistrates in any place in a Union territory to sit together as a Bench and may by order invest such Bench with any of the powers conferred or conferable by or under this Code on a Judicial Magistrate of the first or second class, and direct it to exercise such powers in such cases, or, such classes of cases only and within such local limits as the State Government, in consultation with the High Court, thinks fit."

9. In section 16,—

(i) for the words "The State Government may, or, subject to the control of the State Government, the District Magistrate", the words "The High Court, subject to the approval of the State Government," shall be substituted; and

(ii) for the words "Magistrates' Benches", the words "Judicial Magistrates' Benches" shall be substituted.

10. For section 17, the following sections shall be substituted, namely:—

Subordi-
nation of
Judicial
Magis-
trates and
Benches
to Chief
Judicial
Magis-
trates and
of Chief
Judicial
Magis-
trates and
Assistant
Sessions
Judges to
Sessions
Judge.

"17. (1) All Judicial Magistrates appointed under sub-sections (2) and (3) of section 12 and all Benches constituted under section 15, shall, subject to the control of the Sessions Judge, be subordinate to the Chief Judicial Magistrate, and the Chief Judicial Magistrate may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among such Magistrates and Benches.

(2) All Chief Judicial Magistrates shall be subordinate to the Sessions Judge.

(3) All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and the Sessions Judge may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

(4) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any

urgent application by an Additional or Assistant Sessions Judge, or, if there be no Additional or Assistant Sessions Judge, by the Chief Judicial Magistrate, and such Judge or Magistrate shall have jurisdiction to deal with any such application.

17A. (1) All Executive Magistrates appointed under sub-section (1) of section 12, section 13 and section 14 shall be subordinate to the District Magistrate and every Executive Magistrate (other than a Sub-divisional Magistrate) exercising powers in a sub-division shall also be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

Subordination of Executive Magistrates.

(2) The District Magistrate may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among Executive Magistrates subordinate to him and as to allocation of business to an Additional District Magistrate.

17B. Courts of Session and Courts of Judicial and Executive Magistrates shall be Criminal Courts inferior to the High Court and Courts of Judicial and Executive Magistrates shall be Criminal Courts inferior to the Court of Session."

Courts inferior to High Court and Court of Session.

11. For sub-section (1) of section 29, the following sub-section shall be substituted, namely:—

"(1) Subject to the other provisions of this Code, any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court:

Provided that if the Court so mentioned is a Court specified in column (1) of the Table below, such offence shall be tried by the Court of the Judicial Magistrate specified against it in column (2) thereof:

TABLE

Name of Court specified in the law (1)	Court by which triable (2)
1. District Magistrate	Chief Judicial Magistrate.
2. Magistrate of the first class	Judicial Magistrate of the first class.
3. Sub-divisional Magistrate	Judicial Magistrate of the first class.
4. Magistrate of the second class	Judicial Magistrate of the second class.
5. Magistrate of the third class	
6. Magistrate (except where it occurs in any expression mentioned above.)	Judicial Magistrate."

12. In section 29B, for the words "a District Magistrate or a Chief Presidency Magistrate, or by any Magistrate specially empowered by the State Government", the words "a Chief Judicial Magistrate or any other Judicial Magistrate specially empowered by the State Government in consultation with the High Court" shall be substituted.

Offences punishable with imprisonment not exceeding seven years.

13. For section 30, the following section shall be substituted, namely:—

“30. Notwithstanding anything contained in section 28 or section 29, the State Government, in consultation with the High Court, may invest any Chief Judicial Magistrate or any other Judicial Magistrate of the first class with power to try as a Judicial Magistrate all offences not punishable with death or with imprisonment for life or with imprisonment for a term exceeding seven years:

Provided that no Chief Judicial Magistrate or Judicial Magistrate of the first class shall be invested with such powers unless he has, for not less than ten years, exercised as a Magistrate powers not inferior to those of a Magistrate of the first class:

Provided further that if any Judicial Magistrate of the first class has, prior to his appointment as such Magistrate, exercised the powers of an Assistant Sessions Judge, he may be invested with the powers under this section notwithstanding the fact that he has not exercised the powers of Magistrate of the first class for not less than ten years.”.

14. In section 32,—

(a) in the marginal heading, for the word “Magistrates”, the words “Judicial Magistrates” shall be substituted;

(b) in sub-section (1),—

(i) in the opening sentence, before the word “Magistrates”, the word “Judicial” shall be inserted;

(ii) in clause (a), for the words “Courts of Presidency Magistrates and of Magistrates of the first class”, the words “Courts of Judicial Magistrates of the first class” and in clause (b), for the words “Courts of Magistrates”, the words “Courts of Judicial Magistrates” shall be substituted;

(iii) clause (c) shall be omitted;

(c) in sub-section (2), for the words “any Magistrate”, the words “any Judicial Magistrate” shall be substituted.

15. In section 33, in sub-section (1),—

(i) in the marginal heading, for the word “Magistrates”, the words “Judicial Magistrates” shall be substituted;

(ii) in the opening paragraph, for the words “any Magistrate”, the words “any Judicial Magistrate” shall be substituted;

(iii) in the proviso, in clause (b), for the words “by a Magistrate”, the words “by a Judicial Magistrate” shall be substituted.

16. In the marginal heading of section 34, for the word “District”, the word “Judicial” shall be substituted.

17. In section 36, after the words “District Magistrates”, the words “Chief Judicial Magistrates,” shall be inserted; and for the words “Magistrates of the first, second and third classes”, the words “Judicial and Executive Magistrates of the first and second classes” shall be substituted.

18. For sections 37 and 38, the following sections shall be substituted, namely:—

“37. In addition to the ordinary powers,—

(i) the State Government, in consultation with the High Court, may invest any Judicial Magistrate with any of the powers specified in Part IA of Schedule IV;

Additional powers conferable on Magistrates.

(ii) a Chief Judicial Magistrate may invest any Judicial Magistrate within his local jurisdiction with the powers specified in Part IB of Schedule IV;

(iii) the State Government may invest any Executive Magistrate with any of the powers specified in Part IIA of Schedule IV; and

(iv) a District Magistrate may invest any Executive Magistrate within his local jurisdiction with the powers specified in Part IIB of Schedule IV.

38. The power conferred on the Chief Judicial Magistrate under clause (ii) of section 37 shall be exercised subject to the control of the High Court and the power conferred on the District Magistrate under clause (iv) of that section shall be exercised subject to the control of the State Government.

Exercise of powers under section 37 by Chief Judicial Magistrate or District Magistrate to be subject to control of High Court or State Government.

38A. Whenever, under any provisions of this Code or of any other law for the time being in force relating to any of the matters specified in Lists II and III of the Seventh Schedule to the Constitution, any judicial powers are to be conferred on a Sessions Judge, or an Additional or Assistant Sessions Judge or a Chief Judicial Magistrate or any other Judicial Magistrate or any such Magistrate is to be specially empowered to exercise such powers the orders conferring such powers or empowering the exercise of such powers shall be made by the State Government in consultation with the High Court notwithstanding that such provision may not expressly so provide.

Powers on Judicial Magistrates to be conferred in consultation with High Court.

Explanation.—For the purposes of this section, the question whether any powers are judicial shall be decided by the State Government in consultation with the High Court and such decision shall be final.”

19. In section 39, to sub-section (1), the following proviso shall be added, namely:—

“Provided that in the case of Judicial Magistrates, the State Government shall confer such powers in consultation with the High Court.”

20. To section 40, the following proviso shall be added, namely:—

“Provided that in the case of Judicial Magistrates no such direction shall be issued except in consultation with the High Court.”

21. In section 41,—

(i) to sub-section (1), the following proviso shall be added, namely:—

“Provided that the State Government shall not withdraw any power conferred on the Judicial Magistrate except in consultation with the High Court.”;

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

“(2) Any powers conferred by the Chief Judicial Magistrate or the District Magistrate may be withdrawn by him.”.

22. In section 57,—

(i) in sub-section (2), for the words “a Magistrate”, the words “a Judicial Magistrate having jurisdiction” shall be substituted;

(ii) in sub-section (3), for the word “Magistrate”, the words “Judicial Magistrate” shall be substituted.

23. In section 63, for the word “Magistrate”, the words “Magistrate having jurisdiction” shall be substituted.

24. For sub-section (1) of section 78, the following sub-section shall be substituted, namely:—

“(1) A District Magistrate or a Chief Judicial Magistrate or any other Judicial Magistrate of the first class or a Sub-divisional Magistrate may direct a warrant to any landholder, farmer or manager of land within the area of his jurisdiction for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.”.

25. In section 88,—

(a) in sub-section (2), after the words “District Magistrate”, the words “or Chief Judicial Magistrate” shall be inserted;

(b) in sub-section (6B), after the words “District Magistrate”, the words “or Chief Judicial Magistrate” shall be inserted; and

(c) for the proviso to sub-section (6C), the following proviso shall be substituted, namely:—

“Provided that if it is preferred or made in the Court of a District Magistrate or Chief Judicial Magistrate, he may make it over for disposal to any Magistrate subordinate to him, and such Magistrate shall have all the powers and jurisdiction in respect of such claim or objection as if the order of attachment had been issued by such Magistrate and the claim or objection had been originally preferred or made before him.”.

26. In section 95, after the words “District Magistrate”, wherever they occur, the words “Chief Judicial Magistrate,” shall be inserted.

27. In sub-section (2) of section 96, after the words "District Magistrate", the words "or Chief Judicial Magistrate" shall be inserted.

28. In section 98, after the words "District Magistrate," wherever they occur, the words "Chief Judicial Magistrate," shall be inserted.

29. In sub-section (1) of section 106, for the words "Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate", the words "Court of a Chief Judicial Magistrate or any other Judicial Magistrate" shall be substituted.

30. In sections 107, 108 and 109, for the words "Magistrate of the first class" and in section 110, for the words "a Magistrate of the first class", the words "an Executive Magistrate of the first class" shall be substituted.

31. In section 124,—

(i) for the words "Chief Presidency", wherever they occur, the words "Chief Judicial" shall be substituted;

(ii) in sub-section (1), for the words "under this Chapter", the words and figures "under section 118 or, as the case may be, under section 106" shall be substituted; and

(iii) in sub-section (2), for the words "under this Chapter," the words and figures "under section 106 or, as the case may be, under section 118," shall be substituted.

32. For section 125, the following section shall be substituted, namely:—

"125. The Chief Judicial Magistrate may, at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace executed under section 106 and the District Magistrate may at any time likewise cancel any bond for keeping the peace or for good behaviour executed under section 118 by order of any Court in his district not superior to his Court."

Power of
Chief
Judicial
Magistrate
to cancel
any bond
for keep-
ing the
peace and
of District
Magistrate
to cancel
any bond
for keep-
ing the
peace or
for good
behaviour.

33. In section 126,—

(i) in sub-section (1), for the words "to a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class", the words and figures "to the Court by which an order to give security was made under section 106 or section 118" shall be substituted, and for the word "his", the word "its" shall be substituted; and

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

"(2) On such application being made, the Court shall issue summons or warrant, as it thinks fit, requiring the person for whom such surety is bound to appear or to be brought before it."

34. In sections 127, 128, 129 and 132, for the word "Magistrate", the words "Executive Magistrate" shall be substituted; in sections 130 and 131, for the words "a Magistrate", the words "an Executive Magistrate" and in section 131, for the words "no Magistrate", the words "no Executive Magistrate" shall be substituted.

35. In section 133,—

(i) in the opening paragraph of sub-section (1) and in sub-section (2), for the words "a Magistrate", the words "an Executive Magistrate" shall be substituted; and

(ii) in the closing paragraph of sub-section (1), for the words "Magistrate of the first or second class", the words "Executive Magistrate" shall be substituted.

36. In section 143, for the words "any other Magistrate", the words "any other Executive Magistrate" shall be substituted.

37. In sub-section (1) of section 144, for the words and brackets "any other Magistrate (not being a Magistrate of the third class)", the words "any other Executive Magistrate" shall be substituted.

38. In sub-section (1) of section 145 and sub-section (1) of section 147, for the words "Magistrate of the first class", the words "Executive Magistrate of the first class" shall be substituted.

39. In sub-section (1) of section 155, the words "having power to try such case or commit the same for trial" shall be inserted at the end.

40. For sub-section (1) of section 164, the following sub-sections shall be substituted, namely:—

"(1) Any Judicial Magistrate of the first class or any Judicial Magistrate of the second class specially empowered in this behalf by the State Government in consultation with the High Court, may record any statement or confession made to him in the course of an investigation under this Chapter or under any other law for the time being in force or at any time afterwards before the commencement of the inquiry or trial.

(1A) Any Executive Magistrate of the first class or of the second class not being a police officer) may be specially empowered by the State Government to record such statements or confessions if that Government for reasons to be recorded in writing considers it necessary so to do."

41. In section 167,—

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

"Provided that no Executive Magistrate of the second class not specially empowered in this behalf by the State Government, and no Judicial Magistrate of the second class not specially empowered in this behalf by the State Government in consultation with the High Court, shall authorise detention in the custody of the police."; and

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

"(4) If such order is given by an Executive Magistrate other than the District Magistrate or Sub-divisional Magistrate

he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate and if such order is given by a Judicial Magistrate other than the Chief Judicial Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Chief Judicial Magistrate."

42. In sub-section (3) of section 170, for the words "District Magistrate or Sub-divisional Magistrate", the words "Chief Judicial Magistrate" shall be substituted.

43. In sub-section (5) of section 174, for the words "Magistrate of the first class, and any Magistrate", the words "Executive Magistrate of the first class, and any other Executive Magistrate" shall be substituted.

44. Section 176A which applies only to the Union territory of the Laccadive, Minicoy and Amindivi Islands shall be omitted.

45. In sub-section (1) of section 186, for the words "a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate, or, if he is specially empowered in this behalf by the State Government, a Magistrate of the first class", the words "a District Magistrate, a Sub-divisional Magistrate, or, if he is specially empowered in this behalf by the State Government, an Executive Magistrate of the first class, or, if he is specially empowered in this behalf by the State Government, in consultation with the High Court, a Judicial Magistrate of the first class" shall be substituted.

46. In sub-section (1) of section 187, for the words "a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District or Sub-divisional Magistrate", the words "a District Magistrate or Chief Judicial Magistrate, such Magistrate shall send the person arrested to the District or Sub-divisional Magistrate, or, as the case may be, to the Chief Judicial Magistrate" shall be substituted.

47. In section 190,—

(i) in sub-section (1), for the words "any Presidency Magistrate, District Magistrate or Sub-divisional Magistrate, and any other Magistrate", the words "any Chief Judicial Magistrate, and any other Judicial Magistrate" shall be substituted;

(ii) in sub-section (2), for the words "The State Government, or the District Magistrate subject to the general or special orders of the State Government, may empower any Magistrate", the words "The State Government, in consultation with the High Court, or the Chief Judicial Magistrate, subject to the general or special orders of the High Court, may empower any other Judicial Magistrate" shall be substituted; and

(iii) in sub-section (3), for the words "State Government may empower any Magistrate", the words "State Government, in consultation with the High Court, may empower any Judicial Magistrate" shall be substituted.

48. In section 192,—

(i) in sub-section (1), for the words "Any Chief Presidency Magistrate, District Magistrate or Sub-divisional Magistrate", the words "Any Chief Judicial Magistrate" shall be substituted; and

(ii) in sub-section (2), for the words "District Magistrate", the words "Chief Judicial Magistrate" shall be substituted.

49. In sub-section (2) of section 193, for the words "the State Government", the words "the State Government, in consultation with the High Court," shall be substituted.

50. In section 196B, for the words "Chief Presidency Magistrate", the words "Chief Judicial Magistrate" shall be substituted.

51. In sub-section (1) of section 206, for the words and brackets "Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class, or any Magistrate (not being a Magistrate of the third class) empowered in this behalf by the State Government," the words "Any Chief Judicial Magistrate or a Judicial Magistrate of the first class or any Judicial Magistrate of the second class empowered in this behalf by the State Government, in consultation with the High Court," shall be substituted.

52. In section 249, for the words "a Presidency Magistrate, a Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate", the words "a Judicial Magistrate of the first class, or, with the previous sanction of the Chief Judicial Magistrate, any Judicial Magistrate of the second class" shall be substituted.

53. In sub-section (3) of section 250, the words "or third" shall be omitted.

54. In the opening paragraph of sub-section (1) of section 260, for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

"(a) the Chief Judicial Magistrate,

(b) any Judicial Magistrate of the first class specially empowered in this behalf by the State Government, in consultation with the High Court, and

(c) any Bench of Judicial Magistrates invested with the powers of a Judicial Magistrate of the first class and specially empowered in this behalf by the State Government, in consultation with the High Court,".

55. In section 261,—

(i) in the marginal heading, for the words "Bench of Magistrates", the words "Bench of Judicial Magistrates" shall be substituted;

(ii) in the opening paragraph, for the words "State Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class", the words "State Government, in consultation with the High Court, may confer on any Bench of Judicial Magistrates invested with the powers of a Judicial Magistrate of the second class" shall be substituted.

56. In section 263, for the words "Bench of Magistrates", the words "Bench of Judicial Magistrates" and for the words "the State Government", the words "the High Court" shall be substituted.

57. In sub-section (2) of section 265, for the words "The State Government may authorise any Bench of Magistrates", the words "The State Government, in consultation with the High Court, may authorise any Bench of Judicial Magistrates" shall be substituted.

58. In sub-sections (1) and (2) of section 269, after the words "State Government", the words "in consultation with the High Court" shall be inserted.

59. In section 337, in sub-section (1),—

(i) in the opening paragraph, for the words "a Presidency Magistrate, a Sub-divisional Magistrate", the words "the Chief Judicial Magistrate" shall be substituted;

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

"Provided that where the offence is under inquiry or trial, no Magistrate of the first class other than the Chief Judicial Magistrate shall exercise the power hereby conferred unless he is the Magistrate making the inquiry or holding the trial, and, where the offence is under investigation, no Magistrate of the first class other than the District Magistrate or the Chief Judicial Magistrate shall exercise the power unless he is the Judicial Magistrate having jurisdiction in a place where the offence might be inquired into or tried and the sanction of the Chief Judicial Magistrate has been obtained to the exercise thereof."

60. In section 338, for the words "District Magistrate", the words "Chief Judicial Magistrate" shall be substituted.

61. In sub-section (1) of section 346, after the words "District Magistrate", the words "or the Chief Judicial Magistrate, as the case may be," shall be inserted.

62. In section 349,—

(i) in sub-section (1),—

(a) for the words "a Magistrate of the second or third class", the words "a Judicial Magistrate of the second class" shall be substituted; and

(b) for the words "District Magistrate or Sub-divisional Magistrate", the words "Chief Judicial Magistrate" shall be substituted; and

(ii) in sub-section (1A), for the words "District Magistrate or Sub-divisional Magistrate", the words "Chief Judicial Magistrate" shall be substituted.

63. For section 373, the following section shall be substituted, namely:—

court of Session to send copy of finding and sentence to District Magistrate and Chief Judicial Magistrate.

“373. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the District Magistrate and the Chief Judicial Magistrate within the local limits of whose jurisdiction the trial was held.”.

64. In section 380, for the words “Magistrate of the first class or a Sub-divisional Magistrate”, the words “Judicial Magistrate of the first class” shall be substituted.

65. For section 406A, the following sections shall be substituted, namely:—

Appeal from order refusing to accept or rejecting a surety.

“406A. Any person aggrieved by an order refusing to accept or rejecting a surety under section 122 may appeal against such order,—

(a) if made by the District Magistrate or the Chief Judicial Magistrate, to the Court of Session;

(b) if made by an Executive Magistrate other than the District Magistrate, to the District Magistrate; and

(c) if made by a Judicial Magistrate other than the Chief Judicial Magistrate, to the Chief Judicial Magistrate.

Transfer of appeal to Additional District Magistrate or to Additional Chief Judicial Magistrate.

406B. The District Magistrate or the Chief Judicial Magistrate may transfer any appeal presented to him under section 406A to an Additional District Magistrate or to the Additional Chief Judicial Magistrate, as the case may be, and such Additional District Magistrate or Additional Chief Judicial Magistrate may hear and dispose of the appeal.”.

66. In section 407 which applies only to the Union territory of the Laccadive, Minicoy and Amindivi Islands,—

(i) for the words “District Magistrate”, wherever they occur, the words “Chief Judicial Magistrate” shall be substituted;

(ii) in sub-section (1), for the words “Magistrate of the second or third class”, the words “Judicial Magistrate of the second class” shall be substituted;

(iii) in sub-section (2), for the words “Magistrate of the first class”, the words “Judicial Magistrate of the first class” shall be substituted.

67. In section 408,—

(i) as it applies to any Union territory other than the Union territory of the Laccadive, Minicoy and Amindivi Islands, for the words and figures “a District Magistrate or any other Magistrate, or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by any Magistrate”, the words and figures “or a Judicial Magistrate or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by a Judicial Magistrate” shall be substituted;

(ii) as it applies to the Union territory of the Laccadive, Minicoy and Amindivi Islands, for the words and figures "a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by any Magistrate" the words and figures "or a Judicial Magistrate of the first class or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by a Judicial Magistrate" shall be substituted.

68. In section 409,—

(a) as it applies to the Union territory of the Laccadive, Minicoy and Amindivi Islands, in the proviso, for the words "State Government", the words "State Government, in consultation with the High Court," shall be substituted;

(b) as it applies to the Union territories other than the Union territory of the Laccadive, Minicoy and Amindivi Islands,—

(i) in the proviso to sub-section (1), the words "or third" shall be omitted; and

(ii) in sub-section (2), for the words "State Government", the words "State Government, in consultation with the High Court," shall be substituted.

69. In section 412, for the words "Magistrate of the first class", the words "Judicial Magistrate of the first class" shall be substituted.

70. In section 413, for the words "or District Magistrate or other Magistrate", the words "or Chief Judicial Magistrate or other Judicial Magistrate" shall be substituted.

71. In sub-section (1) of section 425, for the words "District Magistrate", wherever they occur, the words "Chief Judicial Magistrate" shall be substituted, and the words "and a copy thereof shall be forwarded to the District Magistrate" shall be inserted at the end.

72. In sub-section (1) of section 428, for the word "Magistrate", wherever it occurs, the words "Judicial Magistrate" shall be substituted.

73. For section 435, the following section shall be substituted, namely:—

"435. (1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction and any Chief Judicial Magistrate may call for and examine the record of any proceedings before any Judicial Magistrate under his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court or such Magistrate, as the case may be, and may, when calling for such record, direct that the execution of any sentence or order

Power to
call for
records of
inferior
Courts

be suspended and, if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.

(2) The District Magistrate or any Sub-divisional Magistrate empowered by the State Government in this behalf, may call for and examine the record of any proceeding before any Subordinate Executive Magistrate for the purpose of satisfying himself as to the correctness, legality or propriety of any order recorded or passed, and as to the regularity of any proceedings of such Subordinate Magistrate and may, when calling for such record, direct that the execution of any order be suspended and, if the person is in confinement, that he be released on bail or on his own bond pending the examination of the record.

(3) If any Sub-divisional Magistrate acting under sub-section (2) considers that any such proceeding or order is illegal or improper or that any such proceeding is irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

(4) The High Court may call for and examine the record of any proceeding under section 118, 122, 143, 144 or 145, notwithstanding the fact that such proceeding was before an Executive Magistrate.

(5) If an application in respect of any proceeding before any Judicial Magistrate other than the Chief Judicial Magistrate has been made under sub-section (1) either to the Sessions Judge or the Chief Judicial Magistrate, no further application shall be entertained by the other of them and if an application in respect of any proceeding before any Executive Magistrate has been made to the Sessions Judge under sub-section (1) or to the District Magistrate under sub-section (2), no further application shall be entertained by the other of them."

74. Section 436 shall be re-numbered as sub-section (1) thereof and—

(i) in sub-section (1) as so re-numbered—

(a) for the words "District Magistrate", wherever they occur, the words "Chief Judicial Magistrate" shall be substituted;

(b) in the proviso, for the word "section", the word "sub-section" shall be substituted;

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) On examining any record under section 435 or otherwise, the District Magistrate may direct any Sub-divisional Magistrate by himself or by any other Magistrate subordinate to him to make, and the Sub-divisional Magistrate may himself make or direct any Subordinate Magistrate to make further inquiry into any proceeding in which an order of release or discharge has been made under section 119:

Provided that no District Magistrate shall make any direction under this sub-section for further inquiry into the case of any person who has been released or discharged unless such person has had an opportunity of showing cause why such direction should not be made."

75. In section 437, for the words "District Magistrate", wherever they occur, the words "Chief Judicial Magistrate" shall be substituted.

76. In section 438,—

(i) in sub-section (1), for the words "District Magistrate", the words "Chief Judicial Magistrate" shall be substituted; and

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

"(3) The District Magistrate, on examining under section 435 or otherwise the record of any proceeding,—

(a) shall, if such proceeding is in respect of an order under section 118, 122, 143, 144 or 145 and if he thinks that the order made in such proceeding should be reversed or altered, report for the orders of the High Court the result of such examination;

(b) may, if such proceeding is in respect of an order made under any other section, exercise, subject to the provisions of sub-section (2) of section 436, any of the powers conferred on a Court of appeal by sections 423, 426, 427 and 428."

77. In sub-section (3) of section 439, for the words "a Magistrate of the first class", the words "a Judicial Magistrate of the first class" shall be substituted.

78. In section 479, for the words "Presidency Magistrate, District Magistrate or other Magistrate", the words "Chief Judicial Magistrate or any other Judicial Magistrate" shall be substituted.

79. In sub-section (1) of section 488, for the words "District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate or a Magistrate", the words "Chief Judicial Magistrate or any other Judicial Magistrate" shall be substituted.

80. In sub-section (2) of section 512, for the words "any Magistrate of the first class", the words "any Judicial Magistrate of the first class" shall be substituted.

81. For section 515, the following section shall be substituted, namely:—

"515. All orders under section 514 shall be appealable—

(i) to the District Magistrate, if passed by an Executive Magistrate; and

(ii) to the Chief Judicial Magistrate, if passed by a Judicial Magistrate,

Appeal from, and revision of, orders under section 514.

or if not so appealed, may be revised by the District Magistrate or, as the case may be, by the Chief Judicial Magistrate.”

82. In section 524,—

(i) in sub-section (1), for the words “a Magistrate of the first class”, the words “an Executive Magistrate of the first class” shall be substituted; and

(ii) in sub-section (2), for the words “to the Court to which appeals against sentences of the Court passing such order would lie”, the words “to the Sessions Judge” shall be substituted.

83. In section 528,—

(i) in sub-section (2),—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Chief Judicial Magistrate may withdraw or refer cases.”;

and

(b) for the words “Any Chief Presidency Magistrate, District Magistrate or Sub-divisional Magistrate”, the words “The Chief Judicial Magistrate” shall be substituted; and

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

“(2A) The State Government, in consultation with the High Court, may authorise the Chief Judicial Magistrate to withdraw from any Magistrate subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

(2B) Any District Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into such case himself, or refer it for inquiry to any other such Magistrate competent to inquire into the same.”.

84. In sub-section (2) of section 559, for the words “the Chief Presidency Magistrate in a Presidency-town, and the District Magistrate outside such towns”, the words “the Chief Judicial Magistrate in the case of Judicial Magistrates and the District Magistrate in the case of Executive Magistrates” shall be substituted.

85. In section 561, for the words “a Chief Presidency Magistrate or District Magistrate”, wherever they occur, the words “a Chief Judicial Magistrate” shall be substituted.

86. In the proviso to sub-section (1) of section 562,—

(i) for the words “Magistrate of the third class, or a Magistrate of the second class not specially empowered by the State Government”, the words “Judicial Magistrate of the second class not specially empowered by the State Government in consultation with the High Court” shall be substituted; and

Power to
authorise
Chief
Judicial
Magistrate
to with-
draw
classes of
cases

District
Magistrate
may with-
draw or
refer
cases.

(ii) for the words "Magistrate of the first class or Sub-divisional Magistrate", the words "Judicial Magistrate of the first class" shall be substituted.

87. In section 565,—

(i) in sub-section (1), for the words "Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate", the words "Chief Judicial Magistrate or any other Judicial Magistrate" shall be substituted;

(ii) in sub-section (3), after the words "State Government", the words ", in consultation with the High Court," shall be inserted; and

(iii) in sub-section (5), for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.

88. In Schedule II, in column 8,—

(i) for the word "Magistrate", wherever it occurs except in the expression "Presidency Magistrate", the words "Judicial Magistrate", and for the words "Any Magistrate", wherever they occur, the words "Any Judicial Magistrate" shall be substituted;

(ii) for the entry against section 124A, the following entry shall be substituted, namely:—

"Court of Session, Chief Judicial Magistrate or any other Judicial Magistrate of the first class specially empowered by the State Government, in consultation with the High Court, in that behalf."; and

(iii) in the entry relating to section 376, for the words "Chief Presidency Magistrate or District Magistrate", the words "or Chief Judicial Magistrate" shall be substituted.

89. For Schedules III and IV, the following Schedules shall be substituted, namely:—

"SCHEDULE III

(See section 36)

ORDINARY POWERS OF STATE MAGISTRATES

I.—*Ordinary powers of a Judicial Magistrate of the second class*

(1) Power to arrest or direct the arrest of, and to commit to custody, a person committing an offence in his presence, section 64.

(2) Power to arrest, or direct the arrest in his presence of, an offender, section 65.

(3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83, 84 and 86.

(4) Power to issue proclamations in cases judicially before him, section 87.

- (5) Power to attach and sell property and to dispose of claims or objections to attached property, section 88.
- (6) Power to restore attached property, section 89.
- (7) Power to require search to be made for letters and telegrams, section 95.
- (8) Power to issue search warrant, section 96.
- (9) Power to endorse a search warrant and order delivery of thing found, section 99.
- (10) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.
- (11) Power to authorise detention, not being detention in the custody of the police, of a person during a police investigation, section 167.
- (12) Power to postpone issue of process and to inquire into a case or direct investigation, section 202.
- (13) Power to detain an offender found in Court, section 351.
- (14) Power to issue commission for examination of witness, sections 503, 506.
- (15) Power to recover forfeited bond for appearance before Magistrate's Court, section 514, and to require fresh security, section 514A.
- (16) Power to make order as to custody and disposal of property pending inquiry or trial, section 516A.
- (17) Power to make order as to disposal of property, section 517.
- (18) Power to sell property of a suspected character, section 525.
- (19) Power to require affidavit in support of application, section 539A.
- (20) Power to make local inspection, section 539B.

II.—Ordinary powers of a Judicial Magistrate of the first class

- (1) The ordinary powers of a Judicial Magistrate of the second class.
- (2) Power to direct warrant to landholders, section 78.
- (3) Power to issue search warrant, otherwise than in due course of an inquiry, section 98.
- (4) Power to issue search warrant for discovery of persons wrongfully confined, section 100.
- (5) Power to require execution of a bond, section 106.
- (6) Power to discharge sureties, section 126A.
- (7) Power to record statements and confessions during a police investigation, section 164.
- (8) Power to authorise detention of a person in the custody of the police during a police investigation, section 167.
- (9) Power to commit for trial, section 206.

- (10) Power to stop proceedings when no complainant, section 249.
- (11) Power to tender pardon to accomplice during inquiry into case by himself, section 337.
- (12) Power to make orders of maintenance, sections 488 and 489.
- (13) Power to recall case made over by him to another Magistrate, section 528(4).
- (14) Power to make order as to first offenders, section 562.
- (15) Power to order released convicts to notify residence, section 565.

III.—Ordinary powers of a Chief Judicial Magistrate

- (1) The ordinary powers of a Judicial Magistrate of the first class.
- (2) Power to try juvenile offenders, section 29B.
- (3) Power to require delivery of letters, telegrams, etc., section 95.
- (4) Power to issue search warrants for documents in custody of postal or telegraph authorities, section 96.
- (5) Power to release persons imprisoned for failure to give security under section 106, section 124.
- (6) Power to cancel any bond for keeping the peace under section 106, section 125.
- (7) Power to order police investigation into a cognizable case, section 156.
- (8) Power to issue process for a person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
- (9) Power to entertain complaints, section 190.
- (10) Power to receive police reports, section 190.
- (11) Power to entertain cases without complaint, section 190.
- (12) Power to transfer cases to a Subordinate Magistrate, section 192.
- (13) Power to order preliminary investigation by a police officer not below the rank of an Inspector in certain cases, section 196B.
- (14) Power to try summarily, section 260.
- (15) Power to tender pardon to accomplice at any stage of a case, section 337.
- (16) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
- (17) Power to hear appeals from orders of Judicial Magistrates refusing to accept or rejecting sureties, section 406A.
- (18) Power to call for records, section 435.
- (19) Power to order inquiry, section 436.
- (20) Power to order commitment, section 437.
- (21) Power to report case to High Court, section 438.

(22) Power to hear appeals from or revise orders passed under section 514, section 515.

(23) Power to withdraw cases and to try or refer them for trial, section 528.

IV.—Ordinary powers of an Executive Magistrate of the second class

(1) Power to arrest or direct the arrest of, and to commit to custody, a person committing an offence in his presence, section 64.

(2) Power to arrest, or direct the arrest in his presence of, an offender, section 65.

(3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83, 84 and 86.

(4) Power to issue proclamations, section 87.

(5) Power to attach and sell property, section 88.

(6) Power to restore attached property, section 89.

(7) Power to require search to be made for letters and telegrams, section 95.

(8) Power to issue search warrants, section 96.

(9) Power to endorse a search warrant and order delivery of thing found, section 99.

(10) Power to command unlawful assembly to disperse, section 127.

(11) Power to use civil force to disperse unlawful assembly, section 128.

(12) Power to require military force to be used to disperse unlawful assembly, section 130.

(13) Power to authorise detention not being detention in the custody of the police, of a person during a police investigation, section 167.

(14) Power to take evidence on commission, section 503.

(15) Power to recover forfeited bond for appearance before Magistrate's Court, section 514 and to require fresh security, section 514A.

(16) Power to make order as to disposal of property, section 517.

(17) Power to sell property of a suspected character, section 525.

V.—Ordinary powers of an Executive Magistrate of the first class

(1) The ordinary powers of an Executive Magistrate of the second class.

(2) Power to issue search warrant otherwise than in course of an inquiry, section 98.

(3) Power to issue search warrant for discovery of persons wrongfully confined, section 100.

(4) Power to require security to keep the peace, section 107.

- (5) Power to require security for good behaviour, section 109.
- (6) Power to discharge sureties, section 126A.
- (7) Power to make orders as to local nuisances, section 133.
- (8) Power to make orders, etc., in possession cases, sections 145, 146 and 147.
- (9) Power to authorise detention of a person in the custody of the police during a police investigation, section 167.
- (10) Power to hold inquests, section 174.

VI.—Ordinary powers of a Sub-divisional Magistrate

- (1) The ordinary powers of an Executive Magistrate of the first class.
- (2) Power to direct warrants to landholders, section 78.
- (3) Power to require security for good behaviour, section 110.
- (4) Power to make orders prohibiting repetitions of nuisances, section 143.
- (5) Power to make orders under section 144.
- (6) Power to depute Subordinate Executive Magistrate to make local inquiry, section 148.
- (7) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
- (8) Power to sell property alleged or suspected to have been stolen, etc., section 524.

VII.—Ordinary powers of a District Magistrate

- (1) The ordinary powers of a Sub-divisional Magistrate.
- (2) Power to require delivery of letters, telegrams, etc., section 95.
- (3) Power to issue search warrants for documents in custody of postal or telegraph authorities, section 96.
- (4) Power to require security for good behaviour, section 108.
- (5) Power to discharge persons bound to keep the peace or to be of good behaviour under section 118, section 124.
- (6) Power to cancel bond for keeping the peace or to be of good behaviour under section 118, section 125.
- (7) Power to order preliminary investigation by police officer not below the rank of Inspector in certain cases, section 196B.
- (8) Power to tender pardon to accomplice at the stage of investigation, section 337.
- (9) Power to hear appeals from orders of Executive Magistrates refusing to accept or rejecting sureties, section 406A.
- (10) Power to call for and examine records, section 435(2).

- (11) Power to direct Executive Magistrate to make further inquiry into proceedings, etc., section 436(2).
- (12) Power to report case to High Court, section 438(3).
- (13) Power to appoint person to be Public Prosecutor in particular case, section 492(2).
- (14) Power to hear appeals from or revise orders passed under section 514, section 515.
- (15) Power to compel restoration of abducted female, section 552.

SCHEDULE IV

(See sections 37 and 38)

ADDITIONAL POWERS WITH WHICH STATE MAGISTRATES MAY BE INVESTED

PART I

A.—BY THE STATE GOVERNMENT IN CONSULTATION WITH THE HIGH COURT

Powers with which a Judicial Magistrate of the first class may be invested

- (1) Power to try juvenile offenders, section 29B.
- (2) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
- (3) Power to take cognizance of offences upon complaint, section 190.
- (4) Power to take cognizance of offences upon police reports, section 190.
- (5) Power to take cognizance of offences without complaint, section 190.
- (6) Power to try summarily, section 260.
- (7) Power to try cases under section 124A of the Indian Penal Code.

Powers with which a Judicial Magistrate of the second class may be invested

- (1) Power to try juvenile offenders, section 29B.
- (2) Power to record statements and confessions during a police investigation, section 164.
- (3) Power to authorise detention of a person in the custody of the police during a police investigation, section 167.
- (4) Power to take cognizance of offences upon complaint, section 190.
- (5) Power to take cognizance of offences upon police reports, section 190.
- (6) Power to take cognizance of offences without complaint, section 190.
- (7) Power to commit for trial, section 206.

- (8) Power to make orders as to first offenders, section 562.

B.—BY THE CHIEF JUDICIAL MAGISTRATE

Powers with which any Judicial Magistrate of the first class may be invested

- (1) Power to take cognizance of offences upon complaint, section 190.
(2) Power to take cognizance of offences upon police reports, section 190.
(3) Power to transfer cases, section 192(2).

Powers with which any Judicial Magistrate of the second class may be invested

- (1) Power to take cognizance of offences upon complaint, section 190.
(2) Power to take cognizance of offences upon police reports, section 190.

PART II

A.—BY STATE GOVERNMENT

Powers with which a Sub-divisional Magistrate may be invested

Power to call for records of inferior courts and to forward them to the District Magistrate, sub-sections (2) and (3) of section 435.

Powers with which an Executive Magistrate of the first class may be invested

- (1) Power to require security for good behaviour in case of sedition, section 108.
(2) Power to require security for good behaviour, section 110.
(3) Power to make orders prohibiting repetitions of nuisances, section 143.
(4) Power to make orders under section 144.
(5) Power to record statements and confessions during a police investigation, section 164.
(6) Power to issue process for person within local jurisdiction, who has committed an offence outside the local jurisdiction, section 186.
(7) Power to sell property alleged or suspected to have been stolen, etc., section 524.

Powers with which an Executive Magistrate of the second class may be invested

- (1) Power to make orders prohibiting repetitions of nuisances, section 143.

- (2) Power to make orders under section 144.
- (3) Power to record statements and confessions during a police investigation, section 164.
- (4) Power to authorise detention of a person in the custody of the police during a police investigation, section 167.
- (5) Power to hold inquests, section 174.

B.—BY THE DISTRICT MAGISTRATE

Powers with which any Executive Magistrate of the first class may be invested

- (1) Power to make orders prohibiting repetitions of nuisances, section 143.
- (2) Power to make orders under section 144.

Powers with which any Executive Magistrate of the second class may be invested

- (1) Power to make orders prohibiting repetitions of nuisances, section 143.
 - (2) Power to make orders under section 144.
 - (3) Power to hold inquests, section 174."
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THE WEST BENGAL LEGISLATIVE COUNCIL
(ABOLITION) ACT, 1969

No. 20 OF 1969

[25th July, 1969]

An Act to provide for the abolition of the Legislative Council of the State of West Bengal and for matters supplemental, incidental and consequential thereto.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the West Bengal Legislative Council (Abolition) Act, 1969.

Short title and commencement.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

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

Definitions.

(a) “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;

(b) “article” means an article of the Constitution;

(c) “Council” means the Legislative Council of the State of West Bengal;

(d) “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 West Bengal;

(e) “Legislative Assembly” means the Legislative Assembly of the State of West Bengal.

3. (1) The Legislative Council of the State of West Bengal is hereby abolished.

Abolition of the Council.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

4. In sub-clause (a) of clause (1) of article 168, for the words “Uttar Pradesh and West Bengal”, the words “and Uttar Pradesh” shall be substituted.

Amendment of article 168.

¹11-8-1969 : vide G.S.R. 1791, dated the 28th July, 1969 Gazette of India, 1969, Extraordinary, Pt. II, Sec. 3(i), P. 549.

Amend-
ment of
Act 43
of 1950.

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

(a) in the Third Schedule, entry No. 9 relating to West Bengal shall be omitted;

(b) in the Fourth Schedule, the heading "West Bengal" and the entries thereunder shall be omitted.

Repeal of
Delimita-
tion of
Council
Consti-
tuencies
(West
Bengal)
Order,
1951.

6. The Delimitation of Council Constituencies (West Bengal) Order, 1951, is hereby repealed.

Provision
as to
pending
Bills.

7. (1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of West Bengal in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

Power to
adapt
laws.

8. The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, make such adaptations and modifications of any law made before such commencement, whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

Power to
construe
laws.

9. Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of a law made before the commencement of this Act, 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 on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1969

No. 21 OF 1969

[8th August, 1969]

An Act further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Indian Railways (Amendment) Act, 1969. Short title.
- 9 of 1890. 2. In the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), in section 112,— Amendment of section 112.
 - (a) in sub-section (1), for the words “which may extend to one hundred rupees”, the words “which shall not be less than ten rupees but which may extend to five hundred rupees” shall be substituted;
 - (b) in sub-section (1A), for the words “fifty naye paise”, the words “ten rupees” shall be substituted.
3. In section 113 of the principal Act, in sub-section (3),— Amendment of section 118.
 - (a) in the opening paragraph, for the words “fifty naye paise”, the words “ten rupees” shall be substituted;
 - (b) in the first proviso, for the words “nearest multiple of five naye paise, or fifteen naye paise”, the words “nearest multiple of five paise, or five rupees” shall be substituted.
- 3 of 1969. 4. (1) The Indian Railways (Amendment) Ordinance, 1969, is hereby repealed. Repeal and saving.
 - (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 as if this Act had come into force on the 10th day of June, 1969.

THE BANKING COMPANIES (ACQUISITION AND
TRANSFER OF UNDERTAKINGS) ACT, 1969

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title and commencement.
2. Definitions.

CHAPTER II

TRANSFER OF THE UNDERTAKINGS OF EXISTING BANKS

3. Establishment of corresponding new banks and business thereof.
4. Undertaking of existing banks to vest in corresponding new banks.
5. General effect of vesting.

CHAPTER III

PAYMENT AND DETERMINATION OF COMPENSATION

6. Payment of compensation.
7. Constitution of the Tribunal.
8. Tribunal to have powers of a Civil Court.
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CHAPTER IV

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THE FIRST SCHEDULE.

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THE THIRD SCHEDULE.

**THE BANKING COMPANIES (ACQUISITION AND
TRANSFER OF UNDERTAKINGS) ACT, 1969**

No. 22 OF 1969

[9th August, 1969.]

An Act to provide for the acquisition and transfer of the undertakings of certain banking companies in order to serve better the needs of development of the economy in conformity with national policy and objectives and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969.

(2) It shall be deemed to have come into force on the 19th day of July, 1969.

Defini-
tions.

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

(a) "banking company" does not include a foreign company within the meaning of section 591 of the Companies Act, 1956; 1 of 1956.

(b) "corresponding new bank", in relation to an existing bank, means the body corporate specified against such bank in column 2 of the First Schedule;

(c) "Custodian" means the person who becomes, or is appointed, a Custodian under section 10;

(d) "existing bank" means a banking company specified in column 1 of the First Schedule, being a company the deposits of which, as shown in the return as on the last Friday of June, 1969, furnished to the Reserve Bank under section 27 of the Banking Regulation Act, 1949, were not less than rupees fifty crores; 10 of 1949.

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Tribunal" means a Tribunal constituted under section 7;

(g) words and expressions used herein and not defined but defined in the Banking Regulation Act, 1949, have the meanings 10 of 1949. respectively assigned to them in that Act.

CHAPTER II

TRANSFER OF THE UNDERTAKINGS OF EXISTING BANKS

3. (1) On the commencement of this Act, there shall be constituted such corresponding new banks as are specified in the First Schedule.

Establishment of corresponding new banks and business thereof.

(2) The paid-up capital of every corresponding new bank constituted under sub-section (1) shall, until any provision is made in this behalf in any scheme made under section 13, be equal to the paid-up capital of the existing bank in relation to which it is the corresponding new bank.

(3) The entire capital of each corresponding new bank shall stand vested in and allotted to the Central Government.

(4) Every corresponding new bank shall be a body corporate with perpetual succession and a common seal and shall sue and be sued in its name.

10 of 1949.

(5) Every corresponding new bank shall carry on and transact the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949, and may engage in one or more forms of business specified in sub-section (1) of section 6 of that Act, and shall have power to acquire and hold property, whether movable or immovable, for the purposes of its business and to dispose of the same.

10 of 1949.

(6) Every corresponding new bank shall establish a reserve fund to which shall be transferred the share premiums and the balance, if any, standing to the credit of the existing bank in relation to which it is the corresponding new bank, and such further sums, if any, as may be transferred in accordance with the provisions of section 17 of the Banking Regulation Act, 1949.

4. On the commencement of this Act, the undertaking of every existing bank shall be transferred to, and shall vest in, the corresponding new bank.

Under-taking of existing banks to vest in corresponding new banks.

5. (1) The undertaking of each existing bank shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests arising out of such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the existing bank in relation to the undertaking, whether within or without India, and all books of accounts, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all borrowings, liabilities (including contingent liabilities) and obligations of whatever kind then subsisting of the existing bank in relation to the undertaking.

General effect of vesting.

(2) If, according to the laws of any country outside India, the provisions of this Act by themselves are not effective to transfer or vest any asset or liability situated in that country which forms part of the undertaking of an existing bank to, or in, the corresponding new bank,

the affairs of the existing bank in relation to such asset or liability shall, on and from the commencement of this Act, stand entrusted to the chief executive officer for the time being of the corresponding new bank, and the chief executive officer may exercise all powers and do all such acts and things as may be exercised or done by the existing bank for the purpose of effectively transferring such assets and discharging such liabilities.

(3) The chief executive officer of the corresponding new bank shall, in exercise of the powers conferred on him by sub-section (2), take all such steps as may be required by the laws of any such country outside India for the purpose of effecting such transfer or vesting, and may either himself or through any person authorised by him in this behalf realise any asset and discharge any liability of the existing bank.

(4) Notwithstanding anything contained in sub-section (2), on the commencement of this Act, no person shall make any claim or demand or take any proceeding in India against any existing bank or any person acting in its name or on its behalf except in so far as may be necessary for enforcing the provisions of this section or except in so far as it relates to any offence committed by such person.

(5) Unless otherwise expressly provided by this Act, all contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the commencement of this Act and to which the existing bank is a party or which are in favour of the existing bank shall be of as full force and effect against or in favour of the corresponding new bank, and may be enforced or acted upon as fully and effectually as if in the place of the existing bank the corresponding new bank had been a party thereto or as if they had been issued in favour of the corresponding new bank.

(6) If, on the date of commencement of this Act, any suit, appeal or other proceeding of whatever nature is pending by or against the existing bank, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertaking of the existing bank or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the corresponding new bank.

(7) Nothing in this Act shall be construed as applying to the assets, rights, powers, authorities and privileges and property, movable and immovable, cash balances and investments in any country outside India (and other rights and interests arising out of such property) of any existing bank operating in that country if, under the laws in force in that country, it is not permissible for a banking company, owned or controlled by Government, to carry on the business of banking there.

CHAPTER III

PAYMENT AND DETERMINATION OF COMPENSATION

Payment
of com-
pensa-
tion.

6. (1) The Central Government shall give compensation to each existing bank for the acquisition of its undertaking and such compensation shall be determined in accordance with the principles specified in

the Second Schedule and in the manner hereinafter set out, that is to say,—

(a) where the amount of compensation can be fixed by agreement, it shall be determined in accordance with such agreement;

(b) where no such agreement can be reached, the Central Government shall refer the matter to the Tribunal within a period of three months from the date on which the Central Government and the existing bank fail to reach an agreement regarding the amount of compensation.

(2) Notwithstanding that separate valuations are calculated under the principles specified in the Second Schedule in respect of the several matters referred to therein, the amount of compensation to be given shall be deemed to be a single compensation to be given for the undertaking as a whole.

(3) The amount of compensation determined in accordance with the foregoing provisions shall be paid to each existing bank, at its option,—

(a) in saleable or otherwise transferable promissory notes or stock certificates of the Central Government, issued and repayable at par, and maturing at the end of ten years from the date of commencement of this Act and carrying interest at the rate of four and a half per cent. per annum; or

(b) in saleable or otherwise transferable promissory notes or stock certificates of the Central Government, issued and repayable at par, and maturing at the end of thirty years from the date of commencement of this Act and carrying interest at the rate of five and a half per cent. per annum; or

(c) partly in such number of securities specified in clause (a) and partly in such number of securities specified in clause (b), as may be required by the existing bank.

(4) The option referred to in sub-section (3) shall be exercised by every existing bank within three months from the commencement of this Act (or within such further time, not exceeding three months, as the Central Government may, by notification in the Official Gazette, specify) and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised.

(5) An existing bank which omits or fails to exercise the option referred to in sub-section (3), within the time specified in sub-section (4) shall be deemed to have exercised its option in favour of the securities specified in clause (a) of sub-section (3).

(6) Notwithstanding anything contained in this section, any existing bank may, before the expiry of three months from the commencement of this Act (or within such further time, not exceeding three months, as the Central Government may, by notification in the Official Gazette, specify) apply to the Central Government for an interim payment of one-half of the amount of its paid-up share capital and thereupon the Central Government shall, if the existing bank agrees in writing to distribute the amount so paid to its shareholders in accordance with

their rights and interests, pay the same to the existing bank in securities specified in sub-section (3) in accordance with the option exercised, or deemed to have been exercised, under sub-section (4) or sub-section (5), as the case may be:

Provided that where the Central Government makes an interim payment under this section, it shall pay to the existing bank by a cheque drawn on the Reserve Bank such sum as would enable the existing bank to distribute—

(a) in cash one-half of the amount paid-up on the shares held by a person if one-half of the amount paid-up on the shares held by such a person does not exceed five thousand rupees; and

(b) where one-half of the amount paid-up on the shares held by a person exceeds five thousand rupees, such sum as would enable the existing bank to pay to the holder of such shares a sum of five thousand rupees in cash and the balance of one-half of the amount paid-up on the shares held by such person in securities specified in sub-section (3).

(7) The interim payment made to an existing bank shall be set off against the total amount of the compensation payable to it under this Act and the balance of the compensation remaining outstanding after such payment shall be given to the existing bank in securities specified in sub-section (3) in accordance with the option exercised, or deemed to have been exercised, under sub-section (4) or sub-section (5), as the case may be.

(8) Where the amount of compensation, payable in the form of securities under this section is not a multiple of one hundred rupees, any excess over the highest such multiple shall be paid by a cheque drawn on the Reserve Bank.

(9) Nothing contained in sub-section (3) shall affect the rights *inter se* between an existing bank and any other person who may have an interest in such bank and such other person shall be entitled to enforce his interest against the compensation awarded to the existing bank but not against the Central Government or the corresponding new bank.

Constitu-
tion of
the Tri-
bunal.

7. (1) The Central Government may, for the purposes of this Act, constitute one or more Tribunals each of which shall consist of a Chairman and two other members.

(2) The Chairman of a Tribunal shall be a person who is, or has been, a Judge of a High Court or of the Supreme Court, and, of the two other members of a Tribunal, one shall be a person who, in the opinion of the Central Government, has had experience of banking and the other shall be a person who is a Chartered Accountant within the meaning of the Chartered Accountants' Act, 1949.

(3) If, for any reason, a vacancy occurs in the office of the Chairman, or any other member of a Tribunal, the Central Government may fill the vacancy by appointing another person thereto in accordance with the provisions of sub-section (2) and any proceeding may be continued before such Tribunal so constituted from the stage at which the vacancy had occurred.

(4) A Tribunal may for the purpose of determining any compensation payable under this Act, choose one or more persons having special knowledge or experience of any relevant matter to assist it in the determination of such compensation.

5 of 1908.

8. Every Tribunal shall have the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

Tribunal to have powers of a Civil Court.

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

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

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

9. (1) Every Tribunal shall have power to regulate its own procedure.

Procedure of the Tribunal.

(2) Every Tribunal may hold the whole or any part of its inquiry *in camera*.

(3) Any arithmetical or clerical error in any order of a Tribunal or any error arising therein from an accidental slip or omission may, at any time, be corrected by such Tribunal either of its own motion or on the application of any of the parties.

CHAPTER IV

MANAGEMENT OF CORRESPONDING NEW BANKS

10. (1) The head office of each corresponding new bank shall be at such place as the Central Government may, by notification in the Official Gazette, specify in this behalf, and, until any such place is so specified, shall be at the place at which the head office of the existing bank, in relation to which it is the corresponding new bank, is on the date of the commencement of this Act, located.

Head office and branches.

(2) The general superintendence and direction of the affairs and business of a corresponding new bank shall, until any provision to the contrary is made under any scheme made under section 13, vest in a Custodian, who shall be the chief executive officer of that bank and may exercise all powers and do all acts and things as may be exercised or done by that bank.

(3) The Chairman of the existing bank holding office as such immediately before the commencement of this Act, shall be the Custodian of the corresponding new bank and shall receive the same emoluments as he was receiving immediately before such commencement:

Provided that the Central Government may, if the Chairman of an existing bank declines to become, or to continue to function as, a Custodian of the corresponding new bank or, if it is of opinion that it is necessary so to do, appoint any other person as the Custodian of a corresponding new bank and the Custodian so appointed shall receive such emoluments as the Central Government may specify in this behalf.

(4) The Custodian shall hold office during the pleasure of the Central Government.

Corresponding new bank to be guided by the directions of the Central Government.

11. (1) Every corresponding new bank shall, in the discharge of its functions, be guided by such directions in regard to matters of policy involving public interest as the Central Government may, after consultation with the Governor of the Reserve Bank, give.

(2) If any question arises whether a direction relates to a matter of policy involving public interest, it shall be referred to the Central Government and the decision of the Central Government thereon shall be final.

Advisory Board to aid and advise the Custodian.

12. (1) There shall be an Advisory Board to aid and advise the Custodian in the discharge of his duties:

Provided that the Advisory Board shall be dissolved on the constitution of a Board of Directors in pursuance of a scheme made under clause (b) of sub-section (2) of section 13:

Provided further that the Central Government may, if it is of opinion that it is necessary so to do, dissolve the Advisory Board at any other time.

(2) The Advisory Board shall consist of representatives of the following, namely, the depositors of the corresponding new bank, employees of such bank, farmers, workers and artisans, to be elected in such manner and by such authority as may be prescribed, and shall also consist of such other persons as the Central Government may, by notification in the Official Gazette, appoint.

Power of Central Government to make scheme.

13. (1) The Central Government may, after consultation with the Reserve Bank, make a scheme for carrying out the provisions of this Act.

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

(a) the capital structure of the corresponding new bank, so however that the paid-up capital of any such bank shall not be in excess of rupees fifteen crores;

(b) the constitution of the Board of Directors, by whatever name called, of the corresponding new bank and all such matters in connection therewith or incidental thereto as the Central Government may consider to be necessary or expedient;

(c) the reconstitution of any corresponding new bank into two or more corporations, the amalgamation of any corresponding new bank with any other corresponding new bank or with another banking institution, the transfer of the whole or any part of the undertaking of a corresponding new bank to any other banking institution or the transfer of the whole or any part of the undertaking of any other banking institution to a corresponding new bank;

(d) such incidental, consequential and supplemental matters as may be necessary to carry out the provisions of this Act.

(3) Every Board of Directors of a corresponding new bank shall include representatives of the following, namely, the depositors of such bank, employees thereof, farmers, workers and artisans, to be elected or nominated in such manner as may be specified in the scheme made under sub-section (1).

(4) The Central Government may, after consultation with the Reserve Bank, make a scheme to amend or vary any scheme made under sub-section (1).

CHAPTER V

MISCELLANEOUS

14. (1) Every corresponding new bank shall cause its books to be closed and balanced on the 31st day of December of each year and shall appoint, with the previous approval of the Reserve Bank, auditors for the audit of its accounts.

Closure
of ac-
counts
and
disposal
of
profits.

1 of 1956.

(2) Every auditor of a corresponding new bank shall be a person who is qualified to act as an auditor of a company under section 226 of the Companies Act, 1956, and shall receive such remuneration as the Reserve Bank may fix in consultation with the Central Government.

(3) Every auditor shall be supplied with a copy of the annual balance-sheet and profit and loss account and a list of all books kept by the corresponding new bank, and it shall be the duty of the auditor to examine the balance-sheet and profit and loss account with the accounts and vouchers relating thereto, and in the performance of his duties, the auditor—

(a) shall have, at all reasonable times, access to the books, accounts and other documents of the corresponding new bank,

(b) may, at the expense of the corresponding new bank employ accountants or other persons to assist him in investigating such accounts, and

(c) may, in relation to such accounts, examine the Custodian or any member of the Advisory Board or any officer or employee of the corresponding new bank.

(4) Every auditor of a corresponding new bank shall make a report to the Central Government upon the annual balance-sheet and accounts and in every such report shall state—

(a) whether, in his opinion, the balance-sheet is a full and fair balance-sheet containing all the necessary particulars and is properly drawn up so as to exhibit a true and fair view of the affairs of the corresponding new bank, and in case he had called for any explanation or information, whether it has been given and whether it is satisfactory;

(b) whether or not the transactions of the corresponding new bank, which have come to his notice, have been within the powers of that bank;

(c) whether or not the returns received from the offices and branches of the corresponding new bank have been found adequate for the purpose of his audit;

(d) whether the profit and loss account shows a true balance of profit or loss for the period covered by such account; and

(e) any other matter which he considers should be brought to the notice of the Central Government.

(5) The report of the auditor shall be verified, signed and transmitted to the Central Government in such manner as may be prescribed.

(6) The auditor shall also forward a copy of the audit report to the corresponding new bank and to the Reserve Bank.

(7) After making provision for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other matters for which provision is necessary under any law, or which are usually provided for by banking companies, a corresponding new bank shall transfer the balance of profits to the Central Government.

Removal
from
office of
directors,
etc.

15. (1) Every person holding office as Chairman, managing or whole-time director of an existing bank shall, on the commencement of this Act, be deemed to have vacated office and every other director of such bank (hereinafter referred to as the 'continuing directors') shall, until directors are duly elected by such existing bank, be deemed to continue to hold such office.

(2) Until the Board of Directors of an existing bank is duly constituted by it, the continuing directors shall be deemed to constitute its Board of Directors (hereinafter referred to as the 'continuing Board') and the Board of Directors or the continuing Board, as the case may be, may transact all or any of the following business, namely:—

(a) registration of the transfer or transmission of shares;

(b) arriving at an agreement about the amount of compensation payable under this Act or appearing before the Tribunal for obtaining a determination as to the amount of compensation;

(c) distribution to each shareholder of the amount of compensation received by it under this Act for the acquisition of its undertaking;

(d) carrying on the business of banking in any country outside India if under the law in force in that country any bank, owned or controlled by Government, is prohibited from carrying on the business of banking there;

(e) carrying on any business other than the business of banking.

(3) The Board of Directors of an existing bank, or its continuing Board, as the case may be, may authorise all such expenditure as it may think fit for discharging any of the functions referred to in sub-section (2) and the Central Government may authorise the corresponding new bank to make an advance of the amount required by the existing bank

in connection therewith and any amount so advanced shall be recouped from out of the compensation payable to the existing bank under this Act.

(4) Save as otherwise provided in sub-section (1), all officers and other employees of an existing bank shall become, on the commencement of this Act, officers and employees of the corresponding new bank and shall hold their offices or services in that bank on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to them if the undertaking of the existing bank had not been transferred to and vested in the corresponding new bank and continue to do so unless and until their employment in the corresponding new bank is terminated or until their remuneration, terms or conditions are duly altered by the corresponding new bank.

(5) For the persons who immediately before the commencement of this Act were the trustees for any pension, provident, gratuity or other like fund constituted for the officers or other employees of an existing bank, there shall be substituted as trustees such persons as the Central Government may, by general or special order, specify.

14 of 1947 (6) 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 officer or other employee from an existing bank to a corresponding new bank shall not entitle such officer or any other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

16. (1) Every corresponding new bank shall observe, except as otherwise required by law, the practices and usages customary among bankers, and, in particular, it shall not divulge any information relating to or to the affairs of its constituents except in circumstances in which it is, in accordance with law or practice and usage customary among bankers, necessary or appropriate for the corresponding new bank to divulge such information. Obligations as to fidelity and secrecy.

(2) Every director, member of a local board or a committee, or auditor, adviser, officer or other employee of a corresponding new bank shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Third Schedule.

(3) Every Custodian of a corresponding new bank shall, as soon as possible, make a declaration of fidelity and secrecy in the form set out in the Third Schedule.

45 of 1860. 17. Every Custodian of a corresponding new bank shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code. Custodi to be public secrecy.

18. (1) All acts done by the Custodian, acting in good faith, shall, notwithstanding any defect in his appointment or in the procedure, be valid. Certain defects not to invalida acts or proceed ings

(2) No act or proceeding of any Board of Directors or a local board or committee of a corresponding new bank shall be invalid merely on

the ground of the existence of any vacancy, or defect in the constitution of, such board or committee, as the case may be.

(3) All acts done by a person acting in good faith as a director or member of a local board or committee of a corresponding new bank shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had terminated by virtue of any provision contained in any law for the time being in force:

Provided that nothing in this section shall be deemed to give validity to any act done by a director or member of a local board or committee of a corresponding new bank after his appointment has been shown to the corresponding new bank to be invalid or to have terminated.

Indemnity. 19. (1) Every Custodian of a corresponding new bank and every officer of the Central Government and of the Reserve Bank and every officer or other employee of a corresponding new bank, shall be indemnified by such bank against all losses and expenses incurred by him in or in relation to the discharge of his duties except such as have been caused by his own wilful act or default.

(2) A director or member of a local board or committee of a corresponding new bank shall not be responsible for any loss or expense caused to such bank by the insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of the corresponding new bank, or by the insolvency or wrongful act of any customer or debtor, or by anything done in or in relation to the execution of the duties of his office, unless such loss, expense, insufficiency or deficiency was due to any wilful act or default on the part of such director or member.

References to existing banks on and from the commencement of this Act. 20. Any reference to any existing bank, in any law, other than this Act, or in any contract or other instrument shall be construed as a reference to the corresponding new bank in relation to it:

Provided that nothing in this section shall apply to an existing bank in relation to any business which it may, notwithstanding the provisions of section 4, carry on.

Dissolution. 21. No provision of law relating to winding up of corporations shall apply to a corresponding new bank and no corresponding new bank shall be placed in liquidation save by order of the Central Government and in such manner as it may direct.

Power to make rules. 22. (1) The Central Government may, by notification in the Official Gazette, make such rules as it may think fit 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 in which the business of the Advisory Board shall be transacted and the procedure to be followed at the meetings thereof;

(b) fees and allowances which may be paid to members of the Advisory Board for attending any meetings of the Board or of any Committee that may be constituted by the Board;

(c) the formation of any Committee whether of the Advisory Board or of the corresponding new bank and the delegation of powers and functions to such Committees;

(d) any other matter which is required to be, or may be, prescribed.

23. Every rule and every scheme 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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or scheme or both Houses agree that the rule or scheme should not be made, the rule or 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 rule or scheme, as the case may be.

Rules and schemes to be laid before Parliament.

24. (1) The Board of Directors of a corresponding new bank may, after consultation with the Reserve Bank and with the previous sanction of the Central Government, make regulations, not inconsistent with the provisions of this Act and any rule or scheme made thereunder, to provide for all matters for which provision is 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, the regulations may provide for all or any of the following matters, namely:—

(a) the powers, functions and duties of local boards and restrictions, conditions or limitations, if any, subject to which they may be exercised or performed, the formation and constitution of local committees and committees of local board (including the number of members of any such committee), the powers, functions and duties of such committees, the holding of meetings of local committees and committees of local boards and the conduct of business thereat;

(b) the manner in which the business of the local boards shall be transacted and the procedure in connection therewith;

(c) the delegation of powers and functions of the board of directors of a corresponding new bank to the general manager, director, officer or other employee of that bank;

(d) the conditions or limitations subject to which the corresponding new bank may appoint officers, advisers and other employees and fix their remuneration and other terms and conditions of service;

(e) the duties and conduct of officers, advisers and other employees of the corresponding new bank;

(f) the establishment and maintenance of superannuation, pension, provident or other funds for the benefit of officers or employees of the corresponding new bank or of the dependants of such officers or employees and the granting of superannuation allowances, annuities and pensions payable out of such funds;

(g) the conduct and defence of legal proceedings by or against the corresponding new bank and the manner of signing pleadings;

(h) the provision of a seal for the corresponding new bank and the manner and effect of its use;

(i) the form and manner in which contracts binding on the corresponding new bank may be executed;

(j) the conditions and the requirements subject to which loans or advances may be made or bills may be discounted or purchased by the corresponding new bank;

(k) the persons or authorities who shall administer any pension, provident or other fund constituted for the benefit of officers or employees of the corresponding new bank or their dependants;

(l) the preparation and submission of statements of programmes of activities and financial statements of the corresponding new bank and the period for which and the time within which such statements and estimates are to be prepared and submitted; and

(m) generally for the efficient conduct of the affairs of the corresponding new bank.

(3) Until any regulation is made under sub-section (1), the articles of association of the existing bank and every regulation, rule, bye-law or order made by the existing bank shall, if in force at the commencement of this Act, be deemed to be the regulations made under sub-section (1) and shall have effect accordingly and any reference therein to any authority of the existing bank shall be deemed to be a reference to the corresponding authority of the corresponding new bank and until any such corresponding authority is constituted under this Act, shall be deemed to refer to the Custodian.

Amend-
ment
of
certain
enact-
ments.

25. (1) In the Banking Regulation Act, 1949,—

10 of 1948

(a) in section 34A, in sub-section (3), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, and any subsidiary bank" shall be substituted;

(b) in section 36AD, in sub-section (3), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, and any subsidiary bank" shall be substituted;

(c) in section 51, for the words "or any other banking institution notified by the Central Government in this behalf", the words, figures and brackets "or any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, or any other banking institution notified by the Central Government in this behalf" shall be substituted;

(d) in the Fifth Schedule, in Part I of paragraph 1, after clause (e), the following *Explanations* shall be inserted, namely:—

Explanation 1.—For the purposes of this clause, "value" shall be deemed to be the market value of the land or buildings, but where such market value exceeds the ascertained value, determined in the manner specified in *Explanation 2*, shall be deemed to mean such ascertained value.

Explanation 2.—Ascertained value shall be equal to,—

(A) in the case of any building (including the land on which it is erected or which is appurtenant thereto) which is wholly occupied on the appointed day, twelve times the amount of the annual rent or the rent for which the building may reasonably be expected to be let out from year to year, after deducting from such rent,—

(i) one-sixth of the amount thereof on account of maintenance and repairs,

(ii) the amount of any annual premium paid to insure the building against any risk of damage or destruction,

(iii) where the building is subject to any annual charge, not being a capital charge, the amount of such charge,

(iv) where the building is subject to a ground rent, the amount of such ground rent,

(v) where the building is subject to a mortgage or other capital charge, the amount of interest on such mortgage or charge,

(vi) where the building has been acquired, constructed, repaired, renewed or re-constructed with borrowed capital, the amount of any interest payable on such capital, and

(vii) any sums paid on account of land revenue or other taxes in respect of such building;

(B) in the case of any building (including the land on which it is erected or which is appurtenant thereto) which is partially occupied on the appointed day, the value of the portion which is occupied, ascertained in accordance with the provisions of sub-clause (A) [the deductions under sub-clauses (ii) to (vii) being made on a proportionate basis] and multiplied thereafter by the ratio which the entire plinth

area of the building bears to the plinth area of the portion of the building which has been occupied or let out;

(C) in the case of any land which has no building erected thereon or which is not appurtenant to any building, the value, determined with reference to the prices at which sales or purchases of similar or comparable properties have been made during the period of three years immediately preceding the appointed day, by instruments registered under the Indian Registration Act, 1908, in the city, town or village where such land is situated.' 16 of 1908.

(2) In the Industrial Disputes Act, 1947, in section 2, in clause (bb), 14 of 1947. for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, and any subsidiary bank" shall be substituted.

(3) In the Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949, in section 2, in clause (a), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, and any subsidiary bank" shall be substituted. 46 of 1949.

(4) In the Deposit Insurance Corporation Act, 1961,— 47 of 1961.

(a) in section 2,—

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

'(ee) "corresponding new bank" means a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969;'

(ii) in clause (i), after the words "banking company", the words "or a corresponding new bank" shall be inserted;

(b) section 13 shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The provisions of clauses (a), (b), (c), (d) and (h) of sub-section (1) shall apply to a corresponding new bank as they apply to a banking company."

(5) In the State Agricultural Credit Corporations Act, 1968,— 60 of 1968.

(a) in section 2, after clause (i), the following clause shall be inserted, namely:—

'(ii) "corresponding new bank" means a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969;'

(b) after the words "subsidiary banks" or "subsidiary bank", as the case may be, occurring in clause (d) of sub-section (3) of section 5, in clause (b) of section 9 and in the proviso to section 18, the words "corresponding new banks" or "corresponding new bank", as the case may be, shall be inserted.

26. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty: Removal
of diffi-
culties.

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

27. (1) The Banking Companies (Acquisition and Transfer of Under- Repeal
and saving.
takings) Ordinance, 1969, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken, including any order made, notification issued or direction given, under the said Ordinance shall be deemed to have been done, taken, made, issued or given, as the case may be, under the corresponding provision of this Act.

(3) No action taken or thing done under the said Ordinance shall, if it is inconsistent with the provisions of this Act, be of any force or effect.

(4) Notwithstanding anything contained in the Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1969, no right, privilege, obligation or liability shall be deemed to have been acquired, accrued or incurred thereunder.

THE FIRST SCHEDULE

(See sections 2, 3 and 4)

Column 1	Column 2
<i>Existing bank</i>	<i>Corresponding new bank</i>
The Central Bank of India Limited.	Central Bank of India.
The Bank of India Limited.	Bank of India.
The Punjab National Bank Limited.	Punjab National Bank.
The Bank of Baroda Limited.	Bank of Baroda.
The United Commercial Bank Limited.	United Commercial Bank.
Canara Bank Limited.	Canara Bank.
United Bank of India Limited.	United Bank of India.
Dena Bank Limited.	Dena Bank.
Syndicate Bank Limited.	Syndicate Bank.
The Union Bank of India Limited.	Union Bank of India.
Allahabad Bank Limited.	Allahabad Bank.
The Indian Bank Limited.	Indian Bank.
The Bank of Maharashtra Limited.	Bank of Maharashtra.
The Indian Overseas Bank Limited.	Indian Overseas Bank.

THE SECOND SCHEDULE

(See section 6)

PRINCIPLES OF COMPENSATION

1. The compensation to be paid by the Central Government to each existing bank in respect of the acquisition of the undertaking thereof shall be an amount equal to the sum-total of the value of the assets of the existing bank as on the commencement of this Act, calculated in accordance with the provisions of Part I, less the sum-total of the liabilities computed and obligations of the existing bank calculated in accordance with the provisions of Part II.

Part I.—Assets

For the purposes of this Part, "assets" means the total of the following:—

(a) the amount of cash in hand and with the Reserve Bank and the State Bank of India (including foreign currency notes which shall be converted at the market rate of exchange);

(b) the amount of balances with any bank, whether on deposit or current account, and money at call and short notice, balances held outside India being converted at the market rate of exchange:

Provided that any balances which are not realisable in full shall be deemed to be debts and valued accordingly;

(c) the market value, as on the day immediately before the commencement of this Act, of any securities, shares, debentures, bonds and other investments, held by the bank concerned.

Explanation.—For the purposes of this clause—

(i) securities of the Central and State Governments [other than the securities specified in clauses (ii) and (iii) of this *Explanation*] maturing for redemption within five years from the commencement of this Act shall be valued at the face value or the market value, whichever is higher;

(ii) securities of the Central Government, such as Post Office Certificates and Treasury Savings Deposit Certificates and any other securities or certificates issued or to be issued under the Small Savings Schemes of the Central Government, shall be valued at their face value or the encashable value as on the day immediately before the commencement of this Act, whichever is higher;

(iii) where the market value of any Government security such as the zamindari abolition bond or other similar securities in respect of which the principal is payable in instalments, is not ascertainable or is, for any reason, not considered as reflecting the fair value thereof or as otherwise appropriate, the securities shall be valued at such an amount as is considered reasonable having regard to the instalments of principal and interest remaining to be paid, the period during which such instalments are payable, the yield of any security,

issued by the Government to which the security pertains and having the same or approximately the same maturity, and other relevant factors;

(iv) where the market value of any security, share, debenture, bond or other investment is not considered reasonable by reason of its having been affected by abnormal factors, the investment may be valued on the basis of its average market value over any reasonable period;

(v) where the market value of any security, share, debenture, bond or other investment is not ascertainable, only such value, if any, shall be taken into account as is considered reasonable having regard to the financial position of the issuing concern, the dividend paid by it during the preceding five years and other relevant factors;

(d) the amount of advances (including loans, cash credits, overdrafts, bills purchased and discounted) and other debts, whether secured or unsecured, to the extent to which they are reasonably considered recoverable, having regard to the value of the security, if any, the operation on the account, the reported worth and respectability of the borrower, the prospects of realisation and other relevant considerations;

(e) the value of any land or buildings.

Explanation 1.—For the purpose of this clause, “value” shall be deemed to be the market value of the land or buildings, but where such market value exceeds the ascertained value, determined in the manner specified in *Explanation 2*, shall be deemed to mean such ascertained value.

Explanation 2.—Ascertained value shall be equal to,—

(1) in the case of any building (including the land on which it is erected or which is appurtenant thereto) which is wholly occupied on the date of the commencement of this Act, twelve times the amount of the annual rent or the rent for which the building may reasonably be expected to be let out from year to year, after deducting from such rent,—

(i) one-sixth of the amount thereof on account of maintenance and repairs,

(ii) the amount of any annual premium paid to insure the building against any risk of damage or destruction,

(iii) where the building is subject to any annual charge, not being a capital charge, the amount of such charge,

(iv) where the building is subject to a ground rent, the amount of such ground rent,

(v) where the building is subject to a mortgage or other capital charge, the amount of interest on such mortgage or charge,

(vi) where the building has been acquired, constructed, repaired, renewed or re-constructed with borrowed capital, the amount of any interest payable on such capital, and

(vii) any sums paid on account of land revenue or other taxes in respect of such building;

(2) in the case of any building (including the land on which it is erected or which is appurtenant thereto) which is partially occupied on the date of the commencement of this Act, the value of the portion which is occupied, ascertained in accordance with the provisions of sub-clause (1) [the deductions under sub-clauses (ii) to (vii) being made on a proportionate basis] and multiplied thereafter by the ratio which the entire plinth area of the building bears to the plinth area of the portion of the building which has been occupied or let out;

(3) in the case of any land which has no building erected thereon or which is not appurtenant to any building, the value, determined with reference to the prices at which sales or purchases of similar or comparable lands have been made during the period of three years immediately preceding the date of the commencement of this Act, by instruments registered under the Indian Registration Act, 1908, in the city, town or village where such land is situated; 16 of 1908.

(f) the total amount of the premia paid, in respect of all leasehold properties, reduced in the case of each such premium by an amount which bears to such premium the same proportion as the expired term of the lease in respect of which such premium shall have been paid bears to the total term of the lease;

(g) the written down value as per books, or the realisable value, as may be considered reasonable, of all furniture, fixtures and fittings;

(h) the market or realisable value, as may be appropriate, of other assets appearing on the books of the bank, no value being allowed for capitalised expenses, such as share selling commission, organisational expenses and brokerage, losses incurred and similar other items.

Part II—Liabilities

For the purposes of this Part, "liabilities" means the total amount of all outside liabilities existing at the commencement of this Act, and all contingent liabilities which the corresponding new bank may reasonably be expected to be required to meet out of its own resources on or after the date of commencement of this Act.

CERTAIN DIVIDENDS NOT TO BE TAKEN INTO ACCOUNT

2. No separate compensation shall be payable for any dividend in respect of any period immediately preceding the commencement of this Act:

Provided that nothing in this paragraph shall preclude the payment of any dividend which was declared before such commencement.

THE THIRD SCHEDULE

[See sub-sections (2) and (3) of section 16]

DECLARATION OF FIDELITY AND SECRECY

I,, do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as Custodian, Director, member of Local Board, member of Local Committee, auditor, adviser, officer or other employee (as the case may be) of the * and which properly relate to the office or position in the said* held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the * or to the affairs of any person having any dealing with the * ; nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the * and relating to the business of the * or to the business of any person having any dealing with the*

*Name of corresponding new bank to be filled in.

Section 4
to insert
the name

THE COAL BEARING AREAS (ACQUISITION AND
DEVELOPMENT) AMENDMENT ACT, 1969

No. 23 OF 1969

[12th August, 1969]

An Act further to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957.

Enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Coal Bearing Areas (Acquisition and Development) Amendment Act, 1969.

Amendment of section 28. 2. In the Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter referred to as the principal Act), in section 20 of 1957.

(a) in sub-section (3), for the portion beginning with "in respect of such land;" and ending with "or any part thereof.", the following shall be, and shall be deemed always to have been, substituted, namely:—

"in respect of such land or of any rights in or over such land; and the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof or any rights in or over such land or part.";

(b) after sub-section (3), the following sub-section shall be, and shall be deemed always to have been, inserted, namely:—

"(3A) Where in respect of any land covered by any notification issued under section 4 of the said Act, no objection has been preferred under section 5A thereof within the period specified in that section, then it shall be deemed that a notification had been issued under section 7 of this Act in respect of such land or of any rights in or over such land and that no objection to the acquisition of the land or any rights in or over the land had been preferred under section 8 of this Act, and accordingly the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof or any rights in or over such land or part."

3. Notwithstanding any judgment, decree or order of any court, every acquisition of land or the rights in or over land made by the Central Government in pursuance of the notifications of the Government of India in the late Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) Nos. S.O. 1759 and S.O. 25, dated the 7th August, 1958, and the 22nd December, 1959 respectively, made under section 9 of the principal Act, shall be, and shall be deemed always to have been, as valid as if the provisions of section 28 thereof as amended by this Act were in force at all material times when such acquisition was made and shall not be called in question in any court of law on the ground only that before issuing such notifications no notification was issued under section 7 of the principal Act in relation to the land or rights in or over such land covered by the said notifications Nos. S.O. 1759 and S.O. 25.

Validation of certain acquisitions.

Rep. by Act... 156... of 1979, s. 2 d sub I

THE UNLAWFUL ACTIVITIES (PREVENTION)
AMENDMENT ACT, 1969

No. 24 OF 1969

[13th August, 1969]

An Act to amend the Unlawful Activities (Prevention) Act, 1967.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Unlawful Activities (Prevention) Amendment Act, 1969.

Amendment of section 1.

2. In section 1 of the Unlawful Activities (Prevention) Act, 1967 37 of 1967. (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of India:

Provided that it shall come into force in the State of Jammu and Kashmir on such date as the Central Government may, by notification in the Official Gazette, appoint.”

Insertion of new section 2A.

3. In the principal Act, in Chapter I, after section 2, the following section shall be inserted, namely:—

Construction of references to laws not in force in Jammu and Kashmir.

“2A. 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.”.

THE SALARIES AND ALLOWANCES OF MEMBERS OF
PARLIAMENT (AMENDMENT) ACT, 1969

No. 25 OF 1969

[21st August, 1969]

An Act further to amend the Salaries and Allowances of Members of
Parliament Act, 1954

BE it enacted by Parliament in the Twentieth Year of the Republic
of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of Mem- Short title
bers of Parliament (Amendment) Act, 1969. and com-
mence-
ment.

(2) This section and section 2 shall be deemed to have come into force
on the 16th day of May, 1969 and the other provisions of this Act shall
come into force at once.

30 of 1954. 2. In the Salaries and Allowances of Members of Parliament Act, 1954 Amend-
(hereinafter referred to as the principal Act), in section 3, for the words ment of
"thirty-one rupees", the words "fifty-one rupees" shall be substituted. section 3.

3. In section 5 of the principal Act, for the second proviso, the follow- Amend-
ing proviso shall be substituted, namely:— ment of
section 5.

"Provided further that nothing in the first proviso shall apply
if the member performs the journey by air for visiting any place in
India—

(a) not more than four times during a session lasting more
than seventy-five days;

(b) not more than twice during a session lasting for seventy-
five days or less; and

(c) not more than once during a sitting of the committee."

4. In section 6 of the principal Act, in the *Explanation* to sub-section Amend-
(1), for the words "For the purposes of this sub-section", the words, ment of
figure and letter "For the purposes of this sub-section and section 6A" section 6.
shall be substituted.

Insertion of new section 6A.

5. After section 6 of the principal Act, the following section shall be inserted, namely:—

Travel facilities to members.

“6A. Without prejudice to the other provisions of this Act, every member shall be entitled—

(i) to travel by any railway in India at any time in first class air-conditioned on payment of the difference between the railway fares for first class air-conditioned and first class;

(ii) to one free third class railway pass for one person to accompany the member when he travels by rail; and

(iii) to one free non-transferable first class railway pass for the spouse, if any, of the member to travel from the usual place of residence of the member to Delhi and back, once during every session:

Provided that where a member travels by rail in first class air-conditioned and no person accompanies that member in that journey in third class, by virtue of the free third class railway pass referred to in clause (ii), then, in determining the amount payable by the member under clause (i), the amount of third class fare for such journey shall be deducted from the difference referred to in that clause.”

THE GOLD (CONTROL) AMENDMENT ACT, 1969

No. 26 OF 1969

[29th August, 1969]

An Act to amend the Gold (Control) Act, 1968.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gold (Control) Amendment Act, 1969. Short title and commencement.

(2) It shall be deemed to have come into force on the 3rd day of July, 1969.

45 of 1968. 2. In section 5 of the Gold (Control) Act, 1968 (hereinafter referred to as the principal Act), in sub-section (2),— Amendment of section 5.

(i) in clause (a), the word “and”, occurring at the end, shall be omitted;

(ii) clause (b) shall be omitted.

3. In section 8 of the principal Act, for sub-section (2), the following sub-section shall be, and shall be deemed always to have been, substituted, namely:— Amendment of section 8.

“(2) Save as otherwise provided in this Act, a person may,—

(a) (i) acquire or agree to acquire the ownership, possession, custody or control of, or

(ii) buy, accept or otherwise receive or agree to buy, accept or otherwise receive,

any ornament, unless he knows or has reason to believe that such ornament, being required to be included in a declaration, has not been so included;

(b) sell, deliver, transfer or otherwise dispose of, or agree to sell, deliver, transfer or otherwise dispose of, any ornament, but shall not do so if the ornament, being required to be included in a declaration, has not been so included.”

4. In section 17 of the principal Act,—

(i) in sub-section (2), for clause (d), the following clause shall be, and shall be deemed always to have been, substituted, namely:— Amendment of section 17.

“(d) shall be subject to such conditions and restrictions as may be prescribed.”;

(ii) for sub-section (6), the following sub-section shall be, and shall be deemed always to have been, substituted, namely:—

“(6) (a) No application for the issue of a licence to commence or carry on business as a refiner shall be granted unless the Administrator, after making such inquiry as he may think fit, is satisfied with regard to the following matters, namely:—

(i) the security of the premises where the applicant intends to carry on business as a refiner, the suitability of such premises for being used as a refinery, and the existence therein of arrangements for the storage of gold before and after refining;

(ii) the existence, in such premises, of equipment for the manufacture of standard gold bars, or for assaying of gold, and the quality and adequacy of such equipment;

(iii) the existence, in such premises, of facilities for the exercise of supervision and control by the Administrator or any other person authorised by him in this behalf;

(iv) the competence of the applicant to manufacture standard gold bars; and

(v) such other matters as may be prescribed.

(b) No application for the renewal of a licence to carry on business as a refiner shall be rejected unless—

(1) the holder of such licence has been given a reasonable opportunity of presenting his case, and

(2) the Administrator is satisfied that—

(i) the application for such renewal has been made after the expiry of the period specified therefor, or

(ii) the refinery does not continue to satisfy the matters specified in sub-clause (i), (ii), (iii) or (v) of clause (a), or

(iii) any statement made by the applicant at the time of the issue or renewal of the licence was incorrect or false in material particulars, or

(iv) the applicant has contravened any term or condition of the licence or any provision of this Act or any rule or order made thereunder or of any other law for the time being in force in so far as such law prohibits or restricts the bringing into or taking out of India of any goods (including coins, currency, whether Indian or foreign, and foreign exchange) or the dealing in such goods by way of acquisition or otherwise.

(c) Notwithstanding anything contained in clause (a) or clause (b), a licence to commence or carry on business as a refiner shall not be issued or renewed if the Administrator, after giving the applicant a reasonable opportunity of presenting his case, is satisfied that the entire volume of the refining business

done, or proposed to be done, by the applicant may be conveniently done at a refinery established or run by Government or by a corporation owned or controlled by Government.

(d) Every order granting or rejecting an application for the issue or renewal of a licence shall be made in writing."

5. In section 26 of the principal Act, in clause (c), after the words "to a licensed dealer", the words "or to such other person or authority as may be specified by rule made in this behalf" shall be inserted. Amendment of section 26.

6. In section 27 of the principal Act,— Amendment of section 27.

(i) in sub-section (2), for clause (d), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

"(d) shall be subject to such conditions and restrictions as may be prescribed.";

(ii) for sub-section (6), the following sub-section shall be, and shall be deemed always to have been, substituted, namely:—

"(6) (a) No application for the issue of a licence to commence or carry on business as a dealer shall be granted unless the Administrator, having regard to such matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be issued.

(b) No application for the renewal of a licence to carry on business as a dealer shall be rejected unless the holder of such licence has been given a reasonable opportunity of presenting his case and unless the Administrator is satisfied that—

(i) the application for such renewal has been made after the expiry of the period specified therefor, or

(ii) any statement made by the applicant at the time of the issue or renewal of the licence was incorrect or false in material particulars, or

(iii) the applicant has contravened any term or condition of the licence or any provision of this Act or any rule or order made thereunder or of any other law for the time being in force in so far as such law prohibits or restricts the bringing into or taking out of India of any goods (including coins, currency, whether Indian or foreign, and foreign exchange) or the dealing in such goods by way of acquisition or otherwise, or

(iv) the applicant does not fulfil the prescribed conditions.

(c) Every order granting or rejecting an application for the issue or renewal of a licence shall be made in writing.";

(iii) after sub-section (6), the following sub-section shall be inserted, namely:—

"(6) Where the Central Government, having regard to the quantity of gold produced in India and the supply therein of gold

through lawful channels, is of opinion that it is necessary or expedient in the interests of the general public so to do, it may, notwithstanding anything contained in this section, direct the Administrator to restrict or reduce the number of licensed dealers to such extent and in such manner as may be specified by rules made in this behalf:

Provided that no such rules shall come into force until the expiry of the period referred to in sub-section (3) of section 114 and if, before the expiry of the said period, both Houses of Parliament agree in making any modification in the rule or both Houses of Parliament agree that the rule should not be made, the rule shall come into force only in such modified form or be of no effect, as the case may be."

Amend-
ment of
section 31.

7. In section 31 of the principal Act, in the first proviso, for clause (i), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

"(i) any ornament, unless he knows or has reason to believe that such ornament, being required to be included in a declaration, has not been so included,".

Substi-
tution of
new sec-
tion for
section 32.

8. For section 32 of the principal Act, the following section shall be substituted, namely:—

"32. (1) Save as otherwise provided in this Act, no licensed dealer shall have, at any time, in his possession or custody primary gold in any form except in the form of standard gold bars:

Posses-
sion of
primary
gold
by a
licensed
dealer.

Provided that nothing in this section shall apply to primary gold which is obtained in the process of, or in connection with, the making, manufacturing, preparing or repairing of one or more articles or ornaments, if the total quantity of such primary gold in the possession or custody of such dealer does not, at any time, exceed—

(a) four hundred grammes, if he does not employ any artisans,

(b) five hundred grammes, if he employs not more than ten artisans,

(c) one thousand grammes, if he employs more than ten but not more than twenty artisans,

(d) two thousand grammes, if he employs more than twenty artisans:

Provided further that the Central Government may, having regard to the needs of the trade, volume of business and the interests of the general public, increase the quantitative limits specified in the foregoing proviso.

(2) Where a licensed dealer has cut a standard gold bar and has transferred or delivered a part thereof to a certified goldsmith or an artisan for the purposes specified in section 35, he may, notwithstanding anything contained in sub-section (1), have in his possession or custody the remnant of such bar which is left with him, and

in computing the quantities specified in the first proviso to sub-section (1), such remnant shall be excluded.”.

9. In section 39 of the principal Act,—

Amendment of section 39.

(i) in sub-section (2), for clause (c), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

“(c) shall be subject to such conditions and restrictions as may be prescribed.”;

(ii) in sub-section (4), for clause (e), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

“(e) a person who belongs to a prescribed category or class to which, in the opinion of the Central Government, the certificate may be granted.”;

(iii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Where the Central Government, having regard to the interests of the general public, is of opinion that for the continuance or development of the industry of semi-manufactures and manufactures of gold, it is necessary so to do, it may, notwithstanding anything contained in sub-section (4), by notification, empower the Administrator to entertain applications for the grant of certificates referred to in sub-section (1), from persons who possess such qualifications and fulfil such conditions as may be prescribed.”.

10. For section 46 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 46.

“46. The total quantity of primary gold in the possession or custody, whether individually or collectively, of the artisans employed by a licensed dealer shall not, at any time, exceed the quantitative limit applicable, under sub-section (1) of section 32, to such dealer.”.

Limits on primary gold which an artisan may have in his possession.

11. In section 50 of the principal Act, in sub-section (1),—

Amendment of section 50.

(a) after the words “to such goods,—”, the following words shall be, and shall be deemed always to have been, inserted, namely:—

“suspend such licence or certificate, as the case may be, pending the completion of any inquiry or trial against the holder of such licence or certificate, for making such incorrect or false statement or for such contravention, as the case may be:

Provided that no such licence or certificate shall be suspended for a period exceeding ten days unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.”;

(b) clause (i) shall be omitted;

(c) for clause (ii) and the proviso occurring after that clause; the following sub-section shall be, and shall be deemed always to have been, substituted, namely:—

“(1A) The Administrator may, if he is satisfied, after making such inquiry as he may think fit, that the holder of any licence or certificate issued, renewed or continued under this Act has made such incorrect or false statement as is referred to in sub-section (1) or has contravened the provisions of such law, rule or order as is referred to in that sub-section, cancel such licence or certificate, as the case may be:

Provided that no licence or certificate shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.”

12. For section 88 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 88.

Dealers, etc., when to be deemed to have abetted an offence.

“88. (1) A dealer or refiner who knows or has reason to believe, that any person employed by him has, in the course of such employment, contravened any provisions of this Act or any rule or order made thereunder, shall be deemed to have abetted an offence against this Act:

Provided that no such abetment shall be deemed to have taken place if such dealer or refiner has, as expeditiously as possible, and in any case before the expiry of two days from the date on which he comes to know of the contravention or has reason to believe that such contravention has been made, intimated in writing to the Gold Control Officer, the name of the person by whom such contravention was made and the date and other particulars of such contravention.

(2) Whoever is deemed, under sub-section (1), to have abetted an offence against this Act, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”

13. For section 100 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 100. Precautions to be taken by a licensed dealer, refiner or certified goldsmith before acquiring any gold.

“100. (1) Every licensed dealer or refiner or certified goldsmith, as the case may be, shall, before accepting, buying or otherwise receiving any gold from any person, take such steps as are specified by the Central Government by rules made in this behalf, to satisfy himself as to the identity of the person from whom such gold is proposed to be accepted, bought or otherwise received by him.

(2) If on an inquiry made by a Gold Control Officer the person from whom a licensed dealer or refiner or certified goldsmith is purported to have accepted, bought or otherwise received any gold is not found at the address mentioned by the licensed dealer, refiner or certified goldsmith or at any other address ascertained from the first-mentioned address, the Gold Control Officer may call upon such

dealer, refiner or certified goldsmith, as the case may be, to establish that he had taken the steps specified by the rules made under sub-section (1).

(3) If such dealer, refiner or certified goldsmith, as the case may be, omits or fails, when called upon so to do, to establish that he had taken the steps specified by rules made under sub-section (1), it shall be presumed, until the contrary is proved, that such gold was accepted, bought or otherwise received by such dealer, refiner or certified goldsmith, as the case may be, in contravention of the provisions of this Act.

(4) Nothing in this section shall apply to a petty transaction.

Explanation.—In this section, "petty transaction" means a transaction in which the total weight of any primary gold, article or ornament which is accepted, bought or otherwise received from the same person in the course of a day, does not exceed twenty-five grammes."

14. In section 114 of the principal Act, in sub-section (2), clause (j) shall be re-lettered as clause (k) and before clause (k) as so re-lettered, the following clause shall be inserted, namely:— Amendment of section 114.

"(j) the types or classes of cases in which any authorisation may be made by the Administrator;"

6 of 1969. 15. (1) The Gold (Control) Amendment Ordinance, 1969, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken, including any notification, order or rule made, direction given, notice, licence or certificate issued, permission, authorisation or exemption granted, whether under the Gold (Control) Act, 1968, or the Gold (Control) Amendment Ordinance, 1969, shall, in so far as it is not inconsistent with the provisions of the Gold (Control) Act, 1968, as amended by this Act, be deemed to have been done, taken, made, given, issued or granted, as the case may be, under the corresponding provisions of the Gold (Control) Act, 1968, as amended by this Act.

45 of 1968.
6 of 1969.

Rep. by Act.....⁵⁶.....of 1974, s. 2 & Sch. I

THE PRESS COUNCIL (AMENDMENT) ACT, 1969

No. 27 OF 1969

[29th August, 1969]

An Act to amend the Press Council Act, 1965.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Press Council (Amendment) Act, 1969.

(2) It shall be deemed to have come into force on the 30th day of June, 1969.

Amend-
ment of
section 5.

2. In section 5 of the Press Council Act, 1965 (hereinafter referred to as the principal Act), after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding the expiry of the period of office specified by sub-section (1), read with sub-section (4) or sub-section (5), as the case may be, the Chairman and other members holding office as such on the 1st day of July, 1969, shall continue to hold such office until the 31st day of March, 1970:

Provided that nothing in this sub-section shall apply to a member who ceases to be a member before the 31st day of March, 1970, by reason of the provisions of sub-section (2), or whose term of office expires before that date by reason of the provisions of sub-section (3).”.

Repeal
and sav-
ing.

3. (1) The Press Council (Amendment) Ordinance, 1969, 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 corresponding provisions of the principal Act as amended by this Act.

THE CENTRAL SALES TAX (AMENDMENT) ACT, 1969

No. 28 OF 1969

[30th August, 1969]

An Act further to amend the Central Sales Tax Act, 1956 and to provide for certain other matters.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Central Sales Tax (Amendment) Act, 1969. Short title.

74 of 1956.

~~2. In section 2 of the Central Sales Tax Act, 1956 (hereinafter referred to as the principal Act), in clause (j), for the words "and determined in the prescribed manner", the words "and determined in accordance with the provisions of this Act and the rules made thereunder" shall be, and shall be deemed always to have been, substituted.~~ Amendment of section 2.

3. In section 6 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be, and shall be deemed always to have been, inserted, namely:— Amendment of section 6.

"(1A) A dealer shall be liable to pay tax under this Act on a sale of any goods effected by him in the course of inter-State trade or commerce notwithstanding that no tax would have been leviable (whether on the seller or the purchaser) under the sales tax law of the appropriate State if that sale had taken place inside that State.";

(b) in sub-section (2), for the word, brackets and figure "sub-section (1)", the words, brackets, figures and letter "sub-section (1) or sub-section (1A)" shall be, and shall be deemed to have been, substituted with effect from the 1st day of October, 1958.

4. In section 8 of the principal Act, in sub-section (2A), for the words, brackets and figures "Notwithstanding anything contained in sub-section (1) or sub-section (2)", the words, brackets, figures and letter "Notwithstanding anything contained in sub-section (1A) of section 6 or in sub-section (1) or sub-section (2) of this section" shall be, and shall be deemed to have been, substituted with effect from the 1st day of October, 1958. Amendment of section 8.

S. 268

171

4/Ref. by Act 56 of 1974, s. 2 Sch-I.

Insertion
of new
section
8A.

Deter-
mination
of turn-
over.

5. After section 8 of the principal Act, the following section shall be, and shall be deemed always to have been, inserted, namely:—

“8A. (1) In determining the turnover of a dealer for the purposes of this Act, the following deductions shall be made from the aggregate of the sale prices, namely:—

(a) the amount arrived at by applying the following formula—

$$\frac{\text{rate of tax} \quad \text{aggregate of sale prices}}{100 \text{ plus rate of tax}}$$

Provided that no deduction on the basis of the above formula shall be made if the amount by way of tax collected by a registered dealer, in accordance with the provisions of this Act, has been otherwise deducted from the aggregate of sale prices.

Explanation.—Where the turnover of a dealer is taxable at different rates, the aforesaid formula shall be applied separately in respect of each part of the turnover liable to a different rate of tax;

(b) the sale price of all goods returned to the dealer by the purchasers of such goods,—

(i) within a period of three months from the date of delivery of the goods, in the case of goods returned before the 14th day of May, 1966;

(ii) within a period of six months from the date of delivery of the goods, in the case of goods returned on or after the 14th day of May, 1966:

Provided that satisfactory evidence of such return of goods and of refund or adjustment in accounts of the sale price thereof is produced before the authority competent to assess or, as the case may be, re-assess the tax payable by the dealer under this Act; and

(c) such other deductions as the Central Government may, having regard to the prevalent market conditions, facility of trade and interests of consumers, prescribe.

(2) Save as otherwise provided in sub-section (1), in determining the turnover of a dealer for the purposes of this Act, no deduction shall be made from the aggregate of the sale prices.”.

Substitu-
tion of
new sec-
tion for
section
9.

6. For section 9 of the principal Act, the following section shall be, and shall be deemed always to have been, substituted, namely:—

Levy and
collection
of tax
and
penalties.

“9. (1) The tax payable by any dealer under this Act on sales of goods effected by him in the course of inter-State trade or commerce, whether such sales fall within clause (a) or clause (b) of section 3, shall be levied by the Government of India and the tax so levied shall be collected by that Government in accordance with the provisions of sub-section (2), in the State from which the movement of the goods commenced:

Provided that, in the case of a sale of goods during their movement from one State to another, being a sale subsequent to the first sale in respect of the same goods, the tax shall, where such sale does not fall within sub-section (2) of section 6, be levied and collected in the State from which the registered dealer effecting the subsequent sale obtained or, as the case may be, could have obtained, the form prescribed for the purposes of clause (a) of sub-section (4) of section 8 in connection with the purchase of such goods.

(2) Subject to the other provisions of this Act and the rules made thereunder, the authorities for the time being empowered to assess, re-assess, collect and enforce payment of any tax under the general sales tax law of the appropriate State shall, on behalf of the Government of India, assess, re-assess, collect and enforce payment of tax, including any penalty, payable by a dealer under this Act as if the tax or penalty payable by such a dealer under this Act is a tax or penalty payable under the general sales tax law of the State; and for this purpose they may exercise all or any of the powers they have under the general sales tax law of the State; and the provisions of such law, including provisions relating to returns, provisional assessment, advance payment of tax, registration of the transferee of any business, imposition of the tax liability of a person carrying on business on the transferee of, or successor to, such business, transfer of liability of any firm or Hindu undivided family to pay tax in the event of the dissolution of such firm or partition of such family, recovery of tax from third parties, appeals, reviews, revisions, references, refunds, penalties, compounding of offences and treatment of documents furnished by a dealer as confidential, shall apply accordingly:

Provided that if in any State or part thereof there is no general sales tax law in force, the Central Government may, by rules made in this behalf make necessary provision for all or any of the matters specified in this sub-section.

(3) The proceeds in any financial year of any tax, including any penalty, levied and collected under this Act in any State (other than a Union territory) on behalf of the Government of India shall be assigned to that State and shall be retained by it; and the proceeds attributable to Union territories shall form part of the Consolidated Fund of India."

7. Section 10A of the principal Act shall be, and shall be deemed to have been, renumbered with effect from the 1st day of October, 1958 as sub-section (1) of that section and after the said sub-section (1), the following sub-section shall be, and shall be deemed to have been, inserted with effect from the said day, namely:—

Amend-
ment of
section
10A.

"(2) The penalty imposed upon any dealer under sub-section (1) shall be collected by the Government of India in the manner provided in sub-section (2) of section 9—

(a) in the case of an offence falling under clause (b) or clause (d) of section 10, in the State in which the person purchasing the goods obtained the form prescribed for the purposes of clause (a) of sub-section (4) of section 8 in connection with the purchase of such goods;

(b) in the case of an offence falling under clause (c) of section 10, in the State in which the person purchasing the goods should have registered himself if the offence had not been committed."

Amendment of section 13.

8. In section 13 of the principal Act, in clause (f) of sub-section (1), for the word, brackets and figure "sub-section (3)", the word, brackets and figure "~~sub-section (2)~~" shall be, and shall be deemed always to have been, substituted.

Validation of assessments, etc.

9. (1) Notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, any assessment, re-assessment, levy or collection of any tax made or purporting to have been made, any action or thing taken or done in relation to such assessment, re-assessment, levy or collection under the provisions of the principal Act before the 9th day of June, 1969, shall be deemed to be as valid and effective as if such assessment, re-assessment, levy or collection or action or thing had been made, taken or done under the principal Act as amended by this Act and accordingly—

(a) all acts, proceedings or things done or taken by the Government or by any officer of the Government or by any other authority in connection with the assessment, re-assessment, levy or collection of such tax shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such tax; and

(c) no court shall enforce any decree or order directing the refund of any such tax.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person—

(a) from questioning in accordance with the provisions of the principal Act, as amended by this Act, any assessment, re-assessment, levy or collection of tax referred to in sub-section (1), or

(b) from claiming refund of any tax paid by him in excess of the amount due from him by way of tax under the principal Act as amended by this Act.

Exemption from liability to pay tax in certain cases.

10. (1) Where any sale of goods in the course of inter-State trade or commerce has been effected during the period between the 10th day of November, 1964 and the 9th day of June, 1969, and the dealer effecting such sale has not collected any tax under the principal Act on the ground that no such tax could have been levied or collected in respect of such sale or any portion of the turnover relating to such sale and no such tax could have been levied or collected if the amendments made in the principal Act by this Act had not been made, then, notwithstanding anything contained in section 9 or the said amendments, the dealer shall not be liable to pay any tax under the principal Act, as amended by this Act, in respect of such sale or such part of the turnover relating to such sale.

(2) For the purposes of sub-section (1), the burden of proving that no tax was collected under the principal Act in respect of any sale referred to in sub-section (1) or in respect of any portion of the turnover relating to such sale shall be on the dealer effecting such sale.

4 of 1969. 11. (1) The Central Sales Tax (Amendment) Ordinance, 1969, is hereby repealed. **Repeal and saving.**

(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 as if this Act had come into force on the 9th day of June, 1969.

THE APPROPRIATION (RAILWAYS) No. 3
ACT, 1969

No. 29 OF 1969

[30th August, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1969-70 for the purposes of railways.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Appropriation (Railways) No. 3 Act, 1969.

Issue of Rs. 13,000 out of the Consolidated Fund of India for the financial year 1969-70. 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 thirteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1969-70 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	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
2	Miscellaneous Expenditure	4,000	..	4,000
5	Working Expenses—Repairs and Maintenance. . . . .	..	8,000	8,000
15	Open Line Works—Capital, Depreciation Reserve Fund and Development Fund	1,000	..	1,000
	TOTAL	5,000	8,000	13,000

THE APPROPRIATION (RAILWAYS) No. 4 ACT, 1969

No. 30 OF 1969

[30th August, 1969]

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 for the purposes of Railways during the financial year ended on the 31st day of March, 1968, in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Appropriation (Railways) No. 4 Act, 1969.

Issue of
Rs. 1,71,33,
069
out of the
Consoli-
dated
Fund of
India to
meet
certain
expendi-
ture for
the year
ended on
the 31st
March,
1968.

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 crore seventy-one lakhs, thirty-three thousand and sixty-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 relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1968, 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 expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1968.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums aggregating to		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
5	Revenue—Working Expenses—Repairs and Maintenance	26,27,331	..	26,27,331
7	Revenue—Working Expenses—Operation (Fuel)	97,89,494	..	97,89,494
8	Revenue—Working Expenses—Operation other than Staff and Fuel	37,32,622	..	37,32,622
16	Pensionary Charges—Pension Fund	9,83,349	..	9,83,349
20	Withdrawals from Revenue Reserve Fund	273	..	273
	TOTAL	1,71,33,069	..	1,71,33,069

THE APPROPRIATION (No. 4) ACT, 1969

No. 31 OF 1969

[30th August, 1969]

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 1969-70.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Appropriation (No. 4) Act, 1969.

Issue of
Rs. 13,62,
41,000
out of
the Con-
solidated
Fund of
India for
the year
1969-70.

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 thirteen crores, sixty-two lakhs and forty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1969-70, in respect of the services specified in column 2 of the Schedule.

Appro-
priation.

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 Consolidat- ed Fund	Total
		Rs.	Rs.	Rs.
7	Education	1,000	..	1,000
41	Stationery and Printing . . . . .	..	2,04,000	2,04,000
44	Cabinet	3,31,000	..	3,31,000
60	Salt	12,53,000	..	12,53,000
61	Other Revenue Expenditure of the Ministry of Industrial Development, Internal Trade and Company Affairs	8,10,000	..	8,10,000
66	Multi-purpose River Schemes	5,00,000	..	5,00,000
82	Other Revenue Expenditure of the Ministry of Shipping and Transport	4,15,00,000	..	4,15,00,000
93	Posts and Telegraphs—Working Expenses	2,00,00,000	..	2,00,00,000
98	Other Revenue Expenditure of the Department of Social Welfare	1,50,000	..	1,50,000
116	Delhi Capital Outlay	1,000	..	1,000
121	Capital Outlay of the Ministry of Industrial Development, Internal Trade and Company Affairs	6,50,90,000	..	6,50,90,000
124	Other Capital Outlay of the Ministry of Irrigation and Power	60,00,000	..	60,00,000
125	Capital Outlay of the Ministry of Labour, Employment and Rehabilitation	4,00,000	..	4,00,000
131	Capital Outlay on Aviation	1,000	..	1,000
	GRAND TOTAL	13,60,37,000	2,04,000	13,62,41,000

56 Ag of 1974, s. 2 d/sch-I
Repealed by Act...

THE BIHAR STATE LEGISLATURE (DELEGATION OF POWERS) ACT, 1969

No. 32 OF 1969

[31st August, 1969]

An Act to confer on the President the power of the Legislature of the State of Bihar to make laws.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Bihar State Legislature (Delegation of Powers) Act, 1969.

Definition.

2. In this Act, "Proclamation" means the Proclamation issued on the 4th day of July, 1969, under article 356 of the Constitution, by the Vice-President of India acting as the President and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1600 of the said date.

Conferment on the President of the power of the State Legislature to make laws.

3. (1) The power of the Legislature of the State of Bihar to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact as a President's Act a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose consisting of forty members of the House of the People nominated by the Speaker and twenty members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

THE FOREIGN MARRIAGE ACT, 1969

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title.
2. Definitions.
3. Marriage Officers.

CHAPTER II

SOLEMNIZATION OF FOREIGN MARRIAGES

4. Conditions relating to solemnization of foreign marriages.
5. Notice of intended marriage.
6. Marriage Notice Book.
7. Publication of notice.
8. Objection to marriage.
9. Solemnization of marriage where no objection made.
10. Procedure on receipt of objection.
11. Marriage not to be in contravention of local laws.
12. Declaration by parties and witnesses.
13. Place and form of solemnization.
14. Certificate of marriage.
15. Validity of foreign marriages in India.
16. New notice when marriage not solemnized within six months.

CHAPTER III

REGISTRATION OF FOREIGN MARRIAGES SOLEMNIZED UNDER OTHER LAWS

17. Registration of foreign marriages.

CHAPTER IV

MATRIMONIAL RELIEF IN RESPECT OF FOREIGN MARRIAGES

18. Matrimonial reliefs to be under Special Marriage Act, 1954.

CHAPTER V

PENALTIES

SECTIONS

19. Punishment for bigamy.
20. Punishment for contravention of certain other conditions for marriage.
21. Punishment for false declaration.
22. Punishment for wrongful action of Marriage Officer.

CHAPTER VI

MISCELLANEOUS

23. Recognition of marriages solemnized under law of other countries.
24. Certification of documents of marriages solemnized in accordance with local law in a foreign country.
25. Certified copy of entries to be evidence.
26. Correction of errors.
27. Act not to affect validity of marriages outside it.
28. Power to make rules.
29. Amendment of Act 43 of 1954.
30. Repeal.

THE FIRST SCHEDULE.—FORM OF NOTICE OF INTENDED MARRIAGE.

THE SECOND SCHEDULE.—DECLARATION TO BE MADE BY THE BRIDE-GROOM AND THE BRIDE.

THE THIRD SCHEDULE.—FORM OF CERTIFICATE OF MARRIAGE.

THE FOREIGN MARRIAGE ACT, 1969

No. 33 OF 1969

[31st August, 1969]

An Act to make provision relating to marriages of citizens of India outside India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Foreign Marriage Act, 1969.

Short title.

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

Definitions.

43 of 1954.

(a) “degrees of prohibited relationship” shall have the same meaning as in the Special Marriage Act, 1954;

(b) “district”, in relation to a Marriage Officer, means the area within which the duties of his office are to be discharged;

(c) “foreign country” means a country or place outside India, and includes a ship which is for the time being in the territorial waters of such a country or place;

(d) “Marriage Officer” means a person appointed under section 3 to be a Marriage Officer;

(e) “official house”, in relation to a Marriage Officer, means—

(i) the official house of residence of the officer;

(ii) the office in which the business of the officer is transacted;

(iii) a prescribed place; and

(f) “prescribed” means prescribed by rules made under this Act.

3. For the purposes of this Act, the Central Government may, by notification in the Official Gazette, appoint such of its diplomatic or consular officers as it may think fit to be Marriage Officers for any foreign country.

Marriage Officers.

Explanation.—In this section, “diplomatic officer” means an ambassador, envoy, minister, high commissioner, commissioner, *charge d’affaires* or other diplomatic representative or a counsellor or secretary of an embassy, legation or high commission.

CHAPTER II

SOLEMNIZATION OF FOREIGN MARRIAGES

Conditions relating to solemnization of foreign marriages.

4. A marriage between parties one of whom at least is a citizen of India may be solemnized under this Act by or before a Marriage Officer in a foreign country, if, at the time of the marriage, the following conditions are fulfilled, namely:—

(a) neither party has a spouse living,

(b) neither party is an idiot or a lunatic,

(c) the bridegroom has completed the age of twenty-one years and the bride the age of eighteen years at the time of the marriage, and

(d) the parties are not within the degrees of prohibited relationship:

Provided that where the personal law or a custom governing at least one of the parties permits of a marriage between them, such marriage may be solemnized, notwithstanding that they are within the degrees of prohibited relationship.

Notice of intended marriage.

5. When a marriage is intended to be solemnized under this Act, the parties to the marriage shall give notice thereof in writing in the form specified in the First Schedule to the Marriage Officer of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days immediately preceding the date on which such notice is given, and the notice shall state that the party has so resided.

Marriage Notice Book.

6. The Marriage Officer shall keep all notices given under section 5 with the records of his office and shall also forthwith enter a true copy of every such notice in a book prescribed for that purpose, to be called the "Marriage Notice Book", and such book shall be open for inspection at all reasonable times, without fee, by any person desirous of inspecting the same.

Publication of notice.

7. Where a notice under section 5 is given to the Marriage Officer, he shall cause it to be published—

(a) in his own office, by affixing a copy thereof to a conspicuous place, and

(b) in India and in the country or countries in which the parties are ordinarily resident, in the prescribed manner.

Objection to marriage.

8. (1) Any person may, before the expiration of thirty days from the date of publication of the notice under section 7, object to the marriage on the ground that it would contravene one or more of the conditions specified in section 4.

Explanation.—Where the publication of the notice by affixation under clause (a) of section 7 and in the prescribed manner under clause (b) of that section is on different dates, the period of thirty days shall, for the purposes of this sub-section, be computed from the later date.

(2) Every such objection shall be in writing signed by the person making it or by any person duly authorised to sign on his behalf, and shall state the ground of objection; and the Marriage Officer shall record the nature of the objection in his Marriage Notice Book.

9

Solemnization of marriage where no objection made.

10. (1) If an objection is made under section 8 to an intended marriage, the Marriage Officer shall not solemnize the marriage until he has inquired into the matter of the objection in such manner as he thinks fit and is satisfied that it ought not to prevent the solemnization of the marriage or the objection is withdrawn by the person making it.

Procedure on receipt of objection.

(2) Where a Marriage Officer after making any such inquiry entertains a doubt in respect of any objection, he shall transmit the record with such statement respecting the matter as he thinks fit to the Central Government; and the Central Government, after making such further inquiry into the matter and after obtaining such advice as it thinks fit, shall give its decision thereon in writing to the Marriage Officer, who shall act in conformity with the decision of the Central Government.

11. (1) The Marriage Officer may, for reasons to be recorded in writing, refuse to solemnize a marriage under this Act if the intended marriage is prohibited by any law in force in the foreign country where it is to be solemnized.

Marriage not to be in contravention of local laws.

(2) The Marriage Officer may, for reasons to be recorded in writing, refuse to solemnize a marriage under this Act on the ground that in his opinion, the solemnization of the marriage would be inconsistent with international law or the comity of nations.

(3) Where a Marriage Officer refuses to solemnize a marriage under this section, any party to the intended marriage may appeal to the Central Government in the prescribed manner within a period of thirty days from the date of such refusal; and the Marriage Officer shall act in conformity with the decision of the Central Government on such appeal.

12. Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Marriage Officer, sign a declaration in the form specified in the Second Schedule, and the declaration shall be countersigned by the Marriage Officer.

Declaration by parties and witnesses.

13. (1) A marriage by or before a Marriage Officer under this Act shall be solemnized at the official house of the Marriage Officer with open doors between the prescribed hours in the presence of at least three witnesses.

Place and form of solemnization.

(2) The marriage may be solemnized in any form which the parties may choose to adopt;

Provided that it shall not be complete and binding on the parties unless each party declares to the other in the presence of the Marriage Officer and the three witnesses and in any language understood by the parties,—“I, (A), take thee (B), to be my lawful wife (or husband)”:

Provided further that where the declaration referred to in the preceding proviso is made in any language which is not understood by the Marriage Officer or by any of the witnesses, either of the parties shall interpret or cause to be interpreted the declaration in a language which the Marriage Officer or, as the case may be, such witness understands.

Certificate
of mar-
riage.

14. (1) Whenever a marriage is solemnized under this Act, the Marriage Officer shall enter a certificate thereof in the form specified in the Third Schedule in a book to be kept by him for that purpose and to be called the Marriage Certificate Book, and such certificate shall be signed by the parties to the marriage and the three witnesses.

(2) On a certificate being entered in the Marriage Certificate Book by the Marriage Officer, the certificate shall be deemed to be conclusive evidence of the fact that a marriage under this Act has been solemnized, and that all formalities respecting the residence of the party concerned previous to the marriage and the signatures of witnesses have been complied with.

Validity
of foreign
marriages
in India.

15. Subject to the other provisions contained in this Act, a marriage solemnized in the manner provided in this Act shall be good and valid in law.

New
notice
when
marriage
not
solemni-
zed within
six
months.

16. Whenever a marriage is not solemnized within six months from the date on which notice thereof has been given to the Marriage Officer as required under section 5 or where the record of a case has been transmitted to the Central Government under section 10, or where an appeal has been preferred to the Central Government under section 11, within three months from the date of decision of the Central Government in such case or appeal, as the case may be, the notice and all other proceedings arising therefrom shall be deemed to have lapsed, and no Marriage Officer shall solemnize the marriage until new notice has been given in the manner laid down in this Act.

CHAPTER III

REGISTRATION OF FOREIGN MARRIAGES SOLEMNIZED UNDER OTHER LAWS

Registra-
tion of
foreign
mar-
riages.

17. (1) Where—

(a) a Marriage Officer is satisfied that a marriage has been duly solemnized in a foreign country in accordance with the law of that country between parties of whom one at least was a citizen of India; and

(b) a party to the marriage informs the Marriage Officer in writing that he or she desires the marriage to be registered under this section,

the Marriage Officer may, upon payment of the prescribed fee, register the marriage.

(2) No marriage shall be registered under the section unless at the time of registration it satisfies the conditions mentioned in section 4.

(3) The Marriage Officer may, for reasons to be recorded in writing, refuse to register a marriage under this section on the ground that in his opinion the marriage is inconsistent with international law or the comity of nations.

(4) Where a Marriage Officer refuses to register a marriage under this section the party applying for registration may appeal to the Central Government in the prescribed manner within a period of thirty days from the date of such refusal; and the Marriage Officer shall act in conformity with the decision of the Central Government on such appeal.

(5) Registration of a marriage under this section shall be effected by the Marriage Officer by entering a certificate of the marriage in the prescribed form and in the prescribed manner in the Marriage Certificate Book, and such certificate shall be signed by the parties to the marriage and by three witnesses.

(6) A marriage registered under this section shall, as from the date of registration, be deemed to have been solemnized under this Act.

CHAPTER IV

MATRIMONIAL RELIEF IN RESPECT OF FOREIGN MARRIAGES

43 of 1954. 18. (1) Subject to the other provisions contained in this section, the provisions of Chapters IV, V, VI and VII of the Special Marriage Act, 1954, shall apply in relation to marriages solemnized under this Act and to any other marriage solemnized in a foreign country between parties of whom one at least is a citizen of India as they apply in relation to marriages solemnized under that Act. Matrimonial relief to be under special marriage Act, 1954.

43 of 1954. *Explanation.*—In its application to the marriages referred to in this sub-section, section 24 of the Special Marriage Act, 1954, shall be subject to the following modifications, namely:—

(i) the reference in sub-section (1) thereof to clauses (a), (b), (c) and (d) of section 4 of that Act shall be construed as a reference to clauses (a), (b), (c) and (d) respectively of section 4 of this Act, and

(ii) nothing contained in section 24 aforesaid shall apply to any marriage—

(a) which is not solemnized under this Act; or

(b) which is deemed to be solemnized under this Act by reason of the provisions contained in section 17;

Provided that the registration of any such marriage as is referred to in sub-clause (b) may be declared to be of no effect if the registration was in contravention of sub-section (2) of section 17.

(2) Every petition for relief under Chapter V or Chapter VI of the Special Marriage Act="33" data-bbox="811 99 886 113">

Provided that the registration of any such marriage as is referred to in sub-clause (b) may be declared to be of no effect if the registration was in contravention of sub-section (2) of section 17.

(2) Every petition for relief under Chapter V or Chapter VI of the Special Marriage Act, 1954, as made applicable to the marriages referred to in sub-section (1), shall be presented to the district court within the local limits of whose ordinary civil jurisdiction—

(a) the respondent is residing at the time of the presentation of the petition; or

(b) the husband and wife last resided together; or

(c) the petitioner is residing at the time of the presentation of the petition, provided that the respondent is at that time residing outside India.

Explanation.—In this section, “district court” has the same meaning as in the Special Marriage Act, 1954.

(3) Nothing contained in this section shall authorise any court—

(a) to make any decree of dissolution of marriage, except where—

(i) the parties to the marriage are domiciled in India at the time of the presentation of the petition; or

(ii) the petitioner, being the wife, was domiciled in India immediately before the marriage and has been residing in India for a period of not less than three years immediately preceding the presentation of the petition;

(b) to make any decree annulling a voidable marriage, except where—

(i) the parties to the marriage are domiciled in India at the time of the presentation of the petition; or

(ii) the marriage was solemnized under this Act and the petitioner, being the wife, has been ordinarily resident in India for a period of three years immediately preceding the presentation of the petition;

(c) to make any decree of nullity of marriage in respect of a void marriage, except where—

(i) either of the parties to the marriage is domiciled in India at the time of the presentation of the petition, or

(ii) the marriage was solemnized under this Act and the petitioner is residing in India at the time of the presentation of the petition;

(d) to grant any other relief under Chapter V or Chapter VI of the Special Marriage Act, 1954, except where the petitioner is residing in India at the time of the presentation of the petition.

(4) Nothing contained in sub-section (1) shall authorise any court to grant any relief under this Act in relation to any marriage in a foreign country not solemnized under it, if the grant of relief in respect of such marriage (whether on any of the grounds specified in the Special Marriage Act, 1954, or otherwise) is provided for under any other law for the time being in force.

CHAPTER V

PENALTIES

45 of 1860. 19. (1) Any person whose marriage is solemnized or deemed to have been solemnized under this Act and who, during the subsistence of his marriage, contracts any other marriage in India shall be subject to the penalties provided in section 494 and section 495 of the Indian Penal Code and the marriage so contracted shall be void. Punishment for bigamy.

(2) The provisions of sub-section (1) apply to any such offence committed by any citizen of India without and beyond India.

20. Any citizen of India who procures a marriage of himself or herself to be solemnized under this Act in contravention of the condition specified in clause (c) or clause (d) of section 4 shall be punishable— Punishment for contravention of certain other conditions for marriage.

(a) in the case of a contravention of the condition specified in clause (c) of section 4, with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both; and

(b) in the case of a contravention of the condition specified in clause (d) of section 4, with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

21. If any citizen of India for the purpose of procuring a marriage, intentionally— Punishment for false declaration.

(a) where a declaration is required by this Act, makes a false declaration; or

(b) where a notice or certificate is required by this Act, signs a false notice or certificate;

he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

22. Any Marriage Officer who knowingly and wilfully solemnizes a marriage under this Act in contravention of any of the provisions of this Act shall be punishable with simple imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both. Punishment for wrongful action of Marriage Officer.

CHAPTER VI

MISCELLANEOUS

23. If the Central Government is satisfied that the law in force in any foreign country for the solemnization of marriages contains provisions similar to those contained in this Act, it may, by notification in the Official Gazette, declare that marriages solemnized under the law in force in such foreign country shall be recognized by courts in India as valid. Recognition of marriages solemnized under law of other countries.

Certification of documents of marriages solemnized in accordance with local law in a foreign country.

24. (1) Where—

(a) a marriage is solemnized in any foreign country specified in this behalf by the Central Government, by notification in the Official Gazette, in accordance with the law of that country between parties of whom one at least is a citizen of India; and

(b) a party to the marriage who is such citizen produces to a Marriage Officer in the country in which the marriage was solemnized—

(i) a copy of the entry in respect of the marriage in the marriage register of that country certified by the appropriate authority in that country to be a true copy of that entry; and

(ii) if the copy of that entry is not in the English language, a translation into the prescribed language of that copy; and

(c) the Marriage Officer is satisfied that the copy of the entry in the marriage register is a true copy and that the translation, if any, is a true translation;

the Marriage Officer, upon the payment of the prescribed fee, shall certify upon the copy that he is satisfied that the copy is a true copy of the entry in the marriage register and upon the translation that he is satisfied that the translation is a true translation of the copy and shall issue the copy and the translation to the said party.

(2) A document relating to a marriage in a foreign country issued under sub-section (1) shall be admitted in evidence in any proceedings as if it were a certificate duly issued by the appropriate authority of that country.

Certified copy of entries to be evidence.

25. Every certified copy purporting to be signed by the Marriage Officer of an entry of a marriage in the Marriage Certificate Book shall be received in evidence without production or proof of the original.

Correction of errors.

26. (1) Any Marriage Officer who discovers any error in the form or substance of any entry in the Marriage Certificate Book may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other witnesses, correct the error by entry in the margin without any alteration of the original entry and add thereto the date of such correction.

(2) Every correction made under this section shall be attested by the witnesses in whose presence it was made.

Act not to affect validity of marriages outside it.

27. Nothing in this Act shall in any way affect the validity of a marriage solemnized in a foreign country otherwise than under this Act.

Power to make rules.

28. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

- (a) the duties and powers of Marriage Officers and their districts;
- (b) the manner in which a Marriage Officer may hold any inquiry under this Act;
- (c) the manner in which notices of marriage shall be published;
- (d) the places in which and the hours between which marriages under this Act may be solemnized;
- (e) the form and the manner in which any books required by or under this Act to be kept shall be maintained;
- (f) the form and manner in which certificates of marriages may be entered under sub-section (5) of section 17;
- (g) the fees that may be levied for the performance of any duty imposed upon a Marriage Officer under this Act;
- (h) the authorities to which, the form in which and the intervals within which copies of entries in the Marriage Certificate Book shall be sent, and, when corrections are made in the Marriage Certificate Book, the manner in which certificates of such corrections shall be sent to the authorities;
- (i) the inspection of any books required to be kept under this Act and the furnishing of certified copies of entries therein;
- (j) the manner in which and the conditions subject to which any marriage may be recognized under section 23;
- (k) any other matter which may be, or requires to be, prescribed.

(3) Every rule 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, 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.

29. In the Special Marriage Act, 1954,—

- (a) in section 1, in sub-section (2), for the words "outside the said territories", the words "in the State of Jammu and Kashmir" shall be substituted;
- (b) in section 2, clauses (a) and (c) shall be omitted;
- (c) in section 3, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) For the purposes of this Act, in its application to citizens of India domiciled in the territories to which this Act extends who are in the State of Jammu and Kashmir,

Amend-
ment of
Act 43 of
1954.

the Central Government may, by notification in the Official Gazette, specify such officers of the Central Government as it may think fit to be the Marriage Officers for the State or any part thereof.”;

(d) in section 4, for clause (e), the following clause shall be substituted, namely:—

“(e) where the marriage is solemnized in the State of Jammu and Kashmir, both parties are citizens of India domiciled in the territories to which this Act extends.”;

(e) in section 10, for the words “outside the territories to which this Act extends in respect of an intended marriage outside the said territories”, the words “in the State of Jammu and Kashmir in respect of an intended marriage in the State” shall be substituted;

(f) in section 50, in sub-section (1), the words “diplomatic and consular officers and other” shall be omitted.

Repeal.

30. The Indian Foreign Marriage Act, 1903, is hereby repealed.

14 of 1903.

THE FIRST SCHEDULE

(See section 5)

FORM OF NOTICE OF INTENDED MARRIAGE

To

The Marriage Officer

for.....

We hereby give you notice that a marriage under the Foreign Marriage Act, 1969 is intended to be solemnized between us within three months from the date hereof.

Name and father's name	Condition	Occupation	Date of birth	Dwelling place	Permanent dwelling place and present dwelling place if not permanent	Length of residence in the present dwelling place
A.B.	<i>Unmarried</i>					
	<i>Widower</i>					
	<i>Divorcee</i>					
C.D.	<i>Unmarried</i>					
	<i>Widow</i>					
	<i>Divorcee</i>					

Witness our hands, this.....day of.....

19.....

Sd. A.B.

Sd. C.D.

THE SECOND SCHEDULE

(See section 12)

DECLARATION TO BE MADE BY THE BRIDEGROOM

I, A.B., hereby declare as follows:—

- 1. I am at present time unmarried (or a widower or a divorcee, as the case may be).
- 2. I have completed.....years of age.
- 3. I am not related to C.D. (the bride) within the degrees of prohibited relationship.
- 4. I am a citizen of.....

(to be filled up)

5. I am aware that, if any statement in this declaration is false, I am liable to imprisonment and also to fine.

Sd. A. B. (the bridegroom)

DECLARATION TO BE MADE BY THE BRIDE

I, C.D., hereby declare as follows:—

- 1. I am at the present time unmarried (or a widower or a divorcee, as the case may be).
- 2. I have completed.....years of age.
- 3. I am not related to A.B. (the bridegroom) within the degrees of prohibited relationship.
- 4. I am a citizen of.....

(to be filled up)

5. I am aware that, if any statement in this declaration is false, I am liable to imprisonment and also to fine.

Sd. C.D. (the bride)

Signed in our presence by the above named A.B. and C.D. So far as we are aware, there is no lawful impediment to the marriage.

Sd. G.H. }
 Sd. I.J. } Three witnesses.
 Sd. K.L. }

(Countersigned) E.F.
Marriage Officer

Dated the.....day of.....19.....

THE THIRD SCHEDULE

(See section 14)

FORM OF CERTIFICATE OF MARRIAGE

I, E.F., hereby certify that on the.....day of.....
19A.B. and C.D.....*appeared before me and that
the declaration required by section.....† of the Foreign

*Herein give particulars of the parties.

†To be entered.

Marriage Act, 1969, was duly made, and that a marriage under that Act was solemnized between them in my presence and in the presence of three witnesses who have signed hereunder.

Sd. E.F.

Marriage Officer,

Sd. A.B. (bridegroom)

Sd. C.D. (bride)

Sd. G.H. }

Sd. I.J. }

Sd. K.L. }

Three witnesses.

Dated theday of 19.....

THE BANARAS HINDU UNIVERSITY (AMENDMENT)
ACT, 1969

No. 34 OF 1969

[31st August, 1969]

An Act further to amend the Banaras Hindu University Act, 1915.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Banaras Hindu University (Amendment) Act, 1969.

Short
title and
comen-
ment.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

18 of 1915. 2. In section 7B of the Banaras Hindu University Act, 1915 (herein-
after referred to as the principal Act),—

Amend-
ment of
section
7B.

(i) for sub-sections (1) and (2), the following sub-section shall be substituted, namely:—

“(1) The Vice-Chancellor shall be appointed by the Visitor on the recommendation of a Selection Committee constituted by the Visitor for the purpose:

Provided that, if the Visitor does not approve of such recommendation, he may call for one or more fresh recommendations.”;

(ii) in sub-section (4), for the words “five years”, the words “three years” and for the words “ineligible for re-appointment to that office”, the words “eligible for re-appointment to that office for a second term” shall be substituted.

3. In section 7C of the principal Act,—

Amend-
ment of
section
7C.

(i) in sub-section (2), the words “, the Standing Committee of the Academic Council” shall be omitted;

(ii) in sub-section (4), for the words “, the Academic Council and the Standing Committee of the Academic Council”, the words “and the Academic Council” shall be substituted.

¹15-2-1969 : vide No. G.S.R. 2244 dated the 5th September, 1969, Gazette of India, 1969, Pt. II, Sec. 3 (i), p. 3002.

Amend-
ment of
section
8A.

4. In section 8A of the principal Act, clause (d) shall be omitted.

Substitu-
tion of
new sec-
tion for
sections
9 and
9A.

5. For sections 9 and 9A of the principal Act, the following section shall be substituted, namely:—

The Court.

“9. The Court shall be an advisory body and its functions shall be—

(a) to advise the Visitor in respect of any matter which may be referred to it for advice;

(b) to advise any authority of the University in respect of any matter which may be referred to the Court by such authority; and

(c) to perform such other duties and exercise such other powers as may be assigned to it by the Visitor or under this Act.”.

Amend-
ment of
section
10.

6. In section 10 of the principal Act, in sub-section (1), for the word “Court”, the word “Visitor” shall be substituted.

Omis-
sion of
section
12.

7. Section 12 of the principal Act shall be omitted.

Amend-
ment of
section
13.

8. In section 13 of the principal Act, in sub-section (2), the words “to the Court and” shall be omitted.

Amend-
ment of
section
17.

9. In section 17 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (b), for the words “the election and appointment”, the words “the appointment by election, nomination or otherwise” shall be substituted;

(b) in clause (n), the words “the Standing Committee of the Academic Council,” shall be omitted;

(ii) sub-section (7) shall be re-numbered as sub-section (4) and for sub-sections (3), (4), (5) and (6), the following sub-section shall be substituted, namely:—

“(3) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes.”.

Amend-
ment of
section
18.

10. In section 18 of the principal Act, for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely:—

“(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Visitor who may pass such order thereon as he thinks fit.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor who may disallow any

such Ordinance or remit it to the Executive Council for further consideration.

(7) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order."

11. In section 19 of the principal Act, in the proviso to sub-section (3), for the word "Court", the word "Visitor" shall be substituted.

Amendment of section 19.

12. Notwithstanding anything contained in the principal Act, the Statutes of the University shall be amended as follows:—

Amendment of Statutes.

(i) in Statute 3, for clause (3), the following clause shall be substituted, namely:—

"(3) The Rector shall hold office for only so long as the Vice-Chancellor on whose recommendation he was appointed holds office and he shall be eligible for re-appointment:

Provided that notwithstanding the expiry of the term of his office, the Rector shall continue in office until his successor is appointed and enters upon his office.";

(ii) in Statute 4,—

(a) in clause (3), the words "the Standing Committee of the Academic Council," shall be omitted;

(b) in clause (4),—

(1) in sub-clause (b), the words "the Finance Committee, the Standing Committee of the Academic Council," shall be omitted;

(2) in sub-clause (c), the words "the Standing Committee of the Academic Council, the Finance Committee," shall be omitted;

(3) in sub-clause (d), for the words "the Academic Council and the Standing Committee of the Academic Council", the words "and the Academic Council" shall be substituted;

(iii) for Statute 10, the following Statute shall be substituted, namely:—

"10. (1) The Court shall consist of the following members, namely:—

The court.

(a) the Chancellor, *ex officio*,

(b) the members of the Executive Council, *ex officio*,

(c) three persons, being Heads of Departments of Studies or Principals of Colleges of the University, nominated by the Visitor,

(d) two persons, being Professors from Departments of Studies or Colleges of the University, nominated by the Visitor,

(e) two persons from among teachers of the University, other than Professors, nominated by the Visitor,

(f) three representatives of Parliament, two to be nominated by the Speaker of the Lok Sabha from among the members thereof and one to be nominated by the Chairman of the Rajya Sabha from among the members thereof, and

(g) thirty persons nominated by the Visitor from among persons who are men of standing in public life or have special knowledge or practical experience in education or have rendered eminent services in the cause of education.

(2) Seventeen members of the Court shall form the quorum.

(3) All members of the Court, other than *ex officio* members, shall hold office for a term of three years.”;

(iv) for Statute 14, the following Statute shall be substituted, namely:—

The Executive Council.

“14. (1) The Executive Council shall consist of the following members, namely:—

(a) the Vice-Chancellor, *ex officio*,

(b) eight persons nominated by the Visitor.

(2) Five members of the Executive Council shall form the quorum.

(3) The members of the Executive Council shall hold office for a term of three years.”;

(v) in Statute 15, in clause (x) the words “the Standing Committee of” shall be omitted;

(vi) in Statute 18,—

(a) in clause (i), the words “the Court or” shall be omitted;

(b) clause (xv) shall be re-numbered as clause (xxv) and after clause (xiv), the following clauses shall be inserted, namely:—

“(xv) to fix, subject to any conditions accepted by the Executive Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same;

(xvi) to conduct examinations in conformity with the Ordinances and to fix dates for holding them;

(xvii) to declare the results of the various University examinations, or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;

(xviii) to award stipends, scholarships, medals, prizes and to make awards in accordance with the Ordinances and such other conditions as may be attached to the awards;

(xix) to make recommendations to the Executive Council in regard to the appointment of examiners, and if necessary, their removal and the fixation of their fees, emoluments and the travelling and other allowances and the appointment of Boards of Examiners and Moderators;

(xx) to appoint, whenever necessary, Inspectors or Boards of Inspectors for inspecting colleges and institutions applying for admission to the privileges of the University;

(xxi) to publish lists of prescribed or recommended text-books and to publish syllabuses of the prescribed courses of study;

(xxii) to prepare such forms and registers as are, from time to time, prescribed by the Ordinances;

(xxiii) to appoint committees, for admission to the University;

(xxiv) to appoint, subject to the provisions of Statute 26, committees for such specific purposes as it may deem necessary; and”;

(vii) Statutes 19 and 20 shall be omitted;

(viii) for clauses (1) and (3) of Statute 21, the following clauses shall respectively be substituted, namely:—

“(1) The Finance Committee shall consist of the following members, namely:—

(i) the Vice-Chancellor;

(ii) three persons nominated by the Visitor;

(iii) two persons, who are not employees of the University, appointed by the Executive Council;

(iv) two Deans of Faculties by rotation according to seniority for a term of two years.”;

“(3) Four members of the Finance Committee shall form the quorum.”;

(ix) in Statute 36,—

(a) in clause (1), in condition (iii), the words “the Standing Committee of” shall be omitted;

(b) in clause (3), the words “the Standing Committee of”, wherever they occur, shall be omitted.

REPEALED

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Banaras Hindu University (Amendment) [ACT 34 OF 1969]

Transi-
tional
provi-
sions.

13. (1) Every person holding office as a member of the Court of the Executive Council or the Finance Committee, as the case may be, immediately before the commencement of this Act shall, on and from such commencement, cease to hold office as such:

Provided that where any such person held, immediately before such date, any other office in the University, nothing contained in this subsection shall be construed to affect his continuance in such other office.

(2) Until the Court or the Executive Council or the Finance Committee is constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as modified by this Act, the Visitor may, by general or special order, direct any officer of the University to exercise the powers and perform the duties conferred or imposed by or under the principal Act as so amended or the Statutes as so modified on the Court or the Executive Council or the Finance Committee, as the case may be.

(3) Notwithstanding anything contained in the principal Act or the Statutes immediately before the commencement of this Act, where this Act modifies the method of appointment to an office or the term of office of the holder thereof, the holder of such office shall, unless he resigns his office and his resignation is accepted under Statute 30, continue to exercise the functions of that office until his successor is appointed in accordance with the provisions of the principal Act as amended by this Act or the Statutes as modified by this Act and enters upon his office; and for the removal of doubts, it is hereby declared that a person holding any such office as aforesaid immediately before the commencement of this Act shall be eligible for re-appointment to that office.

NOT CORRECTED: SEE INDIA CODE

Vol. III, Pt. IV, p. 225

THE CRIMINAL AND ELECTION LAWS AMENDMENT
ACT, 1969

No. 35 OF 1969

[4th September, 1969]

An Act further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the representation of the People Act, 1951 and to provide against printing and publication of certain objectionable matters.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Criminal and Election Laws Amendment Act, 1969.

Short title.

2. In the Indian Penal Code (hereinafter referred to as the Penal Code), for section 153A, the following section shall be substituted, namely:—

Substitution of new section for section 153A.

“153A. (1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.”

Offence committed in place of worship, etc.

Amendment of section 505.

3. Section 505 of the Penal Code shall be re-numbered as sub-section (1) of that section, and—

(i) after sub-section (1) as so re-numbered but before the *Exception*, the following sub-sections shall be inserted, namely:—

Statements creating or promoting enmity, hatred or ill-will between classes.

“(2) Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Offence under sub-section (2) committed in place of worship, etc.

(3) Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.”;

(ii) in the *Exception*, after the words “circulates it”, the words “in good faith and” shall be inserted.

Amendment of Act 5 of 1898.

4. In the Code of Criminal Procedure, 1898,—

(a) in section 196, for the words “the State Government or some officer empowered by the State Government in this behalf”, the words “the State Government or District Magistrate or such other officer as may be empowered by the State Government in this behalf” shall be substituted;

(b) in Schedule II,—

(i) for the entries in columns 1 to 8 relating to section 153A, the following entries shall be substituted, namely:—

1	2	3	4	5	6	7	8
“153A(1)	Promoting enmity between classes.	May arrest without warrant.	Warrant	Not bailable.	Ditto	Imprisonment of either description for three years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
153A(2)	Promoting enmity between classes in place of worship, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for five years and fine.	Ditto.”;

(ii) for the entry in column 3 relating to section 154, the entry “Shall not arrest without warrant” shall be substituted;

(iii) for the entries in columns 1 to 8 relating to section 505, the following entries shall be substituted, namely:—

1	2	3	4	5	6	7	8
"505(1)	False statement, rumour, etc., with intent to cause mutiny or offence against the public peace.	Ditto	Ditto	Not bailable.	Not compoundable.	Imprisonment of either description for three years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
505(1)	False statement, rumour, etc., with intent to create enmity, hatred or ill-will between different classes.	May arrest without warrant.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, or fine, or both.	Ditto.
	False statement, rumour, etc., made in place of worship, etc., with intent to create enmity, hatred or ill-will.	Ditto	Ditto	Ditto	Ditto		Ditto."

(iv) for the entries in columns 3 and 7 relating to section 506 as applicable to "Criminal intimidation" (first paragraph), the entries "Shall not arrest without warrant" and "Imprisonment of either description for 2 years, or fine, or both" shall, respectively, be substituted.

43 of 1951. 5. In section 8 of the Representation of the People Act, 1951, in sub-section (1), for the words, figures and letters "section 171E or section 171F of the Indian Penal Code", the words, figures and letters "section 153A or section 171E or section 171F or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code" shall be substituted. Amendment of section 8.

6. (1) The Central Government or a State Government or any authority so authorised by the Central Government in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of communal harmony and affecting or likely to affect public order, may, by order in writing addressed to the printer, publisher or editor, prohibit the printing or publication of any document or any class of documents of any matter relating to a particular subject or class of subjects for a specified period or in a particular issue or issues of a newspaper or periodical: Power to control pre-judicial publications.

Provided that no such order shall remain in force for more than two months from the making thereof:

Provided further that the person against whom the order has been made may, within ten days of the communication of the order, make a representation,—

(i) to the Central Government, where such order is made by the Central Government or any authority authorised by it; and

(ii) to the State Government, where such order is made by the State Government,

and the Central Government or the State Government, as the case may be, may, after consultation with a Committee, to be known as Press Consultative Committee, dispose of the matter, modifying, confirming or rescinding the order.

(2) In the event of disobedience of an order made under sub-section (1), the Central Government or the State Government or the authority issuing the order, as the case may be, may, without prejudice to any other penalty to which the person guilty of the disobedience is liable under this Act or under any other law for the time being in force, direct that copies of the publication made in violation of an order made under sub-section (1) be seized, and that any printing press or other instrument or apparatus used in the publication be closed down for the period such order is in operation.

Penalty.

7. Whoever contravenes, disobeys or neglects to comply with any order made under section 6 of this Act, shall, on conviction, be punished with imprisonment of either description which may extend to one year, or with fine up to one thousand rupees, or with both.

Composi-
tion of
the Press
Consulta-
tive Com-
mittee and
rules in
respect
thereof.

8. (1) A Press Consultative Committee referred to in the second proviso to sub-section (1) of section 6, shall consist of such number of persons, being editors, publishers and journalists, as may be prescribed by rules made under this section.

(2) The Central Government may make rules for the constitution of Press Consultative Committees, the term of office of the members of such Committees, the allowances, if any, to be paid to such members for attending the meetings of the Committee and the manner of filling casual vacancies among them, and for all matters connected therewith or incidental thereto.

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

(a) the number of persons who may be appointed as members of a Press Consultative Committee and the class or category of persons from whom such members are to be appointed;

(b) the authority or authorities which may make such appointments;

(c) the procedure to be followed by the Central Government or the State Government, as the case may be, in consulting the Press Consultative Committee;

(d) the procedure to be followed by the Press Consultative Committee;

(e) any other matter for which rules have to be made for enabling the Press Consultative Committee to function.

(4) Every rule 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, 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.

Rep. by Act...⁵⁶.....of 1974, S. 2 & Sch. I .

THE INDIAN PENAL CODE (AMENDMENT) ACT, 1969

No. 36 OF 1969

[7th September, 1969]

An Act further to amend the Indian Penal Code and to provide for matters incidental thereto.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Indian Penal Code (Amendment) Act, 1969.

Amend-
ment
of section
292 of Act
45 of 1860.

2. In the Indian Penal Code,—

45 of 1860.

(a) section 292 shall be re-numbered as sub-section (2) thereof and before sub-section (2), as so re-numbered, the following sub-section shall be inserted, namely:—

“(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.”;

(b) in sub-section (2) of section 292, as so re-numbered,—

(i) for the words “with imprisonment of either description for a term which may extend to three months, or with fine, or with both”, the words “on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees” shall be substituted;

(ii) for the *Exception*, the following *Exception* shall be substituted, namely:—

“*Exception*.—This section does not extend to—

(a) any book, pamphlet, paper, writing, drawing, painting, representation or figure—

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting,

representation or figure is in the interest of science, literature, art or learning or other objects of general concern, or

(ii) which is kept or used *bona fide* for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or in—

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.”;

24 of 1958.

(c) in section 293, for the words “with imprisonment of either description for a term which may extend to six months, or with fine, or with both”, the words “on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees” shall be substituted.

3. In the Code of Criminal Procedure, 1898,—

(a) in sub-section (1) of section 99A,—

(i) for the words “seditious matter”, the words “seditious or obscene matter”, and

(ii) for the words “punishable under section 124A or section 153A or section 295A”, the words “punishable under section 124A or section 153A or section 292 or section 293 or section 295A”,

shall be substituted;

(b) in section 108,—

(1) after the words “who, within or without such limits,” the brackets and figure “(i)” shall be inserted;

(2) after clause (c), the following shall be inserted, namely:—

(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code.”;

Amendment of sections 99A, 108 and Schedule II of Act 5 of 1898.

REPEALED

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The Indian Penal Code (Amendment)

[ACT 36 OF 1969]

(c) in Schedule II, for the entries relating to sections 292 and 293 of the Indian Penal Code, the following entries shall be substituted, 45 of 1860. namely:—

1	2	3	4	5	6	7	8
"292	Sale, etc., of obscene books, etc.	May arrest without warrant.	Warrant	Bailable	Not compoundable.	On first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees.	Court of Session.
293	Sale, etc., of obscene objects to young persons.	May arrest without warrant.	Warrant	Bailable	Not compoundable.	On first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.	Court of Session."

THE DELHI HIGH COURT (AMENDMENT) ACT, 1969

No. 37 OF 1969

[9th September, 1969]

An Act to amend the Delhi High Court Act, 1966.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi High Court (Amendment) Act, 1969. Short title and commencement.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

26 of 1966. ~~2. In the Delhi High Court Act, 1966 (hereinafter referred to as the principal Act), after section 3, the following section shall be inserted, namely:—~~ Insertion of new section 3A.

“3A. Expenditure in respect of the salaries and allowances of Judges of the High Court of Delhi shall be expenditure charged on the Consolidated Fund of India.” Salaries and allowances of Judges to be expenditure charged on Consolidated Fund of India.

3. In sub-section (2) of section 5 of the principal Act, for the words “twenty-five thousand rupees”, the words “fifty thousand rupees” shall be substituted. Amendment of section 5.

4. In sub-section (3) of section 17 of the principal Act, in clause (b), for the words “twenty-five thousand rupees”, the words “fifty thousand rupees” shall be substituted. Amendment of section 17.

Punjab Act VI of 1918.

5. (1) In section 25 of the Punjab Courts Act, 1918, as in force in the Union territory of Delhi, for the words “twenty-five thousand rupees”, the words “fifty thousand rupees” shall be substituted. Amendment of certain laws.

(2) In the Himachal Pradesh (Courts) Order, 1948, in paragraph 20, for the words “twenty-five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

6. The Chief Justice of the High Court of Delhi may transfer any suit or other proceedings which is or are pending in the High Court immediately before the commencement of this Act and in which no witnesses have been examined before such commencement to such subordinate court in the Union territory of Delhi or, as the case may be, Himachal Pradesh as would have jurisdiction to entertain such suit or proceedings had such suit or proceedings been instituted or filed for the first time after such commencement. Power of Chief justice to transfer pending suits and proceedings to subordinate courts.

¹1-10-1969 : vide No. G.S.R. 2317, dated 23rd September, 1969 Gazette of India, 1969, Extraordinary, Pt. II, Sec. 3(i), p. 629.

THE WAKF (AMENDMENT) ACT, 1969

No. 38 OF 1969

[2nd December, 1969]

An Act further to amend the Wakf Act, 1954

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Wakf (Amendment) Act, 1969.

Amend-
ment of
section 2. ~~2. In section 2 of the Wakf Act, 1954 (hereinafter referred to as the principal Act), in the proviso, for the words, figures and brackets "the Durgah Khawaja Saheb Act, 1936 and the Durgah Khawaja Saheb (Emergency Provisions) Act, 1950, apply", the words and figures "the Durgah Khawaja Saheb Act, 1955, applies" shall be substituted.~~ 29 of 1954.
23 of 1936.
17 of 1950.
26 of 1955.

Amend-
ment of
section (3) 3. In section 3 of the principal Act, for clause (g), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

'(g) "net annual income", in relation to a wakf, means the gross income thereof from all sources in a year excluding only—

(i) land revenue, cess, rates and taxes payable to the Government or any local authority; and

(ii) donations given or offerings made with a specific direction that they shall form part of the corpus of the wakf:

Provided that the interest or income, if any, accruing from such donations or offerings shall be taken into account in calculating the gross annual income;'

Amend-
ment of
section 4.

4. In section 4 of the principal Act, in sub-section (3),—

(a) after the words "submit his report", the words, "in respect of wakfs existing at the date of the commencement of this Act in the State or any part thereof," shall be, and shall be deemed always to have been, inserted; and

(b) in clause (a), for the words "in the State", the words "in the State, or as the case may be, any part thereof" shall be, and shall be deemed always to have been, substituted.

Amend-
ment of
section 5.

5. In section 5 of the principal Act, in sub-section (2), for the words "existing in the State", the words "existing in the State, or as the case may be, the part of the State to which the report relates, and" shall be, and shall be deemed always to have been, substituted.

6. In section 6 of the principal Act, in sub-section (1),—

Amend-
ment of
section 6.

(a) for the words “whether a particular property is wakf property or not or whether a wakf is a Shia wakf or Sunni wakf”, the words “whether a particular property specified as wakf property in a list of wakfs published under sub-section (2) of section 5 is wakf property or not or whether a wakf specified in such list is a Shia wakf or Sunni wakf” shall be, and shall be deemed always to have been, substituted; and

(b) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in the case of the list of wakfs relating to any part of the State and published or purporting to have been published before the commencement of the Wakf (Amendment) Act, 1969, such suit may be entertained by the civil court within the period of one year from such commencement.”.

7. In section 7 of the principal Act, in sub-section (1),—

Amend-
ment of
section 7.

(a) for the words “publication of the list of wakfs”, the words “publication of the list or lists of wakfs” shall be substituted; and

(b) for the words “by all the mutawallis in proportion to the income of the property of the wakfs situated in the State”, the words “by all the mutawallis of the wakfs the net annual income whereof exceeds one hundred rupees, in proportion to the net annual income accruing in the State to such wakfs” shall be substituted.

8. In section 8B of the principal Act, in sub-section (1), the words “of the properties” and the words “of the property” shall be omitted.

Amend-
ment of
section 8B.

9. In section 46 of the principal Act, in sub-section (1), for the words “net annual income of such of its property as is situate in the State”, the words “net annual income accruing in the State to the wakf” shall be, and shall be deemed always to have been, substituted.

Amend-
ment of
section 46.

10. Notwithstanding anything contained in any judgment, decree or order of any court to the contrary, and subject to the provisions of the second proviso to sub-section (1) of section 6 of the principal Act as amended by this Act, every list of wakfs purporting to be a list of wakfs existing at the date of the commencement of the principal Act in any part of a State and published or purporting to have been published under sub-section (2) of section 5 of the principal Act, before the commencement of the Wakf (Amendment) Act, 1969, shall be deemed to be, and shall be deemed always to have been, published in accordance with law.

Special
provisions
as to cer-
tain lists of
wakfs
published
under sub-
section (2)
of section
5.

11. Notwithstanding anything contained in any law or any judgment, decree or order of any court, all contributions paid or realised, or purporting to have been paid or realised, under section 46 of the principal Act, which would have been validly paid or realised if the amendments made to the principal Act by this Act were in force on the date of such payment or realisation, shall, for all purposes, be deemed to be,

Valida-
tion of
contribu-
tions paid
or realised
under sec-
tion 46.

and shall be deemed always to have been, paid or realised in accordance with law, and accordingly—

(a) no suit or other legal proceeding shall be maintained or continued in any court for the refund of the whole or any part of the contribution so paid or realised; and

(b) no court shall enforce any decree or order directing the refund of the whole or any part of the contribution so paid or realised.

THE OILFIELDS (REGULATION AND DEVELOPMENT)
AMENDMENT ACT, 1969

No. 39 OF 1969

[20th December, 1969]

An Act further to amend the Oilfields (Regulation and Development)
Act, 1948.

BE it enacted by Parliament in the Twentieth Year of the Republic
of India as follows:—

1. (1) This Act may be called the Oilfields (Regulation and Develop-
ment) Amendment Act, 1969.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 1st day of
January, 1968.

2. In sub-section (2) of section 6 of the Oilfields (Regulation and
Development) Act, 1948 (hereinafter referred to as the principal Act),
for clause (i), the following clause shall be substituted, namely:—

53 of 1948.

Amend-
ment of
section 6.

“(i) the collection of royalties, and the levy and collection of fees
or taxes, in respect of mineral oils mined, quarried, excavated or
collected;”.

3. After section 6 of the principal Act, the following section shall be
inserted, namely:—

Insertion
of new
section 6A.

“6A. (1) The holder of a mining lease granted before the com-
mencement of the Oilfields (Regulation and Development) Amend-
ment Act, 1969, shall, notwithstanding anything contained in the ins-
trument of lease or in any law in force at such commencement, pay
royalty in respect of any mineral oil mined, quarried, excavated or
collected by him from the leased area after such commencement, at
the rate for the time being specified in the Schedule in respect of
that mineral oil.

Royalties
in res-
pect of
mineral
oils.

39 of 1969.

(2) The holder of a mining lease granted on or after the com-
mencement of the Oilfields (Regulation and Development) Amend-
ment Act, 1969, shall pay royalty in respect of any mineral oil mined,
quarried, excavated or collected by him from the leased area at the
rate for the time being specified in the Schedule in respect of that
mineral oil.

(3) Notwithstanding anything contained in sub-section (1) or
sub-section (2), no royalty shall be payable in respect of any crude
oil, casing-head condensate or natural gas which is unavoidably lost
or is returned to the reservoir or is used for drilling or other opera-
tions relating to the production of petroleum, or natural gas, or both.

REPEALED

(4) The Central Government may, by notification in the Official Gazette, amend the Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral oil with effect from such date as may be specified in the notification:

Provided that the Central Government shall not—

(a) fix the rate of royalty in respect of any mineral oil so as to exceed twenty per cent. of the sale price of the mineral oil at the oilfields or the oil well-head, as the case may be, or

(b) enhance the rate of royalty in respect of any mineral oil more than once during any period of four years.”.

Insertion
of new
Schedule.

4. After section 14 of the principal Act, the following Schedule shall be inserted, namely:—

“THE SCHEDULE

(See section 6A)

RATES OF ROYALTY

- | | |
|----------------------------|--|
| 1. Crude oil: | Rupees ten per metric tonne. |
| 2. Casing-head condensate: | Rupees ten per metric tonne. |
| 3. Natural gas: | Ten per cent. of the value of the natural gas obtained at well-head.”. |

THE FOREIGN EXCHANGE REGULATION
(AMENDMENT) ACT, 1969

No. 40 OF 1969

[26th December, 1969]

An Act further to amend the Foreign Exchange Regulation Act, 1947

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Foreign Exchange Regulation (Amendment) Act, 1969. Short title

7 of 1947. 2. In section 12 of the Foreign Exchange Regulation Act, 1947 (hereinafter referred to as the principal Act) for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 12.

“(1) The Central Government may, by notification in the Official Gazette, prohibit the taking or sending out by land, sea or air (hereafter in this section referred to as export) of all goods or of any goods or class of goods specified in the notification from India directly or indirectly to any place so specified unless the exporter furnishes to the prescribed authority a declaration in the prescribed form supported by such evidence as may be prescribed or so specified and true in all material particulars which, among others, shall include the amount representing—

(i) the full export value of the goods; or

(ii) if the full export value of the goods is not ascertainable at the time of export, the value which the exporter, having regard to the prevailing market conditions, expects to receive on the sale of the goods in the course of international trade,

and affirms in the said declaration that the full export value of the goods (whether ascertainable at the time of export or not) has been, or will within the prescribed period be, paid in the prescribed manner.”.

Amend-
ment of
section
23A.

3. In section 23A of the principal Act, for the words, brackets and figures "the restrictions imposed by sub-sections (1) and (2) of section 8", the words, brackets and figures "the restrictions imposed by or under sub-sections (1) and (2) of section 8" shall be substituted.

Repeal
and
saving.

4. (1) The Foreign Exchange Regulation (Amendment) Ordinance, 1969 is hereby repealed. 9 of 1969.

(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 as if this Act had come into force on the 13th day of November, 1969.

THE INTERNATIONAL MONETARY FUND AND BANK
(AMENDMENT) ACT, 1969

No. 41 OF 1969

[26th December, 1969]

An Act further to amend the International Monetary Fund and Bank Act, 1945.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the International Monetary Fund and Bank (Amendment) Act, 1969. 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 International Monetary Fund and Bank Act, 1945 (hereinafter referred to as the principal Act), in sub-section (1),— Amendment of section 2.

(a) for the words "There shall be paid out of the Consolidated Fund of India", the words "There shall be paid, after due appropriation made by Parliament by law in this behalf, out of the Consolidated Fund of India" shall be substituted;

(b) in clause (c), after the words and figures "under section 8 of Article V", the words and figures ", or under section 2, section 3 or section 5 of Article XXVI," shall be inserted;

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

"(dd) any assessments required to be paid by the Central Government to the International Fund under section 4 or section 5 of Article XXVI of the Fund Agreement;"

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

"3A. The Reserve Bank may, on behalf of the Central Government, use, receive, acquire, hold, transfer or operate the special drawing rights of that Government in the International Fund and perform all acts supplemental or incidental thereto."

Reserve Bank to use, receive, acquire, etc., special drawing rights on behalf of Central Government.

THE BIHAR LAND REFORMS LAWS (REGULATING MINES
AND MINERALS) VALIDATION ACT, 1969

No. 42 OF 1969

[26th December, 1969]

An Act to validate certain provisions contained in the Bihar Land Reforms Act, 1950, and the Bihar Minor Mineral Concession Rules, 1964, and action taken and things done in connection therewith.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969.

Valida-
tion of
certain
Bihar
State
laws and
action
taken
and
things
done
connected
there-
with.

2. (1) The laws specified in the Schedule shall be, and shall be deemed always to have been, as valid as if the provisions contained therein had been enacted by Parliament.

(2) Notwithstanding any judgment, decree or order of any court, all action taken, things done, rules made, notifications issued or purported to have been taken, done, made or issued and rents or royalties realised under any such laws shall be deemed to have been validly taken, done, made, issued or realised, as the case may be, as if this section had been in force at all material times when such action was taken, things, were done, rules were made, notifications were issued, or rents or royalties were realised, and no suit or other proceeding shall be maintained or continued in any court for the refund of rents or royalties realised under any such laws.

(3) For the removal of doubts, it is hereby declared that nothing in sub-section (2) shall be construed as preventing any person from claiming refund of any rents or royalties paid by him in excess of the amount due from him under any such laws.

THE SCHEDULE

(See section 2)

1. Section 10 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as amended by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965) and by the Bihar Land Reforms (Amendment) Act, 1965 (Bihar Act VI of 1965).

2. Section 10-A of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as inserted by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965).
3. Section 31 of the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), as amended by the Bihar Land Reforms (Amendment) Act, 1964 (Bihar Act IV of 1965) and by the Bihar Land Reforms (Amendment) Act, 1965 (Bihar Act VI of 1965).
4. Sub-rule (2) of Rule 20 of the Bihar Minor Mineral Concession Rules, 1964, as inserted by the Bihar Minor Mineral Concession (First Amendment) Rules, 1964, published under the Bihar State Government notification No. A/MM-1099/64 (Pt.) 7700/M, dated the 19th December, 1964, in the Gazette of Bihar (Pt. II) dated the 30th December, 1964.

NOT CORRECTED: SEE INDIA CODE

Vol. IV, Pt. VI, p. 197

THE KHUDA BAKHSH ORIENTAL PUBLIC
LIBRARY ACT, 1969

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title and commencement.
2. Declaration of Khuda Bakhsh Oriental Public Library as an institution of national importance.
3. Definitions.

CHAPTER II

THE KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY BOARD

4. Establishment and incorporation of Board.
5. Composition of Board.
6. Term of office and fresh nomination in certain cases.
7. Vacancies, etc., not to invalidate acts.
8. Duty of Government nominating persons, etc.
9. Meetings of Board.
10. Temporary association of persons with Board for particular purposes.
11. Authentication of orders and other instruments of Board.
12. Staff of Board.
13. Transfer of service of existing employees to Board.
14. Location of library.

CHAPTER III

PROPERTY, LIABILITIES AND FUNCTIONS OF THE BOARD

15. Property and liabilities of Board.
16. Duties of Board.
17. Powers of Board.

SECTIONS

CHAPTER IV

FINANCE, ACCOUNTS, AUDIT AND REPORTS

18. Grants by Central Government to Board.
19. Fund of Board.
20. Budget.
21. Accounts and audit.
22. Returns and reports.

CHAPTER V

MISCELLANEOUS

23. Power of Central Government to issue directions to Board.
24. Delegation of powers and duties.
25. Officers and employees of Board to be public servants.
26. Protection of action taken under the Act.
27. Power of Central Government to make rules.
28. Power of Board to make regulations.

NOT CORRECTED: SEE INDIA CODE

Vol. IV. A., Pt. ... VI. p. 197

THE KHUDA BAKHSH ORIENTAL PUBLIC
LIBRARY ACT, 1969

No. 43 OF 1969

[26th December, 1969]

An Act to declare the Khuda Bakhsh Oriental Public Library at Patna to be an institution of national importance and to provide for its administration and certain other connected matters.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Khuda Bakhsh Oriental Public Library Act, 1969.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Declara-
tion of
Khuda
Bakhsh
Oriental
Public
Library
as an
institution
of nation-
al impor-
tance.

2. It is hereby declared that the Khuda Bakhsh Oriental Public Library at Patna in the State of Bihar is an institution of national importance.

Defini-
tions.

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

(a) "Board" means the Board established under section 4;

(b) "Chairman" means the Chairman of the Board;

(c) "deed of trust" means the deed of trust No. 217 executed in the office of the Deputy Registrar of Patna by the late Maulvi Khuda Bakhsh Khan Bahadur of Muradpur on the 14th January, 1891;

(d) "Fund" means the Fund referred to in section 19;

(e) "library" means the Khuda Bakhsh Oriental Public Library declared to be an institution of national importance under this Act;

(f) "member" means a member of the Board and includes the Chairman;

¹ 21-7-1970 vide G.S.R. 1255, dated 17th July, 1970, Gazette of India, 1970, Pt. II, Sec. 3 (i), p. 3074.

(g) "prescribed" means prescribed by rules made under this Act;

(h) "State Government" means the Government of Bihar.

CHAPTER II

THE KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY BOARD

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established for the purposes of this Act, a Board to be known as the Khuda Baksh Oriental Public Library Board.

Establishment and incorporation of Board.

(2) The Board shall be a body corporate with 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 and contract, and may, by that name, sue and be sued.

5. (1) The Board shall consist of the following persons, namely:--

Composition of Board.

(a) the Governor of Bihar, *ex officio*, Chairman;

(b) the Accountant General, Bihar, *ex officio*;

(c) a person to be nominated by the Central Government, who shall be a member of the family of the late Maulvi Khuda Bakhsh Khan Bahadur of Muradpur;

(d) eight persons, four each to be nominated by the Central Government and the State Government, who shall, as far as possible, be persons having knowledge of, and experience in, matters relating to the administration of libraries;

(e) the Director, Khuda Bakhsh Oriental Public Library, *ex officio* Member—Secretary.

(2) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

6. (1) The terms of office of nominated members shall be such as may be prescribed.

Term of office and fresh nomination in certain cases.

(2) Any nominated member may resign his office by giving notice in writing to the Central Government and to the State Government, and on such resignation being notified by the Central Government in the Official Gazette, shall be deemed to have vacated his office.

(3) A casual vacancy created by the resignation of a nominated member under sub-section (2) or for any other reason may be filled by fresh nomination by the Central Government or the State Government, as the case may be, and a member so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office.

(4) An outgoing member shall be eligible for renomination.

(5) If any nominated member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government or the State Government, as the case may be, may nominate another person to act in his place during his absence.

Vacancies,
etc., not
to invali-
date acts.

7. No act of the Board shall be invalid merely by reason of—

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

(b) any defect in the nomination of a person acting as a member thereof, or

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

Duty of
Government
nominat-
ing per-
sons, etc.

8. (1) Before nominating a person to be a member of the Board, the Central Government or the State Government, as the case may be, shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member, and the Central Government or the State Government, as the case may be, shall also satisfy itself from time to time with respect to every member nominated by it that he has no such interest; and any person who is or whom the Central Government or the State Government, as the case may be, proposes to nominate and who has consented to be, a member shall, whenever requested by the Central Government or the State Government so to do, furnish to it such information as that Government considers necessary for the performance by it of its duties under this sub-section.

(2) A nominated member who is in any way, directly or indirectly, interested in a contract made or proposed to be made, by the Board shall, as soon as possible, after relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the Board and the member shall not take any part after the disclosure in any deliberation or decision of the Board with respect to that contract.

Meetings
of Board.

9. (1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2), (3) and (4), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made under this Act.

(2) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board.

(3) If any nominated member, being an officer of Government, is unable to attend any meeting of the Board, he may, with the previous approval of the Chairman, authorise any person in writing to do so.

(4) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or, in his absence, the member presiding, shall have a second or casting vote.

10. (1) The Board may associate with itself in such manner and for such purposes as may be provided by regulations made under this Act, any person whose assistance or advice it may desire in performing any of its functions under this Act.

Temporary association of persons with Board for particular purposes.

(2) A person associated with it by the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relating to that purpose, but shall not, by virtue of this section, be entitled to vote.

11. All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorised by the Board in this behalf, and all other instruments issued by the Board shall be authenticated by the signature of an officer of the Board authorised in like manner in this behalf.

Authentication of orders and other instruments of Board.

12. (1) Subject to the provisions of sub-section (2), the Board may, for the purpose of enabling it efficiently to perform its functions under this Act, appoint such number of officers and other employees as it may think fit.

Staff of Board.

(2) The recruitment and conditions of service of such officers and employees shall be such as may be provided by regulations made under this Act.

13. Subject to the provisions of this Act, every person employed in the library immediately before the date of establishment of the Board shall, on and from such date, become an employee of the Board with such designation as the Board may determine and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions as he would have held the same on such date if the Board had not been established and shall continue to do so unless and until his employment in the Board is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Board:

Transfer of service of existing employees to Board.

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

14. The library shall be located at Patna.

Location of library.

CHAPTER III

PROPERTY, LIABILITIES AND FUNCTIONS OF THE BOARD

15. (1) On the establishment of the Board—

Properties and liabilities

(i) all properties, funds and dues which are vested in, or realisable by, the trustees of the library constituted by the deed of Board.

of Board.

of trust, in their capacity as such, shall vest in, and be realisable by, the Board; and

(ii) all liabilities in relation to the library which are enforceable against the said trustees, shall be enforceable only against the Board.

(2) All properties, which may, after the establishment of the Board, be given, bequeathed or otherwise transferred to the library or acquired by the Board, shall vest in the Board.

Duties of Board.

16. (1) Subject to the provisions of the deed of trust, it shall be the **general duty** of the Board to manage the library and to plan, promote, **organise and implement** programmes for the development of the library on modern scientific lines (including the microfilming of rare manuscripts) and to perform such other functions as the Central Government may, from time to time, assign to the Board.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board may take such steps as it thinks fit—

(a) for providing for instruction and research in matters relating to libraries and for the advancement of learning and dissemination of knowledge in such matters; and

(b) to do all such other things as may be necessary for the discharge of its functions under this Act.

Powers of Board.

17. (1) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its duties under this Act.

(2) Subject to such regulations as may be made by the Board in this behalf, the Board may from time to time purchase or otherwise acquire such manuscripts, books, articles or things as may, in the opinion of the Board, be worthy of preservation in the library.

CHAPTER IV

FINANCE, ACCOUNTS, AUDIT AND REPORTS

Grants by Central Government to Board.

18. For the purpose of enabling the Board 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 Board in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise.

Fund of Board.

19. (1) The Board shall maintain a Fund to which shall be credited—

(a) all moneys paid by the Central Government;

(b) such sums of money as the State Government may pay annually having regard to its resolution No. V/L 4055/60E 120, dated the 26th September, 1962;

- (c) all fees and other charges levied under this Act;
- (d) all moneys received by the Board by way of grant, gift, donation, benefaction, bequest, subscription, contribution or transfer;
- (e) all other moneys received by the Board in any other manner or from any other source.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund.

2 of 1934. (3) A sum of money not exceeding such amount as may be provided by regulations made under this Act may be kept in current account with any scheduled bank as defined in section 2 of the Reserve Bank of India Act, 1934, or any other bank approved by the Central Government in this behalf, but any moneys in excess of that sum shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such manner as may be approved by the Central Government.

20. (1) The Board shall, by such date in each year as may be specified Budget. by the Central Government, submit to it for approval a budget for the next financial year in the form specified by it, showing the estimated receipts and expenditure, and the sums which would be required from the Central Government during that financial year.

(2) If any sum granted by the Central Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the Central Government for that year.

(3) Subject to the provisions of sub-section (4), no sum shall be expended by or on behalf of the Board, unless the expenditure is covered by provision in the budget approved by the Central Government.

(4) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may sanction any reappropriation from one head of expenditure to another or from a provision made for one purpose to that for another purpose.

21. (1) The Board shall maintain proper accounts and other relevant Accounts and audit. records and prepare an annual statement of accounts including the balance-sheet in such form as may be specified, and 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 Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Board 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 Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of 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 Board, and the library.

(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.

Returns and reports.

22. (1) The Board shall furnish to the Central Government at such time and in such form and in such manner as the Central Government may direct such returns, statements and particulars as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1) the Board shall, as soon as possible after the commencement of each financial year, submit to the Central Government within such time as may be specified by the Central Government a report giving true and full account of the activities of the Board during the previous financial year and an account of activities likely to be undertaken during the current financial year.

CHAPTER V

MISCELLANEOUS

Power of Central Government to issue directions to Board.

23. (1) In the discharge of its functions under this Act, the Board shall be bound by such directions on questions of policy as the Central Government may give to it from time to time:

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

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

Delegation of powers and duties.

24. The Board may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by any member, officer or employee of the Board specified in this behalf in the order.

Officers and employees of Board to be public servants.

25. All officers and employees of the Board shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken under the Act.

26. No suit, prosecution or other legal proceeding shall lie against the Board or any member, officer or employee of the Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder.

Power of Central Government to make rules.

27. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act:

Provided that when the Board has been established, no such rules shall be made without consulting the Board.

(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, and the manner of filling casual vacancies among, the members nominated under clauses (c) and (d) of sub-section (1) of section 5;

(b) the travelling and other allowances payable to a member other than the Chairman and to a person associated with the Board under section 10;

(c) the disqualifications for membership of the Board and the procedure to be followed in removing a member who is or becomes subject to any disqualification;

(d) the conditions subject to which, and the mode in which, contracts may be entered into by or on behalf of the Board;

(e) any other matter which has to be or may be prescribed.

(3) Every rule 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, 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.

28. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

Power of Board to make regulations.

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

(a) the conditions and restrictions subject to which manuscripts and books in the library may be used;

(b) the manner in which, and the purposes for which, persons may be associated with the Board;

(c) the time and place of meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at a meeting;

(d) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to the Central Government;

(e) the recruitment and conditions of service of officers and other employees of the Board;

(f) the persons by whom and the manner in which, payments, deposits and investments may be made on behalf of the Board;

(g) the maximum amount that may be kept in the current account;

(h) the maintenance of registers and accounts;

(i) the compilation of catalogues and inventories of the manuscripts, books and other articles and things in the library;

(j) the steps to be taken for the preservation of the manuscripts, books and other articles and things in the library;

(k) the general management of the library;

(l) the fees and other charges to be levied for the use of manuscripts and books in the library;

(m) any other matter in respect of which provision is, in the opinion of the Board, necessary for the performance of its functions under this Act.

(3) The Central Government may, after consultation with the Board, by notification in the Official Gazette, amend, vary or rescind any regulation which it has approved; and thereupon the regulation shall have effect accordingly, but without prejudice to the exercise of the powers of the Board under sub-sections (1) and (2).

THE OATHS ACT, 1969

No. 44 OF 1969

[26th December, 1969]

An Act to consolidate and amend the law relating to judicial oaths and for certain other purposes.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Oaths Act, 1969. Short title and extent.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
2. Nothing in this Act shall apply to proceedings before courts martial or to oaths, affirmations or declarations prescribed by the Central Government with respect to members of the Armed Forces of the Union. Saving of certain oaths and affirmation.
3. (1) The following courts and persons shall have power to administer, by themselves or, subject to the provisions of sub-section (2) of section 6, by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties imposed or in exercise of the powers conferred upon them by law, namely:— Power to administer oaths.
 - (a) all courts and persons having by law or consent of parties authority to receive evidence;
 - (b) the commanding officer of any military, naval, or air force station or ship occupied by the Armed Forces of the Union, provided that the oath or affirmation is administered within the limits of the station.
- (2) Without prejudice to the powers conferred by sub-section (1) or by or under any other law for the time being in force, any court, Judge, Magistrate or person may administer oaths and affirmations for the purpose of affidavits, if empowered in this behalf—
 - (a) by the High Court, in respect of affidavits for the purpose of judicial proceedings; or
 - (b) by the State Government, in respect of other affidavits.
4. (1) Oaths or affirmations shall be made by the following persons, namely:— Oaths or affirmations to be made by witnesses, interpreters and jurors.
 - (a) all witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any

court or person having by law or consent of parties authority to examine such persons or to receive evidence;

(b) interpreters of questions put to, and evidence given by, witnesses; and

(c) jurors:

Provided that where the witness is a child under twelve years of age, and the court or person having authority to examine such witness 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, the foregoing provisions of this section and the provisions of section 5 shall not apply to such witness; but in any such case the absence of an oath or affirmation shall not render inadmissible any evidence given by such witness nor affect the obligation of the witness to state the truth.

(2) Nothing in this section shall render it lawful to administer, in a criminal proceeding, an oath or affirmation to the accused person, unless he is examined as a witness for the defence, or necessary to administer to the official interpreter of any court, after he has entered on the execution of the duties of his office, an oath or affirmation that he will faithfully discharge those duties.

5. A witness, interpreter or juror may, instead of making an oath, make an affirmation.

Affirmation by persons desiring to affirm.

6. (1) All oaths and affirmations made under section 4 shall be administered according to such one of the forms given in the Schedule as may be appropriate to the circumstances of the case:

Forms of oaths and affirmations.

Provided that if a witness in any judicial proceeding desires to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the class to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything hereinbefore contained, allow him to give evidence on such oath or affirmation.

(2) All such oaths and affirmations shall, in the case of all courts other than the Supreme Court and the High Courts, be administered by the presiding officer of the court himself, or, in the case of a Bench of Judges or Magistrates, by any one of the Judges or Magistrates, as the case may be.

Proceedings and evidence not invalidated by omission of oath or irregularity.

7. No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever in the administration of any oath or affirmation or in the form in which it is administered, shall invalidate any proceeding or render inadmissible any evidence whatever, in or in respect of which such omission, substitution or irregularity took place, or shall affect the obligation of a witness to state the truth.

8. Every person giving evidence on any subject before any court or person hereby authorised to administer oaths and affirmations shall be bound to state the truth on such subject.

Persons giving evidence bound to state the truth.

10 of 1873. 9. (1) The Indian Oaths Act, 1873, is hereby repealed.

Repeal and saving.

(2) Where, in any proceeding pending at the commencement of this Act, the parties have agreed to be bound by any such oath or affirmation as is specified in section 8 of the said Act, then, notwithstanding the repeal of the said Act, the provisions of sections 9 to 12 of the said Act shall continue to apply in relation to such agreement as if this Act had not been passed.

THE SCHEDULE

(See section 6)

FORMS OF OATHS OR AFFIRMATIONS

Form No. 1 (Witnesses):—

I do swear in the name of God
solemnly affirm that what I shall state shall be the truth, the whole truth and nothing but the truth.

Form No. 2 (Jurors):—

I do swear in the name of God
solemnly affirm that I will well and truly try and true deliverance make between the State and the prisoner (s) at the bar, whom I shall have in charge, and a true verdict give according to the evidence.

Form No. 3 (Interpreters):—

I do swear in the name of God
solemnly affirm that I will well and truly interpret and explain all questions put to and evidence given by witnesses and translate correctly and accurately all documents given to me for translation.

Form No. 4 (Affidavits):—

I do swear in the name of God
solemnly affirm that this is my name and signature
(or mark) and that the contents of this my affidavit are true.

**THE INDIAN REGISTRATION (AMENDMENT)
ACT, 1969**

No. 45 OF 1969

[26th December, 1969]

An Act further to amend the Indian Registration Act, 1908.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Indian Registration (Amendment) Act, 1969. Short title.

16 of 1908.

2. In the Indian Registration Act, 1908,—

Amend-
ment of
sections 1
and 30.

(a) in sub-section (1) of section 1, the word "Indian" shall be omitted;

(b) in sub-section (2) of section 30, for the words "The Registrar of a district including a presidency-town", the words "The Registrar of a district in which a presidency-town is included and the Registrar of the Delhi district" shall be substituted.

THE PUNJAB LEGISLATIVE COUNCIL (ABOLITION)
ACT, 1969

No. 46 OF 1969

[27th December, 1969]

An Act to provide for the abolition of the Legislative Council of the State of Punjab and for matters supplemental, incidental and consequential thereto.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement:

1. (1) This Act may be called the Punjab Legislative Council (Abolition) Act, 1969.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Definitions:

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

(a) "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;

(b) "article" means an article of the Constitution;

(c) "Council" means the Legislative Council of the State of Punjab;

(d) "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 Punjab;

(e) "Legislative Assembly" means the Legislative Assembly of the State of Punjab.

Abolition of the Council.

3. (1) The Legislative Council of the State of Punjab is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

Amendment of article 168.

4. In sub-clause (a) of clause (1) of article 168, the word "Punjab," shall be omitted.

Amendment of Act 43 of 1950.

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

(a) in the Third Schedule, entry No. 7 relating to Punjab shall be omitted;

¹ 7-1-1970, vide No. G.S.R. 72, dated 7th January, 1970, Gazette of India, 1970, Extraordinary, Pt. II, Sec. 3 (i), p. 13.

(b) in the Fourth Schedule, the heading "Punjab" and the entries thereunder shall be omitted.

6. The Delimitation of Council Constituencies (Punjab) Order, 1951, is hereby repealed.

Repeal of Delimitation of Council Constituencies (Punjab) Order, 1951.

7. (1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

Provision as to pending Bills.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of Punjab in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

8. The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, make such adaptations and modifications of any law made before such commencement, whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

Power to adapt laws.

9. Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of a law made before the commencement of this Act, 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 on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

Power to construe laws.

Rep. by Act. 56 of 1979, s. 2 & sch. I

THE SALARIES AND ALLOWANCES OF MINISTERS
(AMENDMENT) ACT, 1969

No. 47 OF 1969

[27th December, 1969]

An Act further to amend the Salaries and Allowances of Ministers Act, 1952.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Salaries and Allowances of Ministers (Amendment) Act, 1969.

(2) It shall be deemed to have come into force on the 1st day of November, 1966.

Amendment of section 4.

2. Section 4 of the Salaries and Allowances of Ministers Act, 1952 shall be re-numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so re-numbered, for the words "fifteen days"; the words "one month" shall be substituted; and

(ii) after sub-section (1) as so re-numbered and before the *Explanation*, the following sub-section shall be inserted, namely:—

"(2) In the event of the death of the Minister, his family shall be entitled to the use of the furnished residence occupied by the Minister—

(a) for a period of one month immediately after his death, without payment of rent and no charge shall fall on the family of the Minister in respect of the maintenance of such residence, and

(b) for a further period of one month, on payment of rent at such rates as may be prescribed by rules made in this behalf by the Central Government and also charges in respect of electricity and water consumed in that residence during such further period."

THE APPROPRIATION (RAILWAYS) No. 5 ACT, 1969

No. 48 OF 1969

[27th December, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1969-70 for the purposes of Railways.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 5 Act, 1969. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1969-70, in respect of the services relating to Railways specified in column 2 of the Schedule. Issue of Rs. 3,000 out of the Consolidated Fund of India for the financial year 1969-70.

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

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Miscellaneous Expenditures .	1,000	..	1,000
15	Open Line Works—Capital, Depreciation Reserve Fund and Development Fund .	2,000	..	2,000
	TOTAL .	3,000	..	3,000

THE APPROPRIATION (No. 5) ACT, 1969

No. 49 OF 1969

[27th December, 1969]

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, 1968, in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 5) Act, 1969.

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 twenty-six crores, five lakhs, sixty-nine thousand, nine hundred and sixty-one 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, 1968, in excess of the amounts granted for those services and for that year.

Issue of Rs. 26,05,69,961 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 1968.

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, 1968.

Appropriation

THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3		
		Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce	99,592	..	99,592
4	Ministry of Defence	18,448	..	18,448
5	Defence Services—Effective—Army	18,85,15,570	..	18,85,15,570
8	Defence Services—Non-Effective	75,03,436	..	75,03,436
21	Stamps	14,04,444	..	14,04,444
26	Pensions and Other Retirement Benefits	21,26,534	..	21,26,534
38	Ministry of Health and Family Planning	7,973	..	7,973
49	Delhi . . . . .	..	2,38,106	2,38,106
51	Andaman and Nicobar Islands	64,50,698	..	64,50,698
52	Tribal Areas	93,75,374	..	93,75,374
60	Ministry of Information and Broadcasting	30,414	..	30,414
71	Ministry of Law	92,584	..	92,584
83	Roads	13,80,433	..	13,80,433
95	Posts and Telegraphs—Working Expenses	1,24,24,596	..	1,24,24,596
100	Department of Parliamentary Affairs	2,052	..	2,052
	<i>CHARGED.—Staff, Household and Allowances of the President</i>	..	8,059	8,059
117	Commuted Value of Pensions	13,18,710	..	13,18,710
120	Loans and Advances by the Central Government . . . . .	..	2,41,08,243	2,41,08,243
125	Other Capital Outlay of the Ministry of Home Affairs	7,19,365	..	7,19,365
128	Capital Outlay on Multi-purpose River Schemes	47,45,330	..	47,45,330
	TOTAL	23,62,15,553	2,43,54,408	26,05,69,961

THE APPROPRIATION (No. 6) ACT, 1969

No. 50 OF 1969

[27th]December, 1969]

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 1969-70.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 6) Act, 1969. Short title.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eighteen crores, fifty-one lakhs and seventy-four thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1969-70, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 18,51,74,000 out of the Consolidated Fund of India for the year 1969-70.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
14	Ministry of Finance	5,70,000	..	5,70,000
45	Administration of Justice . . . . .	..	70,000	70,000
51	Delhi	2,12,40,000	..	2,12,40,000
58	Ministry of Industrial Development, Internal Trade and Company Affairs	4,97,000	..	4,97,000
67	Other Revenue Expenditure of the Ministry of Irrigation and Power	1,000	..	1,000
88	Other Revenue Expenditure of the Ministry of Tourism and Civil Aviation	44,00,000	..	44,00,000
96	Department of Parliamentary Affairs	2,68,000	..	2,68,000
100	Lok Sabha	54,57,000	..	54,57,000
101	Rajya Sabha	21,70,000	..	21,70,000
110	Other Capital Outlay of the Ministry of Finance	14,25,00,000	..	14,25,00,000
112	Loans and Advances by the Central Government	1,000	..	1,000
124	Other Capital Outlay of the Ministry of Irrigation and Power	80,00,000	..	80,00,000
	GRAND TOTAL	18,51,04,000	70,000	18,51,74,000

THE MANIPUR APPROPRIATION ACT, 1969

No. 51 OF 1969

[27th December, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Manipur for the services of the financial year 1969-70.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Manipur Appropriation Act, 1969.

Short
title.

2. From and out of the Consolidated Fund of the Union territory of Manipur 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 ninety lakhs, ninety-six thousand and eight hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1969-70, in respect of the services specified in column 2 of the Schedule.

Issue of
Rs.
90,96,800
from and
out of the
Consolidated
Fund of the
Union
territory of
Manipur
for the
financial
year
1969-70.

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

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

I 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	Land Revenue	92,000	..	92,000
10	General Administration	11,85,000	..	11,85,000
13	Police	31,45,800	..	31,45,800
15	Education	18,51,000	..	18,51,000
16	Medical	77,000	..	77,000
17	Public Health	1,57,000	..	1,57,000
19	Animal Husbandry	1,14,000	..	1,14,000
22	Community Development	1,48,000	..	1,48,000
34	Miscellaneous	13,27,000	..	13,27,000
41	Capital Outlay on P.W.D. Buildings	10,00,000	..	10,00,000
	TOTAL	90,96,800	..	90,96,800

THE BIHAR APPROPRIATION ACT, 1969

No. 52 OF 1969

[27th December, 1969]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bihar for the services of the financial year 1969-70.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Bihar Appropriation Act, 1969.

Short title.

2. From and out of the Consolidated Fund of the State of Bihar 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 seven crores, seventeen lakhs, eighty-seven thousand and six hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1969-70, in respect of the service specified in column 2 of the Schedule.

Issue of Rs. 7,17,87,600 from and out of the Consolidated Fund of the State of Bihar for the financial year 1969-70.

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

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

I 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	Taxes . . . . .	..	66,100	66,100
2	Land Revenue	1,46,000	..	1,46,000
3	State Excise Duties	100	..	100
4	Taxes on Vehicles	7,300	..	7,300
6	Registration Fees	10,500	..	10,500
9	Parliament and State Legislatures	19,10,200	2,500	19,12,700
10	General Administration	7,80,800	..	7,80,800
11	Administration of Justice	3,50,100	4,000	3,54,100
12	Jails	43,00,000	..	43,00,000
13	Police	11,04,400	..	11,04,400
15	Scientific Departments	100	..	100
16	Education	2,15,93,200	32,000	2,16,25,200
17	Medical	9,11,400	..	9,11,400
18	Public Health	12,37,800	..	12,37,800
19	Agriculture	7,73,200	..	7,73,200
20	Animal Husbandry	2,200	..	2,200
21	Co-operation	1,27,000	..	1,27,000
22	Industries	2,50,300	28,900	2,79,200
23	Community Development Projects, National Extension Service and Local Development Works . . . . .	..	100	100
25	Miscellaneous Social and Developmental Organisations (Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes).	700	..	700
28	Irrigation including Multi-purpose River Schemes	3,600	23,300	26,900
30	Public Works	1,10,02,600	31,400	1,10,34,000
31	Public Works—Establishment	8,41,800	..	8,41,800
32	Famine Relief	53,00,000	..	53,00,000
34	Stationery and Printing . . . . .	..	21,800	21,800
35	Forest	3,41,800	..	3,41,800
36	Miscellaneous (Gram Panchayat)	88,300	..	88,300

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
37	Miscellaneous	7,38,800	..	7,38,800
38	Miscellaneous (Public Relations Department)	2,19,600	..	2,19,600
39	Miscellaneous (Expenditure on Displaced Persons)	8,90,500	..	8,90,500
40	Miscellaneous (Civil Defence)	25,500	..	25,500
42	Capital Outlay on Industrial and Economic Development	39,54,000	..	39,54,000
43	Capital Outlay on Other Works	30,00,000	..	30,00,000
45	Capital Outlay on Schemes of Government Trading . . . . .	..	1,25,900	1,25,900
46	Loans and Advances by State Governments	1,15,39,800	..	1,15,39,800
	TOTAL	7,14,51,600	3,36,000	7,17,87,600

THE INDIAN TARIFF (AMENDMENT) ACT, 1969

No. 53 OF 1969

[27th December, 1969]

An Act further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1969.

Short title and commencement.

32 of 1934.

(2) It shall come into force at once.

2. In the First Schedule to the Indian Tariff Act, 1934,—

Amendment of First Schedule.

(a) for Item No. 46, the following Item shall be substituted, namely:—

“46 Silk-worm cocoons suitable for reeling; raw silk (not thrown)—

(a) Raw silk	Protective	30 per cent. <i>ad valorem.</i>	December 31st, 1974.
(b) Silk-worm cocoons suitable for reeling	Protective	50 per cent. <i>ad valorem,</i> plus Rs. 8.80 per kilogram.	December 31st, 1974.”;

(b) for Item No. 46(1), the following Item shall be substituted, namely:—

“46 (1) Silk waste (including cocoons unsuitable for reeling, silk noils and pulled or garneted rags).	Protective	50 per cent. <i>ad valorem,</i> plus Rs. 8.80 per kilogram.	December 31st, 1974.”;
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(c) for Item No. 47, the following Item shall be substituted, namely:—

“47 Silk yarn including silk sewing thread.	Protective	50 per cent. <i>ad valorem,</i> plus Rs. 8.80 per kilogram.	December 31st, 1974.”;
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(d) Item No. 47(1) shall be omitted;

(e) for Item No. 48, the following Item shall be substituted, namely:—

“48 Fabrics, not otherwise specified, containing more than 90 per cent. of silk, including such fabrics embroidered with yarn or thread of man-made fibres.	Protective	100 per cent. <i>ad valorem,</i> plus Rs. 18.70 per kilogram.	December 31st, 1974.”.
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THE MONOPOLIES AND RESTRICTIVE TRADE
PRACTICES ACT, 1969

ARRANGEMENT OF SECTIONS

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7. Removal of members from office in certain circumstances.
8. Appointment of Director and staff of the Commission.
9. Salaries, etc., to be defrayed out of the Consolidated Fund of India.

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12. Powers of the Commission.
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18. Procedure of the Commission.
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THE MONOPOLIES AND RESTRICTIVE TRADE
PRACTICES ACT, 1969

No. 54 OF 1969

[27th December, 1969]

An Act to provide that the operation of the economic system does not result in the concentration of economic power to the common detriment, for the control of monopolies, for the prohibition of monopolistic and restrictive trade practices and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Monopolies and Restrictive Trade Practices Act, 1969. Short title, extent and commencement.

(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.

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

Definitions.

(a) "agreement" includes any arrangement or understanding, whether or not it is intended that such agreement shall be enforceable (apart from any provision of this Act) by legal proceedings;

(b) "Commission" means the Monopolies and Restrictive Trade Practices Commission established under section 5;

(c) "Director" means the Director of Investigation appointed under section 8;

(d) "dominant undertaking" means an undertaking which either by itself or along with inter-connected undertakings,—

(i) produces, supplies, distributes or otherwise controls not less than one-third of the total goods of any description that are produced, supplied or distributed in India or any substantial part thereof, or

1. 1-6-1970: vide No. S.O. 1981 dated 30th May, 1970, Gazette of India 570, Extraordinary, Pt. II, Sec. 3 (ii) p. 833.

(ii) provides or otherwise controls not less than one-third of any services that are rendered in India or any substantial part thereof:

Provided that for the purposes of this clause, the goods produced by an undertaking which does not employ—

(a) more than fifty workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on, or

(b) more than one hundred workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on without the aid of power or is ordinarily so carried on,

shall not be taken into account.

Explanation I.—Where not less than one-third of the production, supply, distribution or control of any goods or the provision or control of any service is shared by inter-connected undertakings, each such undertaking shall be deemed, for the purposes of this Act, to be a dominant undertaking.

Explanation II.—Where any goods of any description are the subject of different forms of production, supply, distribution or control, every reference in this Act to such goods shall be construed as reference to any of those forms of production, supply, distribution or control, whether taken separately or together or in such groups as may be prescribed.

Explanation III.—Any undertaking which, either by itself or along with inter-connected undertakings, produces, supplies, distributes or controls one-third of any goods or provides or controls one-third of any services according to any of the following criteria, namely, value, cost, price, quantity or capacity, of the goods or services or the number of workers employed for the production, supply, distribution or control of such goods or for the rendering of such services, shall be deemed to be a dominant undertaking.

Explanation IV.—In determining the question as to whether an undertaking is or is not a dominant undertaking, regard shall be had to—

(i) the lowest production made, or services rendered, by the undertaking concerned during the relevant year, and

(ii) the figures published by the Central Government with regard to the total production made or services rendered in India or any substantial part thereof during the relevant year.

of 1969]

Monopolies and Restrictive Trade Practices

Explanation V.—For the purposes of Explanation IV, production includes supply, distribution or control of goods.

Explanation VI.—For the purposes of this clause, "relevant year" means any one year out of the three calendar years immediately preceding the preceding calendar year in which the question whether an undertaking is or is not a dominant undertaking is determined.

(e) "goods" includes goods produced in India, and, in relation to any goods supplied, distributed or controlled in India, also includes goods imported into India;

(f) "India" means, for the purposes of this Act, the territories to which this Act extends;

(g) "inter-connected undertakings" means two or more undertakings which are inter-connected with each other in any of the following manner, namely:—

(i) if one owns or controls the other,

(ii) where the undertakings are owned by firms, if such firms have one or more common partners,

(iii) where the undertakings are owned by bodies corporate,—

(a) if one manages the other, or

(b) if one is a subsidiary of the other, or

(c) if they are under the same management ~~with in the meaning of section 370 of the Companies Act, 1956,~~ (4 x x x)

of 1956.

(d) if one exercises control over the other in any other manner,

(iv) where one undertaking is owned by a body corporate and the other is owned by a firm, if one or more partners of the firm,—

(a) hold, directly or indirectly, not less than fifty per cent. of the shares, whether preference or equity, of the body corporate, or

(b) exercise control, directly or indirectly, whether as director or otherwise, over the body corporate,

(v) if one is owned by a body corporate and the other is owned by a firm having bodies corporate as its partners, if such bodies corporate are under the same management ~~within the meaning of the said section 370,~~ (4 x x x)

(vi) if the undertakings are owned or controlled by the same person or group of persons,

4 Amended by Act 41 of 1974, S. 43 (w.e.f. 1-2-1975).

(vii) if one is connected with the other either directly or through any number of undertakings which are inter-connected undertakings within the meaning of one or more of the foregoing sub-clauses.

Illustration

Undertaking B is inter-connected with undertaking A and undertaking C is inter-connected with undertaking B. Undertaking C is inter-connected with undertaking A; if undertaking D is inter-connected with undertaking C, undertaking D will be inter-connected with undertaking B and consequently with undertaking A; and so on.

Explanation.—For the purpose of clause (g), two or more undertakings shall be deemed to be inter-connected,—

(a) if one or more undertakings which are inter-connected undertakings [as defined in clause (g)] jointly or severally, own, manage or control the other,

(b) if one or more individuals together with their relatives, or firms in which such individuals or their relatives are partners, jointly or severally, own, manage or control the other,

(c) if inter-connected undertakings referred to in sub-clause (a) and persons, relatives or firms referred to in sub-clause (b), jointly or severally, own, manage or control the other;

(h) “member” means a member of the Commission;

(i) “monopolistic trade practice” means a trade practice which has, or is likely to have, the effect of,—

(i) maintaining prices at an unreasonable level by limiting, reducing or otherwise controlling the production, supply or distribution of goods of any description or the supply of any services or in any other manner,

(ii) unreasonably preventing or lessening competition in the production, supply or distribution of any goods or in the supply of any services,

(iii) limiting technical development or capital investment to the common detriment or allowing the quality of any goods produced, supplied or distributed, or any service rendered, in India to deteriorate;

4 Ins. by Act 41 of 1974, s. 43 (ins. 1-2-1975).

(j) "monopolistic undertaking" means—

(i) a dominant undertaking which, or

(ii) an undertaking which, together with not more than two other independent undertakings,—

(a) produces, supplies, distributes or otherwise controls not less than one-half of the total goods of any description that are produced, supplied or distributed in India or any substantial part thereof, or

(b) provides or otherwise controls not less than one-half of the services that are rendered in India or any substantial part thereof:

Provided that for the purposes of this clause, the goods produced by an undertaking which does not employ—

(A) more than fifty workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on, or

(B) more than one hundred workers on any day of the relevant year, and in any part of which a manufacturing process is being carried on without the aid of power or is ordinarily so carried on,

shall not be taken into account.

Explanation I.—Any undertaking which, either by itself or along with not more than two other independent undertakings, produces, supplies, distributes or controls one-half of any goods or provides or controls one-half of any services according to any one of the following criteria, namely, value, cost, price, quantity or capacity, of the goods or services or the number of workers employed for the production, supply, distribution or control of such goods or for the rendering of such services, shall be deemed to be a monopolistic undertaking.

Explanation II.—In determining the question as to whether an undertaking is or is not a monopolistic undertaking, regard shall be had to—

(i) the lowest production made, or services rendered by the undertaking concerned during the relevant year, and

(ii) the figures published by the Central Government with regard to the total production made or services rendered in India or any substantial part thereof during the relevant year.

Explanation III.—For the purposes of *Explanation II*, production includes supply, distribution or control of goods.

Explanation IV.—For the purposes of this clause, "relevant year" means any one year out of the three calendar years immediately preceding the preceding calendar year in which the question whether an undertaking is or is not a monopolistic undertaking is determined.

(k) "prescribed" means prescribed by rules made under this Act:

(l) "price", in relation to the sale of any goods or to the performance of any services, includes every valuable consideration, whether direct or indirect, and includes any consideration which in effect relates to the sale of any goods or to the performance of any services although ostensibly relating to any other matter or thing;

(m) "register" means the register kept by the Registrar under section 36;

(n) "Registrar" means the Registrar of Restrictive Trade Agreements appointed under section 34, and includes every Additional, Joint, Deputy or Assistant Registrar appointed under that section;

(o) "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 goods or services in such manner as to impose on the consumers unjustified costs or restrictions;

(p) "retailer", in relation to the sale of any goods, includes every person, other than a wholesaler, who sells the goods to any other person; and in respect of the sale of goods by a wholesaler, to any person for any purpose other than re-sale, includes that wholesaler;

(q) "scheme of finance" means a scheme indicating the sources from which, and the terms and conditions on which, finances are proposed to be obtained by an undertaking;

(r) "service" means service of any description which is made available to potential users and includes the provision of facilities in connection with banking, insurance, transport, supply of electrical or other energy, board or lodging or both, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge or under a contract of personal service;

(s) "trade" means any trade, business, industry, profession or occupation relating to the production, supply, distribution or control of goods and includes the provision of any services;

(t) "trade association" means a body of persons (whether incorporated or not) which is formed for the purpose of further-

ing the trade interests of its members or of persons represented by its members;

(u) "trade practice" means any practice relating to the carrying on of any trade, and includes—

(i) anything done by any person which controls or affects the price charged by, or the method of trading of, any trader or any class of traders,

(ii) a single or isolated action of any person in relation to any trade;

(v) "undertaking" means an undertaking which is engaged in the production, supply, distribution or control of goods of any description or the provision of service of any kind;

(w) "value of assets", in relation to an undertaking, means the value of its assets as shown in its books of account, after making provision for depreciation or for renewals, or diminution in value;

(x) "wholesaler", in relation to the sale of any goods, means a person who sells the goods to any person for the purpose of re-sale;

(y) words and expressions used but not defined in this Act and defined in the Companies Act, 1956, have the meanings respectively assigned to them in that Act.

1 of 1956.

3. Unless the Central Government, by notification in the Official Gazette, otherwise directs, this Act shall not apply to—

Act not to apply in certain cases.

(a) any undertaking owned or controlled by a Government company,

(b) any undertaking owned or controlled by the Government,

(c) any undertaking owned or controlled by a corporation (not being a company) established by or under any Central, Provincial or State Act,

(d) any trade union or other association of workmen or employees formed for their own reasonable protection as such workmen or employees,

(e) any undertaking engaged in an industry, the management of which has been taken over by any person or body of persons in pursuance of any authorisation made by the Central Government under any law for the time being in force.

4. (1) Save as otherwise provided in sub-section (2) or elsewhere in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Application of other laws not barred.

(2) Notwithstanding anything contained in section 3 or elsewhere in this Act, so much of the provisions of this Act, as relate to matters in respect of which specific provisions exist in the—

(i) Reserve Bank of India Act, 1934, or the Banking Regulation Act, 1949, or

(ii) State Bank of India Act, 1955, or the State Bank of India (Subsidiary Banks) Act, 1959, or

(iii) Insurance Act, 1938,

shall not apply to a banking company, the State Bank of India or a subsidiary bank, as defined in the State Bank of India (Subsidiary Banks) Act, 1959, or an insurer, as the case may be.

2 of 1934.
10 of 1949.

23 of 1955.
38 of 1959.

4 of 1938.

38 of 1959.

CHAPTER II

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES COMMISSION

Establishment and Constitution of the Commission.

5. (1) For the purposes of this Act, the Central Government shall establish, by notification in the Official Gazette, a commission to be known as the Monopolies and Restrictive Trade Practices Commission which shall consist of a Chairman and not less than two and not more than eight other members, to be appointed by the Central Government.

(2) The Chairman of the Commission shall be a person who is, or has been or is qualified to be, a Judge of the Supreme Court or of a High Court and the members thereof shall be persons of ability, integrity and standing who have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration.

(3) Before appointing any person as a member of the Commission, the Central Government shall satisfy itself that the person does not, and will not, have, any such financial or other interest as is likely to affect prejudicially his functions as such member.

Terms of office, conditions of service, etc., of members.

6. (1) Every member shall hold office for such period, not exceeding five years, as may be specified by the Central Government in the notification made under sub-section (1) of section 5, but shall be eligible for re-appointment:

Provided that no member shall hold office as such for a total period exceeding ten years, or after he has attained the age of sixty-five years, whichever is earlier.

(2) Notwithstanding anything contained in sub-section (1), a member may—

(a) by writing under his hand and addressed to the Central Government resign his office at any time;

(b) be removed from his office in accordance with the provisions of section 7.

(3) A casual vacancy caused by the resignation or removal of the Chairman or any other member of the Commission under sub-section (2) or otherwise shall be filled by fresh appointment.

(4) No act or proceeding of the Commission shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

(5) The Chairman of the Commission and other members shall receive such remuneration and other allowances and shall be governed by such conditions of service as may be prescribed:

Provided that the remuneration of the Chairman or any other member shall not be varied to his disadvantage after his appointment.

(6) In the case of a difference of opinion among the members of the Commission, the opinion of the majority shall prevail and the opinion or orders of the Commission shall be expressed in terms of the views of the majority.

(7) The Chairman of the Commission and every member shall, before entering upon his office, make and subscribe to an oath of office and of secrecy in such form, in such manner and before such authority as may be prescribed.

(8) Any member ceasing to hold office as such shall not hold any appointment in, or be connected with the management or administration of, any industry or undertaking to which this Act applies for a period of five years from the date on which he ceases to hold such office.

7. (1) The Central Government may remove from office any member, who—

Removal of members from office in certain circumstances.

(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 such member, or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member, or

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

(2) Notwithstanding anything contained in sub-section (1), no member shall be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court, on a reference being made to it in this behalf by the Central Government, has, on an inquiry held by it in accordance with such procedure as it may specify in this behalf, reported that the member ought, on such grounds, to be removed.

8. The Central Government may, in consultation with the Commission, appoint a Director of Investigation for making investigations for the purposes of this Act and may, in addition, make provision with respect to the number of members of the staff of the Commission and their conditions of service:

Appointment of Director and staff of the Commission.

Provided that the conditions of service of the Director or any member of the staff of the Commission shall not be varied to his disadvantage after his appointment.

9. The salaries and allowances payable to the members and the administrative expenses, including salaries, allowances and pensions, payable to or in respect of officers and other employees of the Commission, shall be defrayed out of the Consolidated Fund of India.

Salaries, etc., to be defrayed out of the Consolidated Fund of India.

JURISDICTION, POWERS AND PROCEDURE OF THE COMMISSION

Inquiry into monopolistic or restrictive trade practices by Commission.

10. The Commission may inquire into—

(a) any restrictive trade practice—

(i) upon receiving a complaint of facts which constitute such practice from any trade or consumers' association having a membership of not less than twenty-five persons or from twenty-five or more consumers, or

(ii) upon a reference made to it by the Central Government or a State Government, or

(iii) upon an application made to it by the Registrar, or

(iv) upon its own knowledge or information;

(b) any monopolistic trade practice, upon a reference made to it by the Central Government or upon its own knowledge or information.

Investigation by Director before issue of process in certain cases.

11. In respect of any restrictive trade practice of which complaint is made under sub-clause (i) of clause (a) of section 10, the Commission shall, before issuing any process requiring the attendance of the person complained against, cause a preliminary investigation to be made by the Director, in such manner as it may direct, for the purpose of satisfying itself that the complaint requires to be inquired into.

Powers of the Commission.

12. (1) The Commission shall, for the purposes of any inquiry under this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:— 5 of 1908.

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

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the requisitioning of any public record from any court or office;

(e) the issuing of any commission for the examination of witnesses.

(2) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, and the Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898. 45 of 1860.
3 of 1898.

(3) The Commission shall have power to require any person—

(a) to produce before, and allow to be examined and kept by, an officer of the Commission specified in this behalf, such books, accounts or other documents in the custody or under the

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control of the person so required as may be specified or described in the requisition, being documents relating to any trade practice, the examination of which may be required for the purposes of this Act; and

(b) to furnish to an officer so specified such information as respects the trade practice as may be required for the purposes of this Act or such other information as may be in his possession in relation to the trade carried on by any other person.

(4) For the purpose of enforcing the attendance of witnesses the local limits of the Commission's jurisdiction shall be the limits of the territory of India.

13. (1) In making any order under this Act, the Commission may make such provisions not inconsistent with this Act, as it may think necessary or desirable for the proper execution of the order and any person who commits a breach of or fails to comply with any obligation imposed on him by any such provision shall be deemed to be guilty of an offence under this Act.

Orders of Commission may be subject to conditions, etc.

(2) Any order made by the Commission may be amended or revoked at any time in the manner in which it was made.

(3) An order made by the Commission may be general in its application or may be limited to any particular class of traders or a particular class of trade practice or a particular trade practice or a particular locality.

14. Where any practice substantially falls within monopolistic or restrictive trade practice, or both, relating to the production, supply, distribution or control of goods of any description or the provision of any services and any party to such practice does not carry on business in India, an order may be made under this Act with respect to that part of the practices which is carried on in India.

Orders where party concerned does not carry on business in India.

15. No order made under this Act with respect to any monopolistic or restrictive trade practice shall operate so as to restrict—

Restriction of application of orders in certain cases.

(a) the right of any person to restrain any infringement of a patent granted in India, or

(b) any person as to the condition which he attaches to a licence to do anything, the doing of which but for the licence would be an infringement of a patent granted in India, or

(c) the right of any person to export goods from India, to the extent to which the monopolistic or restrictive trade practice relates exclusively to the production, supply, distribution or control of goods for such export.

16. (1) The central office of the Commission shall be in Delhi but the Commission may sit at such places in India and at such times as may be most convenient for the exercise of its powers or functions under this Act.

Sittings of the Commission.

(2) The powers or functions of the Commission may be exercised or discharged by Benches formed by the Chairman of the Commission from among the members.

Hearing to be in public except in special circumstances.

17. (1) Subject to the provisions of sub-section (2), the hearing of proceedings before the Commission shall be in public.

(2) Where the Commission is satisfied that it is desirable to do so by reason of the confidential nature of any offence or matter or for any other reason, the Commission may—

(a) hear the proceeding or any part thereof in private;

(b) give directions as to the persons who may be present thereat;

(c) prohibit or restrict the publication of evidence given before the Commission (whether in public or in private) or of matters contained in documents filed before the Commission.

Procedure of the Commission.

18. (1) Subject to the provisions of this Act, the Commission shall have power to regulate—

(a) the procedure and conduct of its business;

(b) the procedure of Benches of the Commission;

(c) the delegation to one or more members of such powers or functions as the Commission may specify.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the powers of the Commission shall include the power to determine the extent to which persons interested or claiming to be interested in the subject-matter of any proceeding before it are allowed to be present or to be heard, either by themselves or by their representatives or to cross-examine witnesses or otherwise to take part in the proceeding.

Orders of the Commission to be noted in the register.

19. The Commission shall cause an authenticated copy of every order made by it in respect of a restrictive trade practice to be forwarded to the Registrar who shall have it recorded in such manner as may be prescribed.

CHAPTER III

CONCENTRATION OF ECONOMIC POWER

Part A

Undertakings to which this Part applies.

20. This Part shall apply to—

(a) an undertaking if the total value of—

(i) its own assets, or

(ii) its own assets together with the assets of its interconnected undertaking.

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is not less than twenty crores of rupees;

(b) a dominant undertaking—

(i) where it is a single undertaking, the value of its assets, or

(ii) where it consists of more than one undertaking, the sum-total of the value of the assets of all the inter-connected undertakings constituting the dominant undertaking,

is not less than one crore of rupees.

Explanation.—The value referred to in this section shall be,—

(i) in the case of an undertaking referred to in clause (a) or clause (b), as the case may be, the value of its assets on the last day of its financial year which closes during the calendar year immediately preceding the calendar year in which the question arises as to whether this Part does or does not apply to such undertaking; and

(ii) in the case of an inter-connected undertaking, the value of its assets on the last day of its financial year which closes during the calendar year immediately preceding the calendar year in which the question arises as to whether this Part does or does not apply to the undertaking referred to in clause (a) or clause (b).

21. (1) Subject to the provisions of section 23, where an undertaking to which this Part applies proposes to substantially expand its activities by the issue of fresh capital or by the installation of new machinery or other equipment or in any other manner, it shall, before taking any action to give effect to the proposal for such expansion, give to the Central Government notice, in the prescribed form, of its intention to make such expansion, stating therein the scheme of finance with regard to the proposed expansion, whether it is connected with any other undertaking or undertakings and if so, giving particulars relating to all the inter-connected undertakings and such other information as may be prescribed.

Expansion of undertakings.

(2) Notwithstanding anything contained in any other law for the time being in force no undertaking shall give effect to any proposal for its substantial expansion unless such proposal has been approved by the Central Government.

Explanation.—For the purpose of this section, an undertaking shall be deemed to expand substantially if, after such expansion,—

(a) in the case of an undertaking to which clause (a) of section 20 applies,—

(i) the value of its assets, before the expansion, would result in an increase by not less than twenty-five per cent. of such value, or

(ii) the production, supply or distribution of any goods or the provision of any services by it before the expansion,

would result in an increase by not less than twenty-five per cent. of the goods produced, supplied, distributed or controlled, or services provided, by it;

(b) in the case of an undertaking to which clause (b) of section 20 applies, the production, supply, distribution or control of any goods or the provision of any services by it would result in an increase by not less than twenty-five per cent. of the goods produced, supplied, distributed or controlled, or services provided, by it before the expansion.

(3) (a) The Central Government may call upon the undertaking concerned to satisfy it that the proposed expansion or the scheme of finance with regard to such expansion is not likely to lead to the concentration of economic power to the common detriment or is not likely to be prejudicial to the public interest in any other manner and thereupon the Central Government may, if it is satisfied that it is expedient in the public interest so to do, by order accord approval to the proposal for such expansion.

(b) If the Central Government is of opinion that no such order as is referred to in clause (a) can be made without a further inquiry, it may refer the application to the Commission for an inquiry and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon.

(c) Upon receipt of the report of the Commission, the Central Government may pass such orders with regard to the proposal for the expansion of the undertaking as it may think fit.

(d) No scheme of any expansion approved by the Central Government and no scheme of finance with regard to such expansion shall be modified except with the previous approval of the Central Government.

(4) Nothing in this section shall apply to any industrial undertaking (which is not a dominant undertaking) to which section 13 of the Industries (Development and Regulation) Act, 1951, applies, in so far as the expansion relates to production of the same or similar type of goods.

05 of 1951

Establishment of new undertakings.

22. (1) No person or authority, other than Government, shall, after the commencement of this Act, establish any new undertaking which, when established, would become an inter-connected undertaking of an undertaking to which clause (a) of section 20 applies, except under, and in accordance with, the previous permission of the Central Government.

(2) Any person or authority intending to establish a new undertaking referred to in sub-section (1) shall, before taking any action for the establishment of such undertaking, make an application to the Central Government in the prescribed form for that Government's approval to the proposal of establishing any undertaking and shall set out in such application information with regard to the

inter-connection, if any, of the new undertaking (which is intended to be established) with every other undertaking, the scheme of finance for the establishment of the new undertaking and such other information as may be prescribed.

(3) (a) The Central Government may call upon the person or authority to satisfy it that the proposal to establish a new undertaking or the scheme of finance with regard to such proposal is not likely to lead to the concentration of economic power to the common detriment or is not likely to be prejudicial to the public interest in any other manner and thereupon the Central Government may, if it is satisfied that it is expedient in the public interest so to do, by order accord approval to the proposal.

(b) If the Central Government is of opinion that no such approval as is referred to in clause (a) can be made without further inquiry, it may refer the application to the Commission for an inquiry and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon.

(c) Upon receipt of the report of the Commission, the Central Government may pass such orders with regard to the proposal for the establishment of a new undertaking as it may think fit.

(d) No scheme of finance on the strength of which the establishment of a new undertaking has been approved by the Central Government shall be modified except with the previous approval of that Government.

23. (1) Notwithstanding anything contained in any other law for the time being in force,—

Merger,
amalgamation
and take
over.

(a) no scheme of merger or amalgamation of an undertaking to which this Part applies with any other undertaking,

(b) no scheme of merger or amalgamation of two or more undertakings which would have the effect of bringing into existence an undertaking to which clause (a) or clause (b) of section 20 would apply,

shall be sanctioned by any Court or be recognised for any purpose or be given effect to unless the scheme for such merger or amalgamation has been approved by the Central Government under this Act.

(2) If any undertaking to which this Part applies frames a scheme of merger or amalgamation with any other undertaking, or a scheme of merger or amalgamation is proposed between two or more undertakings, and, if as a result of such merger or amalgamation, an undertaking would come into existence to which clause (a) or clause (b) of section 20 would apply, it shall, before taking any action to give effect to the proposed scheme, make an application to the Central Government in the prescribed form with a copy of the scheme annexed thereto, for the approval of the scheme.

(3) Nothing in sub-section (1) or sub-section (2) shall apply to the scheme of merger or amalgamation of such inter-connected

undertakings as are not dominant undertakings and as produce the same goods.

(4) If an undertaking to which this Part applies proposes to acquire by purchase, take over or otherwise the whole or part of an undertaking which will or may result either—

(a) in the creation of an undertaking to which this Part would apply; or

(b) in the undertaking becoming an inter-connected undertaking of an undertaking to which this Part applies,

it shall, before giving any effect to its proposals, make an application in writing to the Central Government in the prescribed form of its intention to make such acquisition, stating therein information regarding its inter-connection with other undertakings, the scheme of finance with regard to the proposed acquisition and such other information as may be prescribed.

(5) No proposal referred to in sub-section (4) which has been approved by the Central Government and no scheme of finance with regard to such proposal shall be modified except with the previous approval of the Central Government.

(6) On receipt of an application under sub-section (2) or sub-section (4), the Central Government may, if it thinks fit, refer the matter to the Commission for an inquiry and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon.

(7) On receipt of the Commission's report the Central Government may pass such orders as it may think fit.

(8) Notwithstanding anything contained in any other law for the time being in force, no proposal to acquire by purchase, take over or otherwise of an undertaking to which this Part applies shall be given effect to unless the Central Government has made an order according its approval to the proposal.

(9) Nothing in sub-section (4) shall apply to the acquisition by an undertaking, which is not a dominant undertaking, of another undertaking which is not also a dominant undertaking, if both such undertakings produce the same goods:

Provided that nothing in this sub-section shall apply if as a result of such acquisition an undertaking comes into existence to which clause (a) or clause (b) of section 20 would apply.

Merger,
amalgamation or
take over
in contra-
vention of
section 23.

24. Where any merger, amalgamation or take over is being, or has been, effected in contravention of the provisions of section 23, the Central Government may, after such consultation with the Commission as it may consider necessary, direct, without prejudice to any penalty which may be imposed under this Act for such contravention, the undertaking concerned to cease and desist from such contravention, to divest itself of the stock or other share capital or

assets so acquired and to carry out such further directions as the Central Government may, in all the circumstances of the case, issue.

25. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no person, who is a director of an undertaking to which this Part applies, shall be appointed, after the commencement of this Act, as a director of any other undertaking except with the prior approval of the Central Government and any appointment contrary to the provisions of this section shall be void:

Directors of undertakings not to be appointed directors of other undertakings.

Provided that the approval of the Central Government shall not be necessary to the appointment of a person as a director of an undertaking unless he holds such office in more than ten interconnected undertakings.

(2) Notwithstanding anything contained in sub-section (1), no act done by a person as a director shall be invalid merely on the ground that his appointment was void by reason of this section or of any provision of this Part:

Provided that nothing in this section shall be deemed to give validity to any act done by a director after his appointment has been shown to the undertaking and the director concerned to be void.

(3) Notwithstanding anything to the contrary contained in any other law for the time being in force, every director holding such directorship as is not consistent with the provisions of this section shall, unless his appointment expires earlier, obtain within a period of one year from the commencement of this Act, the approval of the Central Government to such appointment and if he fails to do so, his appointment shall, on the expiry of the said period, become void.

(4) The provisions of sub-sections (1), (2) and (3) shall, as far as may be, apply to partners of any firm which is an undertaking within the meaning of this Act, as they apply to directors of companies.

26. (1) Every undertaking to which this Part applies at the commencement of this Act or to which the provisions of that Part become applicable thereafter, shall, within sixty days from such commencement or the date on which that Part becomes first applicable to it, or within such further time as the Central Government may, on sufficient cause being shown, allow, make an application (in such form and containing such particulars as may be prescribed) to the Central Government for its registration as such undertaking.

Registration of undertakings to which Part A applies.

(2) The Central Government shall, on receipt of the application referred to in sub-section (1), forthwith enter the name of the undertaking in a register to be maintained for the purpose and issue to the undertaking concerned a certificate of registration containing such particulars as may be prescribed.

(3) Any undertaking which has ceased to be an undertaking to which this Part applies may, at any time after such cesser, apply to the Central Government for cancellation of the registration and the Central Government may, after making such inquiry as it may think fit, cancel the registration of such undertaking and notify such cancellation in the Official Gazette.

Part B

Division
of under-
takings.

27. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Central Government may, if it is of opinion that the working of an undertaking to which Part A of this Chapter applies, is prejudicial to the public interest, or has led, or is leading, or is likely to lead, to the adoption of any monopolistic or restrictive trade practices, refer the matter to the Commission for an inquiry as to whether it is expedient in the public interest to make an order,—

(a) for the division of any trade of the undertaking by the sale of any part of the undertaking or assets thereof, or,

(b) for the division of any undertaking or inter-connected undertakings into such number of undertakings as the circumstances of the case may justify,

and the Commission may, after such hearing as it thinks fit, report to the Central Government its opinion thereon and shall, where it is of opinion that a division ought to be made, specify the manner of the division and compensation, if any, payable for such division.

Explanation.—For the purposes of this section all activities carried on by way of trade by an undertaking or two or more inter-connected undertakings may be treated as a single trade.

(2) If the Commission so recommends, the Central Government may, notwithstanding anything contained in any other law for the time being in force, by an order in writing, direct the division of any trade of the undertaking or of the undertaking or inter-connected undertakings.

(3) Notwithstanding anything contained in any other law for the time being in force, the order referred to in sub-section (2) may provide for all such matters as may be necessary to give effect to the division of any trade of the undertaking or of the undertaking or inter-connected undertakings, including,—

(a) the transfer or vesting of property, rights, liabilities or obligations;

(b) the adjustment of contracts either by the discharge or reduction of any liability or obligation or otherwise;

(c) the creation, allotment, surrender or cancellation of any shares, stock or securities;

(d) the payment of compensation;

(e) the formation, or winding up of an undertaking or the amendment of the memorandum and articles of association or any other instruments regulating the business of any undertaking;

(f) the extent to which and the circumstances in which provisions of the order affecting an undertaking may be altered by the undertaking and the registration thereof;

(g) the continuation, with such changes as may be necessary, of parties to any legal proceeding.

(4) Where the Central Government makes, or intends to make, an order for any purpose mentioned in sub-section (3), it may, with a view to achieving that purpose, prohibit or restrict the doing of anything that might impede the operation or making of the order and may impose on any person such obligations as to the carrying on of any activities or the safeguarding of any assets, as it may think fit, or it may, by order, provide for the carrying on of any activities or safeguarding of any assets either by the appointment of a person to conduct, or supervise the conduct of, any such activities or in any other manner.

(5) Notwithstanding anything contained in any other law for the time being in force or in any contract or in any memorandum or articles of association, an officer of a company who ceases to hold office as such in consequence of the division of an undertaking or inter-connected undertakings shall not be entitled to claim any compensation for such cesser.

Part C

28. In exercising its powers under Part A or Part B of this Chapter, the Central Government, or, as the case may be, the Commission, shall take into account all matters which appear in the particular circumstances to be relevant and, among other things, regard shall be had to the need consistently with the general economic position of the country—

Matters to be considered by the Central Government before according approval.

(a) to achieve the production, supply and distribution, by most efficient and economical means, of goods of such types and qualities, in such volume and at such prices as will best meet the requirements of the defence of India, and home and overseas markets;

(b) to have the trade organised in such a way that its efficiency is progressively increased;

(c) to ensure the best use and distribution of men, materials and industrial capacity in India;

(d) to effect technical and technological improvements in trade and expansion of existing markets and the opening up of new markets;

(e) to encourage new enterprises as a countervailing force to the concentration of economic power to the common detriment;

(f) to regulate the control of the material resources of the community to subserve the common good; and

(g) to reduce disparities in development between different regions and more especially in relation to areas which have remained markedly backward.

Opportunity of being heard.

29. Before making an order under this Chapter, the Central Government shall give a reasonable opportunity of being heard to any person who is, or may be, in its opinion, interested in the matter under the consideration of that Government.

Time within which action should be taken.

30. (1) Where the Central Government is of opinion that no approval can be accorded under section 21 or section 22, or no order under section 23 can be made, unless a further inquiry has been held into the matter by the Commission, it shall refer the matter to the Commission within sixty days from the date of receipt of the notice under section 21, application under section 22 or the proposal under section 23, as the case may be:

Provided that where further particulars in connection with any such notice, application or proposal are called for by the Central Government, the said period of sixty days shall be computed from the date on which such further particulars are furnished to that Government.

(2) Where any notice, application or proposal under this Chapter is referred to the Commission for an inquiry, it shall be the duty of the Commission to make its report on the matter referred to it within ninety days from the date on which the reference is received by it, except where the Commission, for special reasons recorded by it in writing, is of opinion that the report cannot be made by it within the said period of ninety days.

(3) Every notice, application or proposal in respect of which a report has been submitted by the Commission to the Central Government shall be disposed of by that Government within sixty days from the date of receipt of the report of the Commission.

(4) Every notice, application or proposal which has not been referred to the Commission, shall be disposed of by the Central Government within ninety days from the date on which such notice, application or proposal, as the case may be, is received by it, except where the Central Government, for special reasons recorded by it in writing, is of opinion that the notice, application or proposal, as the case may be, cannot be disposed of within the said period of ninety days.

CHAPTER IV

MONOPOLISTIC TRADE PRACTICES

Investigation by Commission of monopolistic trade practices.

31. (1) Where it appears to the Central Government that one or more monopolistic undertakings are indulging in any monopolistic trade practice, or that, monopolistic trade practices prevail in respect of any goods or services, that Government may refer the matter to the Commission for an inquiry and the Commission shall, after such hearing as it thinks fit, report to the Central Government its findings thereon.

(2) If as a result of such inquiry, the Commission makes a finding to the effect that, having regard to the economic conditions prevailing in the country and to all other matters which appear in particular circumstances to be relevant, the trade practice operates

or is likely to operate against the public interest, the Central Government may, notwithstanding anything contained in any other law for the time being in force, pass such orders as it may think fit to remedy or prevent any mischiefs which result or may result from such trade practice.

(3) Any order made by the Central Government under this section may include an order—

(a) regulating the production, supply, distribution or control of any goods by the undertaking or the control or supply of any service by it and fixing the terms of sale (including prices) or supply thereof;

(b) prohibiting the undertaking from resorting to any act or practice or from pursuing any commercial policy which prevents or lessens, or is likely to prevent or lessen, competition in the production, supply or distribution of any goods or provision of any services;

(c) fixing standards for the goods used or produced by the undertaking;

(d) declaring unlawful, except to such extent and in such circumstances as may be provided by or under the order, the making or carrying out of any such agreement as may be specified or described in the order;

(e) requiring any party to any such agreement as may be so specified or described to determine the agreement within such time as may be so specified, either wholly or to such extent as may be so specified.

32. For the purposes of this Chapter, a monopolistic trade practice shall be deemed to be prejudicial to public interest if, having regard to the economic conditions prevailing in the country and to all other matters which are relevant in the particular circumstances, the effect of the trade practice is or would be—

(a) to increase unreasonably the cost relating to the production, supply or distribution of goods or the performance of any service;

(b) to increase unreasonably—

(i) the prices at which goods are sold, or

(ii) the profits derived from the production, supply or distribution of goods or from the performance of any service;

(c) to reduce or limit unreasonably competition in the production, supply or distribution of any goods (including their sale or purchase) or the provision of any service;

(d) to limit or prevent unreasonably the supply of goods to consumers, or the provision of any service;

(e) to result in a deterioration in the quality of any goods or in the performance of any service.

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CHAPTER V

REGISTRATION OF AGREEMENT RELATING TO RESTRICTIVE TRADE PRACTICES

Registra-
ble agree-
ments re-
lating to
restrictive
trade
practices.

33. (1) Any agreement relating to a restrictive trade practice falling within one or more of the following categories shall be subject to registration in accordance with the provisions of this Chapter, namely:—

(a) any agreement which restricts, or is likely to restrict, by any method the persons or classes of persons to whom goods are sold or from whom goods are bought;

(b) any agreement requiring a purchaser of goods, as a condition of such purchase, to purchase some other goods;

(c) any agreement restricting in any manner the purchaser in the course of his trade from acquiring or otherwise dealing in any goods other than those of the seller or any other person;

(d) any agreement to purchase or sell goods or to tender for the sale or purchase of goods only at prices or on terms or conditions agreed upon between the sellers or purchasers;

(e) any agreement to grant or allow concessions or benefits, including allowances, discount, rebates or credit in connection with, or by reason of, dealings;

(f) any agreement to sell goods on condition that the prices to be charged on re-sale by the purchaser shall be the prices stipulated by the seller unless it is clearly stated that prices lower than those prices may be charged;

(g) any agreement to limit, restrict or withhold the output or supply of any goods or allocate any area or market for the disposal of the goods;

(h) any agreement not to employ or restrict the employment of any method, machinery or process in the manufacture of goods;

(i) any agreement for the exclusion from any trade association of any person carrying on or intending to carry on, in good faith the trade in relation to which the trade association is formed;

(j) any agreement to sell goods at such prices as would have the effect of eliminating competition or a competitor;

(k) any agreement not hereinbefore referred to in this section which the Central Government may, by notification in the Official Gazette, specify for the time being as being one relating to a restrictive trade practice within the meaning of this sub-section pursuant to any recommendation made by the Commission in this behalf;

(l) any agreement to enforce the carrying out of any such agreement as is referred to in this sub-section.

(2) The provisions of this section shall apply, so far as may be, in relation to agreements making provision for services as they apply in relation to agreements connected with the production, supply, distribution or control of goods.

(3) No agreement falling within this section shall be subject to registration in accordance with the provisions of this Chapter if it is expressly authorised by or under any law for the time being in force or has the approval of the Central Government or if the Government is a party to such agreement.

34. (1) For maintaining a register of agreements subject to registration under this Act and for performing the other functions imposed on him by this Act, there shall be appointed by the Central Government an officer to be known as the Registrar of Restrictive Trade Agreements. Registrar of restrictive trade agreements.

(2) The Central Government may appoint as many persons as it thinks fit to be Additional, Joint, Deputy or Assistant Registrars for the purpose of assisting the Registrar in the performance of his functions under this Act.

35. (1) The Central Government shall, by notification in the Official Gazette, specify a day (hereinafter referred to as the appointed day) on and from which every agreement falling within section 33 shall become registrable under this Act: Registration of agreements.

Provided that different days may be appointed for different categories of agreements.

(2) Within sixty days from the appointed day, in the case of an agreement existing on that day, and in the case of an agreement made after the appointed day, within sixty days from the making thereof, there shall be furnished to the Registrar in respect of every agreement falling within section 33, the following particulars, namely:—

(a) the names of the persons who are parties to the agreement; and

(b) the whole of the terms of the agreement.

(3) If at any time after the agreement has been registered under this section, the agreement is varied (whether in respect of the parties or in respect of the terms thereof) or determined otherwise than by efflux of time, particulars of the variation or determination shall be furnished to the Registrar within one month after the date of the variation or determination.

(4) The particulars to be furnished under this section in respect of an agreement shall be furnished—

(a) in so far as the agreement or any variation or determination of the agreement is made by an instrument in writing, by the production of the original or a true copy of that agreement; and

(b) in so far as the agreement or any variation or determination of the agreement is not so made, by the production of

a memorandum in writing signed by the person by whom the particulars are furnished.

(5) The particulars to be furnished under this section shall be furnished by or on behalf of any person who is a party to the agreement or, as the case may be, was a party thereto immediately before its determination, and where the particulars are duly furnished by or on behalf of any such person, the provisions of this section shall be deemed to be complied with on the part of all such persons.

Explanation I.—Where any agreement subject to registration under this section relates to the production, supply, distribution or control of goods or the performance of any services in India and any party to the agreement carries on business in India, the agreement shall be deemed to be an agreement within the meaning of this section, notwithstanding that any other party to the agreement does not carry on business in India.

Explanation II.—Where an agreement is made by a trade association, the agreement for the purposes of this section shall be deemed to be made by all persons who are members of the association or represented thereon as if each such person were a party to the agreement.

Explanation III.—Where specific recommendations, whether express or implied, are made by or on behalf of a trade association to its members, or to any class of its members, as to the action to be taken or not to be taken by them in relation to any matter affecting the trade conditions of those members, this section shall apply in relation to the agreement for the constitution of the association notwithstanding any provision to the contrary therein as if it contained a term by which each such member and any person represented on the association by any such member agreed with the association to comply with those recommendations and any subsequent recommendations affecting those recommendations.

Keeping
the
register.

36. (1) For the purposes of this Act, the Registrar shall keep a register in the prescribed form and shall enter therein the prescribed particulars as regards agreements subject to registration.

(2) The Registrar shall provide for the maintenance of a special section of the register for the entry or filing in that section of such particulars as the Commission may direct, being—

(a) particulars containing information, the publication of which would, in the opinion of the Commission, be contrary to the public interest;

(b) particulars containing information as to any matter being information the publication of which, in the opinion of the Commission, would substantially damage the legitimate business interests of any person.

(3) Any party to an agreement required to be registered under section 35 may apply to the Registrar—

(i) for the agreement or any part of the agreement to be excluded from the provisions of this Chapter relating to the registration on the ground that the agreement or part thereof has no substantial economic significance, or

(ii) for inclusion of any provision of the agreement in the special section,

and the Registrar shall dispose of the matter in conformity with any general or special directions issued by the Commission in this behalf.

CHAPTER VI

CONTROL OF CERTAIN RESTRICTIVE TRADE PRACTICES

37. (1) The Commission may inquire into any restrictive trade practice, whether the agreement, if any, relating thereto has been registered under section 35 or not, which may come before it for inquiry and, if, after such inquiry it is of opinion that the practice is prejudicial to the public interest, the Commission may, by order, direct that—

Investigation into restrictive trade practices by Commission.

(a) the practice shall be discontinued or shall not be repeated;

(b) the agreement relating thereto shall be void in respect of such restrictive trade practice or shall stand modified in respect thereof in such manner as may be specified in the order.

(2) The Commission may, instead of making any order under this section, permit the party to any restrictive trade practice, if he so applies to take such steps within the time specified in this behalf by the Commission as may be necessary to ensure that the trade practice is no longer prejudicial to the public interest, and, in any such case, if the Commission is satisfied that the necessary steps have been taken within the time specified, it may decide not to make any order under this section in respect of that trade practice.

(3) No order shall be made under sub-section (1) in respect of—

(a) any agreement between buyers relating to goods which are bought by the buyers for consumption and not for ultimate re-sale whether in the same or different form, type or specie or as constituent of some other goods;

(b) a trade practice which is expressly authorised by any law for the time being in force.

(4) Notwithstanding anything contained in this Act, if the Commission, during the course of an inquiry under sub-section (1), finds that a monopolistic undertaking is indulging in restrictive trade practices, it may, after passing such orders under sub-section (1) or sub-section (2) with respect to the restrictive trade practices as it may consider necessary, submit the case along with its findings thereon to the Central Government with regard to any monopolistic trade practice for such action as that Government may take under section 31.

Presump-
tion as
to the
public
interest.

38. (1) For the purposes of any proceedings before the Commission under section 37, a restrictive trade practice shall be deemed to be prejudicial to the public interest unless the Commission is satisfied of any one or more of the following circumstances, that is to say—

(a) that the restriction is reasonably necessary, having regard to the character of the goods to which it applies, to protect the public against injury (whether to persons or to premises) in connection with the consumption, installation or use of those goods;

(b) that the removal of the restriction would deny to the public as purchasers, consumers or users of any goods, other specific and substantial benefits or advantages enjoyed or likely to be enjoyed by them as such, whether by virtue of the restriction itself or of any arrangements or operations resulting therefrom;

(c) that the restriction is reasonably necessary to counteract measures taken by any one person not party to the agreement with a view to preventing or restricting competition in or in relation to the trade or business in which the persons party thereto are engaged;

(d) that the restriction is reasonably necessary to enable the persons party to the agreement to negotiate fair terms for the supply of goods to, or the acquisition of goods from, any one person not party thereto who controls a preponderant part of the trade or business of acquiring or supplying such goods, or for the supply of goods to any person not party to the agreement and not carrying on such a trade or business who, either alone or in combination with any other such persons, controls a preponderant part of the market for such goods;

(e) that, having regard to the conditions actually obtaining or reasonably foreseen at the time of the application, the removal of the restriction would be likely to have a serious and persistent adverse effect on the general level of unemployment in an area, or in areas taken together, in which a substantial proportion of the trade, or industry to which the agreement relates is situated;

(f) that, having regard to the conditions actually obtaining or reasonably foreseen at the time of the application, the removal of the restriction would be likely to cause a reduction in the volume or earnings of the export business which is substantial either in relation to the whole export business of India or in relation to the whole business (including export business) of the said trade or industry;

(g) that the restriction is reasonably required for purposes in connection with the maintenance of any other restriction accepted by the parties, whether under the same agreement or under any other agreement between them, being a restriction which is found by the Commission not to be contrary to the public interest upon grounds other than those specified in this paragraph, or has been so found in previous proceedings before the Commission; or

(h) that the restriction does not directly or indirectly restrict or discourage competition to any material degree in any relevant trade or industry and is not likely to do so,

and is further satisfied (in any such case) that the restriction is not unreasonable having regard to the balance between those circumstances and any detriment to the public or to persons not parties to the agreement (being purchasers, consumers or users of goods produced or sold by such parties, or persons engaged or seeking to become engaged in the trade or business of selling such goods or of producing or selling similar goods) resulting or likely to result from the operation of the restriction.

(2) In this section "purchasers", "consumers" and "users" include persons purchasing, consuming or using for the purpose or in course of trade or business or for public purposes; and references in this section to any one person include references to any two or more persons being inter-connected undertakings or individuals carrying on business in partnership with each other.

39. (1) Without prejudice to the provisions of this Act with respect to registration and to any of the powers of the Commission or of the Central Government under this Act, any term or condition of a contract for the sale of goods by a person to a wholesaler or retailer or any agreement between a person and a wholesaler or retailer relating to such sale shall be void in so far as it purports to establish or provide for the establishment of minimum prices to be charged on the re-sale of goods in India.

Special conditions for avoidance of conditions for maintaining re-sale prices.

(2) After the commencement of this Act, no supplier of goods whether directly or through any person or association of persons acting on his behalf shall notify to dealers or otherwise publish on or in relation to any goods, a price stated or calculated to be understood as the minimum price which may be charged on the re-sale of the goods in India.

(3) This section shall apply to patented articles (including articles made by a patented process and articles made under any trade mark) as it applies to other goods and notice of any term or condition which is void by virtue of this section or which would be so void if included in a contract of sale or agreement relating to the sale of such article shall be of no effect for the purpose of limiting the right of a dealer to dispose of that article without infringement of the patent or trade mark, as the case may be:

Provided that nothing in this section shall affect the validity as between the parties and their successors, of any term or condition of a licence granted by the proprietor of a patent or trade mark by a licensee under any such licence or of any assignment of a patent or trade mark, so far as it regulates the price at which articles produced or processed by the licensee or the assignee may be sold by him.

Explanation.—In this section and in section 40, the term "supplier", in relation to supply of any goods, means a person who supplies goods to any person for the ultimate purpose of re-sale and includes a wholesaler, and the term "dealer" includes a supplier and a retailer.

Prohibition of other measures for maintaining re-sale prices.

40. (1) Without prejudice to the provisions of this Act with respect to registration and to any of the powers of the Commission or of the Central Government under this Act, no supplier shall withhold supplies of any goods from any wholesaler or retailer seeking to obtain them for re-sale in India on the ground that the wholesaler or retailer—

(a) has sold in India at a price below re-sale price, goods obtained, either directly or indirectly, from that supplier, or has supplied such goods, either directly or indirectly, to a third party who had done so; or

(b) is likely if the goods are supplied to him to sell them in India at a price below that price or supply them, either directly or indirectly, to a third party who would be likely to do so.

(2) Nothing contained in sub-section (1) shall render it unlawful for a supplier to withhold supplies of goods from any wholesaler or retailer or to cause or procure another supplier to do so if he has reasonable cause to believe that the wholesaler or the retailer, as the case may be, has been using as loss leaders any goods of the same or a similar description whether obtained from that supplier or not.

(3) A supplier of goods shall be deemed to be withholding supplies of goods from a dealer if he—

(a) refuses or fails to supply those goods to the order of the dealer;

(b) refuses to supply those goods to the dealer except at prices, or on terms or conditions as to credit, discount or other matters which are less favourable than those at or on which he normally supplies those goods to other dealers carrying on business in similar circumstances; or

(c) treats a dealer, in spite of a contract with such dealer for the supply of goods, in a manner less favourable than that in which he normally treats other dealers in respect of time or methods of delivery or other matters arising in the performance of the contract.

(4) A supplier shall not be deemed to be withholding supplies of goods on any of the grounds mentioned in sub-section (1), if, in addition to that ground, he has any other ground which alone would entitle him to withhold such supplies.

Explanation I.—“Re-sale price”, in relation to sale of goods of any description, means any price notified to the dealer or otherwise published by or on behalf of the supplier of the goods in question (whether lawfully or not) as the price or minimum price which is to be charged on, or is recommended as appropriate for, a sale of that description or any price prescribed or purporting to be prescribed for that purpose by any contract or agreement between the wholesaler or retailer and any such supplier.

Explanation II.—A wholesaler or retailer is said to use goods as

loss leaders when he re-sells them otherwise than in a genuine seasonal or clearance sale not for the purpose of making a profit on the re-sale but for the purpose of attracting to the establishment at which the goods are sold, customers likely to purchase other goods or otherwise for the purpose of advertising his business.

41. (1) The Commission may, on a reference made to it by the Registrar or any other person interested, by order, direct that goods of any class specified in the order shall be exempt from the operation of sections 39 and 40 if the Commission is satisfied that in default of a system of maintained minimum re-sale prices applicable to those goods—

Power of Commission to exempt particular classes of goods from sections 39 and 40.

(a) the quality of goods available for sale or the varieties of goods so available would be substantially reduced to the detriment of the public as consumers or users of those goods, or

(b) the prices at which the goods are sold by retail would, in general and in the long run, be increased to the detriment of the public as such consumers or users, or

(c) any necessary services actually provided in connection with or after the sale of the goods by retail would cease to be so provided or would be substantially reduced to the detriment of the public as such consumers or users.

(2) On a reference under this section in respect of goods of any class which have been the subject of proceedings before the Commission under section 31, the Commission may treat as conclusive any evidence of fact made in those proceedings.

CHAPTER VII

POWER TO OBTAIN INFORMATION AND APPOINT INSPECTORS

42. (1) If the Registrar has reasonable cause to believe that any person is a party to an agreement subject to registration under section 35, he may give notice to that person requiring him within such time, not less than thirty days, as may be specified in the notice, to notify to the Registrar whether he is a party to any such agreement and, if so; to furnish to the Registrar such particulars of the agreement as may be specified in the requisition.

Power of Registrar to obtain information.

(2) The Registrar may give notice to any person by whom particulars are furnished under section 35 in respect of an agreement or to any other person being a party to the agreement requiring him to furnish to the Registrar such further documents or information in his possession or control as the Registrar may consider expedient for the purpose of, or in connection with, the registration of the agreement.

(3) Where a notice under this section is given to a trade association, the notice may be given to the secretary, manager or other similar officer of the association and for the purposes of this section any such association shall be treated as a party to an agreement to which members of the association, or persons represented on the association by those members, are parties as such.

(4) If the particulars called for under sub-section (1) or sub-section (2) are not furnished, the Commission may, on the application of the Registrar,—

(a) order the person or, as the case may be, the association to furnish those particulars to the Registrar within such time as may be specified in the order, or

(b) authorise the Registrar to treat the particulars contained in any document or information in his possession as the particulars relating to the agreement, or

(c) in case the Commission is satisfied that the failure to furnish the particulars is wilful, make an order restraining wholly or partly the parties to the agreement from acting on such agreement and from making any other agreement to the like effect.

Power to call for information.

43. Notwithstanding anything contained in any other law for the time being in force, the Central Government may, by a general or special order, call upon any undertaking to furnish to that Government periodically or as and when required any information concerning the activities carried on by the undertaking, the connection between it and any other undertaking, including such other information relating to its organisation, business, cost of production, conduct, trade practice or management, as may be prescribed to enable that Government to carry out the purposes of this Act.

Power to appoint Inspectors.

44. (1) The Central Government may, if it is of opinion that there are circumstances suggesting that an undertaking is indulging in any monopolistic or restrictive trade practice or is, in any way, trying to acquire any control over any dominant or inter-connected undertaking, appoint one or more inspectors for making an investigation into the affairs of the undertaking.

(2) The provisions of section 240 and section 240A of the Companies Act, 1956, so far as may be, shall apply to an investigation made by an inspector appointed under this section as they apply to an investigation made by the inspector appointed under that Act.

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CHAPTER VIII

OFFENCES AND PENALTIES

Penalty for contravention of section 21.

45. If any person contravenes the provisions of section 21 or any order made thereunder, he shall be punishable with fine which may extend to rupees one lakh.

Penalty for contravention of section 22 or section 23 or section 24 or section 27.

46. If any person contravenes the provisions of section 22 or section 23 or section 24 or section 27, he shall be punishable with fine which may extend to rupees one lakh, and where the offence is a continuing one, with a further fine which may extend to one thousand rupees for every day, after the first, during which such contravention continues.

of 1969]

Monopolies and Restrictive Trade Practices

47. If any person contravenes, without any reasonable excuse, the provisions of section 25 he shall be punishable with fine which may extend to two thousand rupees, and where the offence is a continuing one, with a further fine which may extend to two hundred rupees for every day, after the first, during which such contravention continues. Penalty for contravention of section 25.

48. (1) If any person fails, without any reasonable excuse, to register an agreement which is subject to registration under this Act, he shall be punishable with fine which may extend to five thousand rupees, and where the offence is a continuing one, with a further fine which may extend to five hundred rupees for every day, after the first, during which such failure continues. Penalty for failure to register agreements.

(2) If any undertaking, to which Part A of Chapter III applies, fails, without any reasonable excuse, to make an application under section 26, to register itself as an undertaking to which that Part applies, then,—

(a) the undertaking, where it is a company, or

(b) every partner of the undertaking, where it is a firm, or

(c) where it is not a company or a firm, every person who owns or controls the undertaking,

shall be punishable with fine which may extend to one thousand rupees, and where the offence is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such failure continues.

49. (1) If any person fails, without any reasonable excuse, to furnish any information required under section 43 or to comply with any notice duly given to him under section 42, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both, and where the offence is a continuing one, with a further fine which may extend to one hundred rupees for every day, after the first, during which such failure continues. Penalty for offences in relation to furnishing of information.

(2) If any person, who furnishes or is required to furnish any particulars, documents or any information—

(a) makes any statement or furnishes any document which he knows or has reason to believe to be false in any material particular; or

(b) omits to state any material fact knowing it to be material; or

(c) wilfully alters, suppresses or destroys any document which is required to be furnished as aforesaid,

he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Penalty for offences in relation to orders under the Act. 50. If any person contravenes any order made under section 13 or section 31 or section 37, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and where the offence is a continuing one, with a further fine which may extend to five hundred rupees for every day, after the first, during which such contravention continues.

Penalty for offences in relation to re-sale price maintenance. 51. If any person contravenes the provisions of section 39 or section 40, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

Penalty for wrongful disclosure of information. 52. If any person discloses an information in contravention of section 60, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Offences by companies. 53. (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 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 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 a body corporate and includes a firm or other association of individuals; and

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

CHAPTER IX

MISCELLANEOUS

Power of Central Government to impose conditions, 54. (1) The Central Government may, while—

(a) according any approval, sanction, permission, confirmation or recognition, or

(b) giving any direction or issuing any order, or

(c) granting any exemption,

under this Act in relation to any matter, impose such conditions, limitations or restrictions as it may think fit.

limitations and restrictions on approvals, etc., given under the Act.

(2) The Central Government shall have the power to modify any scheme of finance submitted to it under this Act in such manner as it thinks fit.

(3) If any condition, limitation or restriction imposed by the Central Government under sub-section (1) or any term of a scheme of finance, as modified under sub-section (2), is contravened, the Central Government may rescind or withdraw the approval, sanction, permission, confirmation, recognition, direction, order or exemption made or granted by it.

55. Any person aggrieved by any order made by the Central Government under Chapter III or Chapter IV, or, as the case may be, or the Commission under section 13 or section 37, may, within sixty days from the date of the order, prefer an appeal to the Supreme Court on one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908.

Appeals.

5 of 1908.

56. No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Jurisdiction of courts to try offences.

57. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code.

Cognizance of offences.

45 of 1860.

58. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Presidency Magistrate or any Magistrate of the first class to pass any sentence authorised by this Act in excess of his powers under section 32 of the said Code.

Magistrates power to impose enhanced penalties.

5 of 1898.

59. No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statements:

Protection regarding statements made to the Commission.

Provided that the statement—

(a) is made in respect to a question which he is required by the Commission to answer; and

(b) is relevant to the subject-matter of the inquiry.

60. (1) No information relating to any undertaking, being an information which has been obtained by or on behalf of the Commission for the purposes of this Act, shall, without the previous permission in writing of the owner for the time being of the undertaking, be disclosed otherwise than in compliance with or for the purposes of this Act.

Restriction on disclosure of information.

(2) Nothing contained in sub-section (1) shall apply to a disclosure of an information made for the purpose of any legal proceeding pursuant to this Act or of any criminal proceeding which may be taken, whether pursuant to this Act or otherwise, or for the purposes of any report relating to any such proceeding.

Power of the Central Government to require the Commission to submit a report.

61. The Central Government may at any time require the Commission to submit to it a report on the general effect on the public interest of such trade practices as, in the opinion of that Government, either constitute or contribute to monopolistic or restrictive trade practices or concentration of economic power to the common detriment.

Reports of the Commission to be placed before Parliament.

62. The Central Government shall cause to be laid before both Houses of Parliament an annual report, and every report which may be submitted to it by the Commission from time to time, pertaining to the execution of the provisions of this Act.

Members, etc., to be public servants.

63. Every member of the Commission, the Director and the Registrar, and every member of the staff of the Commission, and of the Director and the Registrar, shall be deemed, while 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.

45 of 1860.

Protection of action taken in good faith.

64. (1) No suit, prosecution or other legal proceedings shall lie against the Commission or any member, officer or servants of the Commission, the Director, the Registrar or any member of the staff of the Director or the Registrar in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit shall be maintainable in any civil court against the Central Government or any officer or employee of that Government for any damage caused by anything done under, or in pursuance of any provisions of, this Act.

Inspection of, and extracts from, the register.

65. (1) The register, other than the special section, shall be open to public inspection during such hours and subject to the payment of such fees, not exceeding rupees twenty-five, as may be prescribed.

(2) Any person may upon the payment of such fee, not exceeding rupee one, for every one hundred words, as may be prescribed, require the Registrar to supply to him a copy of, or extract from, any particulars entered or filed in the register, other than the special section, certified by the Registrar to be a true copy or extract.

(3) A copy of, or extract from, any document entered or filed in the register certified under the hand of the Registrar or any officer authorised to act in this behalf shall, in all legal proceedings, be admissible in evidence as of equal validity with the original.

66. (1) The Commission may make regulations for the efficient performance of its functions under this Act. Power to make regulations.

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

(a) the conditions of service, as approved by the Central Government, of persons appointed by the Commission;

(b) the issue of the processes to Government and to other persons and the manner in which they may be served;

(c) the manner in which the special section of the register shall be maintained and the particulars to be entered or filed therein;

(d) the duties and functions of the Registrar and the Director;

(e) the payment of costs of any proceedings before the Commission by the parties concerned and the general procedure and conduct of the business of the Commission;

(f) any other matter for which regulations are required to be, or may be, made under this Act.

67. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes 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 form and manner in which notices may be given or applications may be made to it under this Act and the fees payable therefor;

(b) the particulars to be furnished under this Act and the form and manner in which and the intervals within which they may be furnished;

(c) the conditions of service of members of the Commission and the Registrar;

(d) the places and the manner in which the register shall be maintained by the Registrar and the particulars to be entered therein;

(e) the fees payable for inspection of the register and for obtaining certified copies of particulars from the register;

(f) the travelling and other expenses payable to persons summoned by the Commission to appear before it;

(g) the criterion to be adopted for determining the circumstances in which conditions or matters enumerated in sections 21, 23 and 25 shall be considered to exist;

(h) any other matter which is required to be, or may be, prescribed.

(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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, 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.

NOT CORRECTED; SEE INDIA CODE

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THE ASSAM REORGANISATION (MEGHALAYA) ACT, 1969

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STATE

ASSAM

Meghalaya

STATE

ASSAM

Meghalaya

ASSAM

Meghalaya

STATE

ASSAM

STATE

ASSAM

Meghalaya

ASSAM

Meghalaya

ASSAM

Meghalaya

ASSAM

THE ASSAM REORGANISATION (MEGHALAYA) ACT, 1969

No. 55 OF 1969

[29th December, 1969]

An Act to provide for the formation within the State of Assam of autonomous State to be known as Meghalaya and for matters connected therewith.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Assam Reorganisation (Meghalaya) Act, 1969. 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 dates¹ may be appointed for different provisions of this Act.

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

Definitions.

a) "appointed day" means such date¹ as the Central Government may, by notification in the Official Gazette, appoint for the formation of the autonomous State;

(b) "article" means an article of the Constitution;

(c) "autonomous State" means the autonomous State of Meghalaya formed under section 3;

(d) "constituency" means a territorial constituency provided by order made under section 12 for the purpose of election to the Legislative Assembly;

(e) "Election Commission" means the Election Commission appointed by the President under article 324;

(f) "Governor" means the Governor of Assam exercising his functions as Governor in relation to Meghalaya by virtue of this Act;

(g) "law" includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument, having immediately before the appointed day, the force of law in the whole or in any part of the autonomous State;

¹ The provisions of sections 2 and 3 shall come into force on the 12th January, 1970: *vide* G. S. R. 74, dated the 12th January, 1970, Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), p. 17.

The provisions of sections 11, 12, 13, 16, 17, 28, 29, 62, 73 and 77 shall come into force on the 30th January, 1970: *vide* G.S.R. 182, dated the 30th January, 1970, Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), p. 37.

The provisions of section 65 shall come into force on the 25th February 1970: *vide* G.S.R. 310, dated the 25th February, 1970, Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), p. 145.

The provisions (other than those which have already been brought into force) shall come into force on the 2nd April, 1970: *vide* G.S.R. 393, dated the 24th March, 1970, Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), p. 375.

² 2nd April, 1970: *vide* G.S.R. 75, dated the 22nd January, 1970, Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), p. 18.

(h) "Legislative Assembly" means the Legislative Assembly of Meghalaya;

(i) "Meghalaya" means the autonomous State referred to in section 3;

(j) "member" means a member of the Legislative Assembly;

(k) "Official Gazette" means the Official Gazette of Meghalaya or the Gazette of India; and

(l) "prescribed" means prescribed by rules made under this Act.

PART II

FORMATION OF THE AUTONOMOUS STATE OF MEGHALAYA

Formation
of Megha-
laya.

3. (1) On and from the appointed day, there shall be formed within the State of Assam an autonomous State to be known as Meghalaya which shall, subject to the provisions of sub-section (2), comprise the following tribal areas, namely:—

(i) the United Khasi-Jaintia Hills District as described in subparagraph (2) of paragraph 20 of the Sixth Schedule to the Constitution (exclusive of the proviso thereto) but excluding the areas transferred to the Mikir Hills autonomous district by the notification of the Government of Assam No. TAD/R/31/50/149, dated the 13th April, 1951, and

(ii) the Garo Hills District specified in Part A of the table appended to paragraph 20 aforesaid.

(2) If, before such date¹ as the Central Government may, by notification in the Official Gazette, fix for the purpose not being a date later than the appointed day, the District Council for the autonomous district of the North Cachar Hills or the Mikir Hills or both, as the case may be, has or have by resolution passed by a majority of not less than two-thirds of the members thereof, expressed a desire that the said autonomous district or districts shall form part of Meghalaya, the President may, by order, make a declaration to that effect and accordingly, on and from the appointed day, the North Cachar Hills District or the Mikir Hills District or both, as the case may be, shall also form part of Meghalaya.

Executive
power of
Megha-
laya.

4. (1) The executive power of Meghalaya shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with the Act.

(2) Nothing in this section shall—

(a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or

(b) prevent Parliament or the Legislature of the State of Assam or Meghalaya from conferring by law functions on any authority subordinate to the Governor.

¹ 23-2-1970: *vide* Notification No. G.S.R. 76, dt. 12-1-1970, Gazette of India, Extraordinary, Pt. II, Sec. 3(1), p. 18.

5. (1) Subject to the provisions of this Act, the executive power of Meghalaya shall extend to the matters with respect to which the Legislature of Meghalaya has power to make laws:

Extent of executive power of Meghalaya.

Provided that in any matter with respect to which the Legislature of Meghalaya, the Legislature of the State of Assam and Parliament have power to make laws, the executive power of Meghalaya shall be subject to, and limited by, the executive power expressly conferred by this Act or by any law made by Parliament upon the Union or the State of Assam or the authorities thereof or, as the case may be, by the Legislature of the State of Assam upon the State of Assam or authorities thereof.

(2) On and from the appointed day, the executive power of the State of Assam shall not extend, in relation to Meghalaya, to the matters with respect to which the Legislature of Meghalaya has exclusive power to make laws under this Act.

(3) For the removal of doubts, it is hereby declared that, save as otherwise provided in this Act, the executive power of the State of Assam shall, in relation to Meghalaya, continue to extend to the matters with respect to which the Legislature of Meghalaya has no power to make laws.

6. (1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions in relation to Meghalaya.

Council of Ministers.

(2) The question whether any, and if so, what, advice was tendered by Ministers to the Governor shall not be inquired into in any court.

7. (1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.

Other provisions as to Ministers.

(2) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(3) Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the form set out for this purpose in the First Schedule.

(4) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly shall at the expiration of that period cease to be a Minister.

(5) The salaries and allowances of Ministers shall be such as the Legislature of Meghalaya may from time to time by law determine and, until the Legislature so determines, shall be determined by the Governor.

8. (1) The Governor may, if he thinks fit to do so, appoint a person who is qualified to be appointed a Judge of a High Court to be Advocate-General for Meghalaya.

Advocate-General for Meghalaya.

(2) It shall be the duty of the Advocate-General to give advice to the Government of Meghalaya upon such legal matters, and to perform such other duties of a legal character as may, from time to time, be referred or assigned to him by the Governor, and to discharge the functions conferred on him by or under this Act or any other law for the time being in force.

(3) The Advocate-General shall hold office during the pleasure of the Governor, and shall receive such remuneration as the Governor may determine.

Con-
duct of
busi-
ness.

9. (1) All executive action of the Government of Meghalaya shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Government of Meghalaya and for the allocation among Ministers of the said business.

Duties
of
Chief
Minis-
ter as
res-
pects
the fur-
nishing
of infor-
mation
to Gov-
ernor,
etc.

10. It shall be the duty of the Chief Minister of Meghalaya—

(a) to communicate to the Governor all decisions of the Council of Ministers relating to the administration of the affairs of Meghalaya and proposals for legislation;

(b) to furnish such information relating to the administration of the affairs of Meghalaya and proposals for legislation as the Governor may call for; and

(c) if the Governor so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

PART III

THE LEGISLATURE

General

Consti-
tution
of the
Legis-
lature
of
Megha-
laya.

11. (1) There shall be a Legislature for Meghalaya which shall consist of the Governor and the Legislative Assembly.

(2) The total number of seats in the Legislative Assembly to be filled by persons chosen by direct election from constituencies in Meghalaya shall be fixed by the Central Government by notification in the Official Gazette after consultation with the Election Commission, but shall not be less than thirty-five or more than fifty-five.

(3) The Governor may, if he is of opinion that any minority communities in Meghalaya need representation in the Legislative Assembly and are not adequately represented therein, nominate not more than three members of such communities, not being persons in the service of the Government, to the Legislative Assembly.

Delimita-
tion of
constituen-
cies.

12. (1) The Election Commission shall, in the manner herein provided, distribute the total number of seats in the Legislative Assembly as fixed under sub-section (2) of section 11 to single member constituencies and delimit them on the basis of the latest census figures having regard to the following provisions, namely:—

(a) all constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to the physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(b) every constituency shall be so delimited as to fall only within an Assembly constituency of the Legislative Assembly of the State of Assam;

(c) the population of each constituency shall, as far as practicable, be the same throughout Meghalaya.

(2) For the purpose of assisting the Election Commission in the performance of its functions under this section, the Commission shall associate with itself such number of associate members not exceeding five as the Governor may nominate to represent Meghalaya:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(3) If owing to death or resignation, the office of an associate member falls vacant, it shall be filled as soon as may be practicable by the Governor in accordance with the provisions of sub-section (2).

(4) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration hold one or more public sittings at such place or places as it may think fit;

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(5) As soon as may be after such publication, every such order shall be laid before the Legislative Assembly.

(6) Upon the completion of each census, the total number of seats in the Legislative Assembly and the division of Meghalaya into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.

Explanation.—In this section, “latest census figures” mean the census figures with respect to Meghalaya ascertainable from the latest census of which the finally published figures are available.

Power of Election Commission to maintain delimitation orders up-to-date.

13. (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistake in any order made under section 12 or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the Legislative Assembly.

Electors and electoral rolls.

14. (1) The persons entitled to vote at an election of members shall be the persons entitled by virtue of the provisions of the Constitution and the Representation of the People Act, 1950 to be registered as voters at elections to the House of the People. 43 of 1950

(2) The electoral roll for every constituency shall consist of so much of the electoral roll for an Assembly constituency of the Legislative Assembly of the State of Assam as relates to the areas comprised within each such constituency and it shall not be necessary to prepare or revise separately the electoral roll for any such constituency.

Right to vote.

15. Every person, whose name is for the time being entered in the electoral roll for a constituency, shall be entitled to vote at the election of a member from that constituency.

Qualification for membership.

16. A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly unless he—

(a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;

(b) is not less than twenty-five years of age; and

(c) is an elector in any constituency in Meghalaya.

Election to the Legislative Assembly.

17. The provisions of Part I, Chapters III and IV of Part II and Parts III to XI of the Representation of the People Act, 1951, and of any rules and orders made thereunder for the time being in force, shall apply to and in relation to the elections to the Legislative Assembly of Meghalaya as they apply to and in relation to an election to the Legislative Assembly of a State, subject to such modifications as the President may, after consultation with the Election Commission, by order, direct. 43 of 1951.

Duration of Legislative Assembly.

18. The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Legislative Assembly:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

19. (1) The Governor shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Sessions of Legislative Assembly, prorogation and dissolution.

(2) The Governor may, from time to time,—

(a) prorogue the Legislative Assembly;

(b) dissolve the Legislative Assembly.

20. (1) The Governor may address the Legislative Assembly and may for that purpose require the attendance of members.

Right of Governor to address and send messages to Legislative Assembly.

(2) The Governor may send messages to the Legislative Assembly, whether with respect to a Bill then pending in the Legislative Assembly or otherwise and when a message is so sent, the Legislative Assembly shall with all convenient despatch consider any matter required by the message to be taken into consideration.

21. (1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly and inform the Assembly of the causes of its summons.

Special address by the Governor.

(2) Provision shall be made by the rules regulating the procedure of the Legislative Assembly for the allotment of time for discussion of the matters referred to in such address.

22. Every Minister and the Advocate-General for Meghalaya shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not, by virtue of this section, be entitled to vote.

Rights of Ministers as respects Legislative Assembly.

Officers of the Legislative Assembly

23. (1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof, and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

Speaker and Deputy Speaker of Legislative Assembly.

(2) A member holding office as Speaker or Deputy Speaker of the Legislative Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office; and

(c) may be removed from his office by a resolution of the Legislative Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Legislative Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Legislative Assembly as the Governor may appoint for the purpose.

(4) During the absence of the Speaker from any sitting of the Legislative Assembly, the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Legislative Assembly, or, if no such person is present, such other person as may be determined by the Legislative Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislature of Meghalaya by law and, until provision in that behalf is so made, such salaries and allowances as the Governor may, by order, determine.

Speaker and Deputy Speaker not to preside while a resolution for his removal from office is under consideration.

24. (1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or, while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of sub-section (4) of section 23 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Legislative Assembly and shall, notwithstanding anything in section 27, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

Secretariat of Legislative Assembly.

25. (1) The Legislative Assembly shall have a separate secretarial staff.

(2) The Legislature of Meghalaya may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly.

(3) Until provision is made by the Legislature of Meghalaya under sub-section (2), the Governor may, after consultation with the Speaker of the Legislative Assembly, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly, and any rules so made shall have effect subject to the provisions of any law made under the said sub-section.

Conduct of business

26. Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

Oath or affirmation by members.

27. (1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum.

(2) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(4) Until the Legislature of Meghalaya by law otherwise provides, the quorum to constitute a meeting of the Legislative Assembly shall be ten members.

(5) If at any time during a meeting of the Legislative Assembly there is no quorum, it shall be the duty of the Speaker or person acting as such either to adjourn the Assembly or suspend the meeting until there is a quorum.

Disqualifications of members

28. (1) No person shall be a member of Parliament or of the Legislative Assembly of the State of Assam and also of the Legislative Assembly of Meghalaya, and if a person is chosen a member of Parliament or of the Legislative Assembly of Assam and also of the Legislative Assembly of Meghalaya, then, at the expiration of such period, as may be specified in rules made by the President, that person's seat in Parliament or, as the case may be, in the Legislative Assembly of Assam shall become vacant unless he has previously resigned his seat in the Legislative Assembly of Meghalaya.

Vacation of seats.

(2) If a member of the Legislative Assembly—

(a) becomes subject to any of the disqualifications mentioned in section 29, or

(b) resigns his seat by writing under his hand addressed to the Speaker,

his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly is, without permission of the Legislative Assembly, absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Legislative Assembly is prorogued or is adjourned for more than four consecutive days.

Disqualifications for membership.

29. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly,—

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of Meghalaya other than an office declared by the Legislature of Meghalaya by law not to disqualify its holder; or

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgment of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any of the provisions of Chapter III of Part II of the Representation of the People Act, 1951, 43 of 1951, as applied to and in relation to the Legislative Assembly by section 17.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of Meghalaya by reason only, that he is a Minister either for the Union or for such State or for Meghalaya.

(3) If any question arises as to whether a member has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the Governor and his decision shall be final.

(4) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

Penalty for sitting and voting before making an oath or affirmation or when not qualified or when disqualified.

30. If a person sits or votes as a member of the Legislative Assembly before he has complied with the requirements of section 26, or when he knows that he is not qualified or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament or the Legislature of Meghalaya, he shall be liable in respect of each day on which he so sits or votes, to a penalty of five hundred rupees to be recovered as a debt due to Meghalaya.

Powers, privileges, etc., of members.

31. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislature of Meghalaya, there shall be freedom of speech in the Legislative Assembly of Meghalaya.

(2) No member of the Legislative Assembly of Meghalaya shall be liable to any proceedings in any court in respect of anything said or any

vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as may from time to time be defined by the Legislature of Meghalaya by law, and until so defined, shall be those for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, or otherwise to take part in the proceedings of, the Legislative Assembly, or any committee thereof as they apply in relation to members of that Assembly.

32. Members of the Legislative Assembly shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislature of Meghalaya by law and, until provision in that respect is so made, such salaries and allowances as the Governor may, by order, determine.

Salaries and allowances of members.

Legislative powers and procedure

33. (1) Subject to the provisions of this Act, the Legislature of Meghalaya has exclusive power to make laws for Meghalaya or any part thereof with respect to any of the matters enumerated in Part A or Part B of the Second Schedule:

Extent of Legislative power.

Provided that the exclusive power of the Legislature of Meghalaya to make laws in so far as it relates to that part of the area comprised within the municipality of Shillong as immediately before the commencement of the Constitution formed part of the Khasi State of Myllem, shall extend only to matters with respect to which the District Council having authority in that area has power to make laws (in whatever form it may be) immediately before the appointed day in exercise of any of the powers conferred by the Sixth Schedule to the Constitution.

(2) Subject to the provisions of this Act, the Legislature of Meghalaya and the Legislature of the State of Assam also shall have power to make laws for Meghalaya or any part thereof with respect to any of the matters enumerated in Part C of the Second Schedule:

Provided that the power of the Legislature of Meghalaya to make any such law shall not extend to the area comprised within the municipality of Shillong which immediately before the commencement of the Constitution formed part of the Khasi State of Myllem.

(3) For the removal of doubts it is hereby declared that nothing in sub-section (1) or sub-section (2) shall derogate from the powers conferred by the Constitution—

(a) on Parliament to make laws for the whole or any part of the State of Assam, including Meghalaya, with respect to any of the matters enumerated in the Second Schedule; or

(b) on the Legislature of the State of Assam to make laws for the whole or any part of Assam, including Meghalaya, with respect to any of the matters enumerated in List II or List III in the Seventh Schedule to the Constitution, except in so far as any of the matters aforesaid falls within sub-section (1).

Exemption from taxation of properties of the Union and the State of Assam and of certain vehicles registered in Assam or Meghalaya.

34. (1) The property of the Union shall, save in so far as Parliament may, by law, otherwise provide, be exempt from all taxes imposed by Meghalaya or by any authority within Meghalaya.

(2) Nothing in sub-section (1) shall, until Parliament by law otherwise provides, prevent any authority within Meghalaya from levying any tax on any property of the Union to which such property was immediately before the commencement of this Act liable or treated as liable so long as that tax continues to be levied in Meghalaya.

(3) The property of the State of Assam shall, so long as the property of Meghalaya in the rest of Assam is exempt from taxes imposed by the Government of Assam or by any authority within the State of Assam, be exempt from all taxes imposed by Meghalaya or by any authority within Meghalaya.

(4) No vehicle registered at any place in the State of Assam, not being a place in Meghalaya, and transiting through Meghalaya shall be liable to any tax under any law enacted by the Legislature of Meghalaya so long as any vehicle registered at any place in Meghalaya and transiting through the territory of Assam (not comprised in Meghalaya) is exempt from payment of any tax under any law enacted by the Legislature of the State of Assam.

Inconsistency between laws made by Parliament and laws made by the Legislature of Meghalaya.

35. (1) If any provision of a law made by the Legislature of Meghalaya is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, then, subject to the provisions of sub-section (2), the law made by Parliament, whether passed before or after the law made by the Legislature of Meghalaya, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of Meghalaya shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of Meghalaya with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, which the Legislature of Meghalaya is competent to enact under this Act contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of Meghalaya shall, if it has been reserved for the consideration of the President and has received his assent, prevail in Meghalaya:

Provided that nothing in this sub-section shall prevent Parliament from enacting at any time any law with respect to the same matter, including a law adding to, amending, varying or repealing the law so made by the Legislature of Meghalaya.

36. Where a law made by the Legislature of Meghalaya with respect to one of the matters enumerated in Part C of the Second Schedule contains any provision repugnant to the provision of an earlier law made by the Legislature of the State of Assam which that Legislature is competent to enact, or to any provision of any existing law with respect to that matter, then, the law so made by the Legislature of Meghalaya shall, to the extent of the repugnancy, be void unless the law has received assent under section 39 after the Governor has obtained the advice of the Chief Minister of Assam:

Inconsistency between laws made by the Legislature of the State of Assam and laws made by the Legislature of Meghalaya.

Provided that nothing contained in this section shall prevent the Legislature of the State of Assam from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of Meghalaya.

Explanation 1.—In this section and in sections 35 and 59, “existing law” means any law, Ordinance, order, bye-law, rule or regulation passed or made before the appointed day by any Legislature, authority or person having power to make such a law, Ordinance, order, bye-law, rule or regulation.

Explanation 2.—In this section and in sections 39 and 50, the reference to the advice of the Chief Minister of Assam shall, while a Proclamation issued in relation to the State of Assam under clause (1) of article 356 of the Constitution is in operation, be construed as a reference to the instructions from the President.

37. (1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly except on the recommendation of the Governor if such Bill or amendment makes provisions dealing with any of the following matters, namely:—

Special provisions as to financial Bills.

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by Meghalaya, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by Meghalaya;

(c) the custody of the Consolidated Fund or the Contingency Fund of Meghalaya, the payment of moneys into, or withdrawal of moneys from, any such Fund;

(d) the appropriation of moneys out of the Consolidated Fund of Meghalaya;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of Meghalaya, or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of Meghalaya or the public account of Meghalaya or the custody or issue of such money;

Provided that no recommendation shall be required under this subsection for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters specified in sub-section (1) by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill, which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of Meghalaya, shall not be passed by the Legislative Assembly unless the Governor has recommended to the Assembly the consideration of the Bill.

Pro-
cedure
as to
lapsing
of Bills.

38. A Bill pending in the Legislative Assembly shall not lapse by reason of the prorogation of the Assembly, but shall lapse on a dissolution thereof.

Assent to
Bills.

39. When a Bill has been passed by the Legislative Assembly, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Governor may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the Legislative Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Legislative Assembly shall reconsider the Bill accordingly, and if the Bill is passed again by the Assembly with or without amendment and presented to the Governor for assent, the Governor shall not—

(a) give assent in the case of a Bill containing provisions of the nature referred to in section 36 except after obtaining the advice of the Chief Minister of Assam;

(b) withhold assent in the case of any other Bill.

Explanation.—For the purposes of this section and section 40, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 37 or any matter incidental to any of those matters and there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill:

Provided that a Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

Bills
reserved
for con-
sideration.

40. When a Bill is reserved by the Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that where the Bill is not a Money Bill, the President may direct the Governor to return the Bill to the Legislative Assembly together with such a message as is referred to in section 39, and when a Bill is so returned, the Legislative Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message, and if it is again passed by the Legislative Assembly with or without amendment, it shall be presented again to the President for his consideration.

41. No Act of the Legislature of Meghalaya and no provision in any such Act shall be invalid by reason only that some recommendation or previous sanction required by the Constitution or this Act was not given, if assent to that Act was given—

(a) where the recommendation required was that of the Governor, either by the Governor or by the President;

(b) where the recommendation or previous sanction required was that of the President, by the President.

Requirements as to sanction and recommendation to be regarded as matters of procedure only.

Procedure in financial matters

42. (1) The Governor shall in respect of every financial year cause to be laid before the Legislative Assembly a statement of the estimated receipts and expenditure of Meghalaya for that year, hereinafter referred to as "the annual financial statement".

Annual Financial Statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of Meghalaya; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of Meghalaya, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged upon the Consolidated Fund of Meghalaya—

(a) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly;

(b) debt charges for which the autonomous State is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(c) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal; and

(d) any other expenditure declared by the Constitution or by the Legislature of Meghalaya to be so charged.

43. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of Meghalaya shall not be submitted to the vote of the Legislative Assembly, but nothing in this sub-section shall

Procedure in Legislative Assembly with respect to estimates.

be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

Appropriation
Bills.

44. (1) As soon as may be after the grants under section 43 have been made by the Legislative Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of Meghalaya of all moneys required to meet—

(a) the grants so made by the Legislative Assembly; and

(b) the expenditure charged on the Consolidated Fund of Meghalaya,

but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of Meghalaya, and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the provisions of sections 45 and 46, no money shall be withdrawn from the Consolidated Fund of Meghalaya except under appropriation made by law passed in accordance with the provisions of this section.

Supplementary,
additional or
excess
grants.

45. (1) The Governor shall,—

(a) if the amount authorised by any law made in accordance with the provisions of section 44 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before the Legislative Assembly another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly a demand for such excess, as the case may be.

(2) The provisions of sections 42, 43 and 44 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of Meghalaya to meet such expenditure or the grant

in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Meghalaya to meet such expenditure or grant.

46. (1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 43 for the voting of such grant and the passing of the law in accordance with the provisions of section 44 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of the autonomous State when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;

(c) to make an exceptional grant which forms no part of the current service of any financial year;

and the Legislature of Meghalaya shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of Meghalaya for the purpose for which the said grants are made.

(2) The provisions of sections 43 and 44 shall have effect in relation to the making of any grant under sub-section (1) and to any law to be made under that sub-section, as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of Meghalaya to meet such expenditure.

Procedure generally

47. (1) The Legislative Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business including the language or languages to be used in the Legislative Assembly.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Assam in force immediately before the commencement of this Act shall have effect in relation to the Legislative Assembly subject to such modifications and adaptations as may be made therein by the Governor.

48. No discussion shall take place in the Legislative Assembly with respect to the conduct of any Judge of the Supreme Court, or of a High Court, in the discharge of his duties.

49. (1) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business or for maintaining order, in the Legislative Assembly shall

Votes on Account and exceptional grant.

Rules of procedure.

Restrictions on discussion in the Legislative Assembly.

Courts not to enquire into the proceedings of Legislative Assembly.

be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

Legislative power of the Governor

Power of Governor to promulgate Ordinances during recess of Legislative Assembly.

50. (1) If at any time, except when the Legislative Assembly is in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that the Governor shall not without instructions from the President, promulgate any such Ordinance, if—

(a) a Bill containing the same provisions would under the Constitution or this Act have required the previous sanction of the President for the introduction thereof into the Legislative Assembly of Meghalaya; or

(b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or

(c) an Act of the Legislature of Meghalaya containing the same provisions would under this Act have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President:

Provided further that the Governor shall not, except on the advice of the Chief Minister of Assam, promulgate any such Ordinance if with respect to a Bill containing the same provisions he would have deemed it necessary under this Act to obtain the advice of the Chief Minister before assenting thereto.

(2) An Ordinance promulgated under this section shall have the same force and effect as an Act of the Legislative Assembly assented to by the Governor, but every such Ordinance—

(a) shall be laid before the Legislative Assembly and shall cease to operate at the expiration of six weeks from the reassembly of the Legislative Assembly or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly, upon the passing of the resolution; and

(b) may be withdrawn at any time by the Governor.

(3) If and so far as an Ordinance under this section makes any provision which would not be valid if enacted in an Act of the Legislature of Meghalaya assented to by the Governor, it shall be void:

Provided that—

(a) for the purposes of section 35 relating to the effect of an Act of the Legislature of Meghalaya which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution, an Ordinance promulgated under this section in pursuance of instructions from the President shall be deemed to be an Act of the Legislature which has been reserved for the consideration of the President and assented to by him;

(b) for the purposes of section 36 relating to the effect of an Act of the Legislature of Meghalaya which is repugnant to an Act of the Legislature of the State of Assam or an existing law with respect to a matter enumerated in Part C of the Second Schedule, an Ordinance promulgated under this section on the advice of the Chief Minister of Assam shall be deemed to be an Act of the Legislature which has been assented to on the advice of the Chief Minister.

PART IV

FINANCIAL PROVISIONS

51. (1) Subject to the provisions of section 52, all revenue received by the Government of Meghalaya, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of Meghalaya".

(2) All other public moneys received by or on behalf of the Government of Meghalaya shall be credited to the public account of Meghalaya.

(3) No moneys out of the Consolidated Fund of Meghalaya shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Act.

52. The Legislature of Meghalaya may, by law, establish a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of Meghalaya" into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the Governor to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature of Meghalaya by law under section 45 or section 46.

53. All moneys received by or deposited with—

(a) any officer employed in connection with the affairs of Meghalaya in his capacity as such, other than revenues or public moneys raised or received by the Government of Meghalaya, or

(b) any court within Meghalaya to the credit of any cause, matter, account or persons,

shall be paid into the public account of Meghalaya.

54. The custody of the Consolidated Fund and the Contingency Fund of Meghalaya, the payment of moneys into such Funds, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Funds received by or on behalf of the Government of Meghalaya, their payment into the public account of Meghalaya and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by law made by the Legislature of Meghalaya, and, until provision in that behalf is so made, shall be regulated by rules made by the Governor.

Consolidated Fund.

Contingency Fund.

Custody of suitors' deposits and other moneys received by public servants and courts.

Custody, etc., of Consolidated Fund, Contingency Fund and moneys credited to the public accounts.

Certain taxes levied by Assam to be appropriated by Meghalaya.

55. (1) Notwithstanding anything contained in this Act, any tax on the consumption or sale of electricity relatable to entry 53 in the State List in the Seventh Schedule to the Constitution, and any tax on the sale or purchase of goods relatable to entry 54 in the said List levied by the Government of Assam shall be collected within Meghalaya but not including any area comprised within the municipality of Shillong by the Government of Meghalaya, and the proceeds in any financial year of any such tax leviable within Meghalaya shall not form part of the Consolidated Fund of Assam, but shall form part of the Consolidated Fund of Meghalaya.

(2) Where a tax relatable to entry 54 in the State List aforesaid levied by the Government of Assam is collected by that Government at the first point of sale or purchase of goods, such portion of the tax so collected as may be agreed upon by the Governments of Assam and Meghalaya or in default of such agreement, as the Central Government may determine, shall be payable to Meghalaya.

(3) The laws with respect to the taxes referred to in sub-section (1) shall have effect subject to such exceptions and modifications as the Central Government, may, by order, specify for the purpose of giving effect to the provisions of that sub-section.

Distribution of revenues.

56. (1) The grants-in-aid under clause (1) of article 275 and the share of the taxes on income, the distributable Union duties of excise, the additional duties of excise on goods of special importance and estate duty payable to the State of Assam under the Constitution (Distribution of Revenues) Order, 1969, the Union Duties of Excise (Distribution) Act, 1962, the Additional Duties of Excise (Goods of Special Importance) Act, 1957 and the Estate Duty (Distribution) Act, 1962, shall be construed, as from the appointed day, as payable to the State of Assam and the autonomous State of Meghalaya in such proportion as the President may, by order, determine.

3 of 1962.
58 of 1957.
9 of 1962.

(2) Every order made by the President under sub-section (1) shall be laid before Parliament as soon as may be after it is made.

Authorisation of expenditure pending its sanction by Legislative Assembly.

57. The Governor may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of Meghalaya as he deems necessary for a period of not more than six months beginning with the appointed day pending the sanction of that expenditure by the Legislative Assembly:

Provided that the Governor may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of Meghalaya for any period not extending beyond the said period of six months.

PART V

ASSETS AND LIABILITIES

Apportionment of assets and liabilities.

58. The assets and liabilities of the State of Assam immediately before the appointed day shall be apportioned between that State and Meghalaya in accordance with the provisions contained in the Third Schedule.

PART VI

ADMINISTRATIVE RELATIONS

59. The executive power of Meghalaya shall be so exercised as to ensure compliance with the laws made by Parliament, the Legislature of the State of Assam and any existing laws which apply in Meghalaya, and the executive power of the Union and of the State of Assam shall extend to the giving of such directions to Meghalaya as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

Obligation of Meghalaya, the State of Assam and the Union.

60. The executive power of Meghalaya shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union or the Government of Assam, as the case may be, and the executive power of the Union and the State of Assam shall extend to the giving of such directions to Meghalaya as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

Control over the autonomous State in certain cases.

61. Notwithstanding anything in this Act,—

Entrustment of functions.

(a) the Government of Assam may, with the consent of the Government of Meghalaya, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State of Assam extends;

(b) the Government of Meghalaya may, with the consent of the Government of Assam, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of Meghalaya extends.

PART VII

TRANSITIONAL PROVISIONS

62. (1) Until the Legislative Assembly of Meghalaya has been duly constituted and summoned to meet for the first session under the provisions of Part III, there shall be a Provisional Legislative Assembly which shall consist of not less than thirty-five and not more than fifty-five persons as the Central Government may, after consultation with the Election Commission, by order, determine, and such persons shall be elected in the manner specified in sub-section (2).

Provisions as to Provisional Legislative Assembly.

(2) Subject to the provisions of sub-section (1), the members of the Provisional Legislative Assembly shall be elected in the following manner, namely:—

(a) there shall be an electoral college for each autonomous district within Meghalaya which shall consist of the elected members of the District Council thereof, and each electoral college shall

elect such number of persons to the Provisional Legislative Assembly as the President may, after consultation with the Election Commission, by order, determine;

(b) the election of members to the Provisional Legislative Assembly shall be in accordance with the system of proportional representation by means of the single transferable vote and shall be subject to such rules as the Central Government may, after consultation with the Election Commission, make in this behalf.

(3) The Central Government may nominate to the Provisional Legislative Assembly not more than three persons, not being persons in the service of the Government, to represent any minority communities in Meghalaya which, in its opinion, need representation in the Assembly.

(4) No person shall be qualified to be chosen as a member of the Provisional Legislative Assembly unless he is a person whose name is for the time being entered in the electoral roll for so much of any constituency of the Legislative Assembly of Assam as is comprised within Meghalaya and is not less than twenty-five years of age.

(5) If owing to death, resignation or otherwise, the office of a member of the Provisional Legislative Assembly falls vacant, it may be filled up as soon as practicable under and in accordance with the foregoing provisions of this section.

(6) The term of office of the members of the Provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted under this Act.

(7) The election by the electoral college under this section shall not be called in question on the ground merely of the existence of a vacancy in the membership of any District Council forming part of the electoral college.

(8) The Provisional Legislative Assembly constituted under this section shall, for so long it is in existence, be deemed to be the Legislative Assembly duly constituted under this Act, and accordingly the provisions of Part III shall, so far as may be, apply in relation to the Provisional Legislative Assembly as they apply in relation to the Legislative Assembly.

PART VIII

MISCELLANEOUS PROVISIONS

63. The Central Government may, in consultation with the Governments of Assam and Meghalaya, by order, constitute a committee consisting of such number of persons as it may think fit for advising the two Governments on matters of common interest with respect to Shillong in the field of education and water supply in particular, and with respect to its development and administration in general.

Special
commit-
tee for
develop-
ment of
Shillong.

Explanation.—In this section, Shillong shall mean the areas comprised within the cantonment and municipality of Shillong and include such other areas adjoining the said cantonment or municipality as may be agreed upon by the Governments of Assam and Meghalaya in this behalf.

64. All courts and tribunals and all authorities discharging lawful functions throughout Meghalaya or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent authority, continue to exercise their respective functions. Provi-
sions as
to conti-
nuance of
courts.

65. (1) Every person who being a member of an All-India Service is for the time being borne on the Assam State Cadre of that Service or is otherwise serving in connection with the affairs of the State of Assam as a member of class I service of that State may be required by the Government of that State to serve in connection with the affairs of Meghalaya for such period or periods as the Government of Assam may, by order, direct: Provi-
sions
relating
to ser-
vices.

Provided that no such order shall be made—

(a) before the appointed day, except with the approval of the Central Government; and

(b) on or after the appointed day, except in accordance with such rules as may be made by the Central Government after consultation with the Governments of Assam and Meghalaya.

(2) Subject to any general or special order which the Central Government may make in this behalf, the control over any such person as is referred to in sub-section (1) shall, for so long as he is required to serve in connection with the affairs of Meghalaya, be vested in the Government of Meghalaya.

(3) Such persons serving in connection with the affairs of the State of Assam immediately before the appointed day, not being a person referred to in sub-section (1), as may be determined by agreement between the Government of Assam and the Government of Meghalaya or in default of agreement, by the Central Government, may, notwithstanding anything in the terms of their appointments or their conditions of service, be required to serve in connection with the affairs of the autonomous State.

(4) All previous service rendered by a person referred to in sub-section (3) in connection with the affairs of the State of Assam shall be deemed to have been rendered in connection with the affairs of the autonomous State for the purposes of the rules regulating his conditions of service.

(5) Nothing in sub-sections (3) and (4) shall be deemed to affect the power of the Legislature of Meghalaya or the Governor to determine the conditions of service of persons serving in connection with the affairs of Meghalaya:

Provided that the conditions of service applicable immediately before the appointed day to any person referred to in sub-section (3) shall not be varied to his disadvantage except with the previous approval of the Government of Assam.

Continuance of existing laws and their adaptations.

66. (1) All laws in force immediately before the appointed day in the autonomous State shall continue to be in force therein until altered, repealed or amended by a competent legislature or other competent authority.

(2) For the purpose of facilitating the application in relation to the autonomous State of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations or modifications of the law, 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 until altered, repealed or amended by a competent legislature or other competent authority.

Explanation.—In this section, the expression “appropriate Government” means as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, as respects any law relating to a matter in the Second Schedule, the Government of Meghalaya, and, as respects any other law, the Government of Assam.

Autonomous State to be a State for certain purposes of the Constitution.

67. Subject to the other provisions contained in this Act, reference to a State (by whatever form of words) in any of the following articles of the Constitution shall be construed as including a reference to the autonomous State, namely:—

Articles 12 to 15 (inclusive), 16 [except clause (3) thereof], 18, 19, 23, 25, 28 to 31 (inclusive), 31A, 34 to 51 (inclusive), 58, 59, 66, 73, 102, 110(1) (f), 131, 138, 149, 150, 151, 161, 209, 210, 233, 234, 235, 237, 251, 252, 256 to 258A (inclusive), 261, 262, 263, 268, 269, 270, 272, 274 to 280 (inclusive), 282, 288, 289, 293, 296, 298 to 305 (inclusive), 308 to 311 (inclusive), 320, 323(2), 324 to 329 (inclusive), 339 to 342 (inclusive), 345 to 348 (inclusive), 350, 350A, 350B, 353, 355 to 358 (inclusive), 360, 361, 364 to 367 (inclusive).

Explanation.—Reference in any of the articles above specified to the High Court or to the State Public Service Commission shall be construed as reference to the High Court of Assam or the Public Service Commission of the State of Assam, as the case may be.

68. (1) The executive power which the Government of Assam may exercise under article 298 in Meghalaya for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of the State of Assam may make laws, be subject to legislation by the Legislature of Meghalaya.

Power of Government of Assam and Meghalaya to Carry on trade, etc., in Meghalaya.

(2) The executive power which the Government of Meghalaya may exercise under article 298 in Meghalaya for the carrying on of any trade or business and for the acquisition, holding and disposal of property and the making of contracts for any purpose shall, in so far as such trade or business or such purpose is not one with respect to which the Legislature of Meghalaya may make laws, be subject also to legislation by the Legislature of the State of Assam.

69. Where a Proclamation is issued under article 356 in respect of Meghalaya, the President may, by the same Proclamation or a subsequent Proclamation varying it, suspend also, in whole or in part, the operation of any of the provisions of this Act.

Power to suspend provisions of this Act in case of failure of constitutional machinery.

70. Without prejudice to the provisions of sections 66 and 71 the Central Government may, after consulting the Government of Assam, by notification in the Official Gazette, declare that any reference to a "State" in a Central Act specified in the notification shall, in its application to Meghalaya, be construed as a reference to the whole or any part of Meghalaya and any reference to "State Government" in a Central Act specified in the notification shall in its application to Meghalaya be construed as a reference to the Central Government.

Construction of references to "State" and "State Government" in other laws in relation to Meghalaya.

71. Notwithstanding that no provision or insufficient provision has been made under section 66 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the autonomous State, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

Power to construe laws.

72. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Effect of provisions of Act inconsistent with other laws

Power to
remove
difficul-
ties.

73. (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

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

Amend-
ment of
the
Sixth
Schedule.

74. The Sixth Schedule in the Constitution shall stand amended as specified in the Fourth Schedule.

Amend-
ment of
Act 2 of
1934.

75. In section 21A of the Reserve Bank of India Act, 1934, in subsection (1), after the words "any State", the brackets and words "(including the autonomous State of Meghalaya)" shall be inserted.

Amend-
ment of
Act 37
of 1956.

76. In section 16 of the States Reorganisation Act, 1956, in subsection (1), for clause (d), the following clause shall be substituted, namely:—

“(d) in the case of the Eastern Zone,—

(i) the Chief Minister and another Minister of the autonomous State of Meghalaya to be nominated by the Governor of Assam and if there is no Council of Ministers therein, not more than two members from the autonomous State of Meghalaya to be nominated by the President; and

(ii) the person for the time being holding the office of the Adviser to the Governor of Assam for Tribal areas.”

Power to
make
rules.

77. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule 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 successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, 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 FIRST SCHEDULE

(See sections 7, 16 and 26)

FORMS OF OATHS OR AFFIRMATIONS

I

Form of oath or affirmation to be made by a candidate for election to the Legislative Assembly:—

“I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly of Meghalaya do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.”.

II

Form of oath or affirmation to be made by a member of the Legislative Assembly:—

“I, A.B., having been elected (or nominated) a member of the Legislative Assembly of Meghalaya do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”.

III

Form of oath of office for a member of the Council of Ministers:—

“I, A.B., do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Minister for Meghalaya, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will.”.

IV

Form of oath of secrecy for a member of the Council of Ministers:—

“I, A.B., do swear in the name of God solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for Meghalaya except as may be required for the due discharge of my duties as such Minister.”.

THE SECOND SCHEDULE

(See sections 33 and 36)

AUTONOMOUS STATE LIST

[See section 33(1)]

Matters with respect to which the Legislative Assembly has exclusive power to make laws.

PART A

The following matters enumerated or to the extent included in List II—State List*.

1. Village and town police within the meaning of clause (f) of subparagraph (1) of paragraph 3 of the Sixth Schedule to the Constitution (Entry 2).
2. Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme Court and the High Court (Entry 3).
3. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with the State of Assam and other States for the use of prisons and other institutions (Entry 4).
4. Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration (Entry 5).
5. Public health and sanitation; hospitals and dispensaries (Entry 6).
6. Pilgrimages, other than pilgrimages to places outside India (Entry 7).
7. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors (Entry 8).
8. Relief of the disabled and unemployable (Entry 9).
9. Burials and burial grounds; cremations and cremation grounds (Entry 10).
10. Education including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I and Entry 25 of List III (Entry 11).

*NOTE.—References in this Schedule to List I, List II or List III or to entries therein are reference to the said List or entries therein in the Seventh Schedule to the Constitution; and references in brackets at the end of each entry are references to the corresponding entries in List II or List III in the said Schedule and have been inserted for the sake of convenience only.

11. Libraries, museums and other similar institutions controlled or financed by the autonomous State; ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance (Entry 12).

12. Communications, that is to say, roads, bridges, ferries and other means of communication not specified in List I, but excluding roads, bridges and ferries declared by the Legislature of Assam by law to be State highways; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles (Entry 13).

13. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases subject to the provisions of entry I of Part C (Entry 14).

14. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice (Entry 15).

15. Pounds and the prevention of cattle trespass (Entry 16).

16. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power, subject to the provisions of entry 56 of List I, but excluding water-supplies, irrigation and canals, drainage and embankments, water storage and water power in relation to irrigation, hydro-electric and navigation projects financed by the Government of Assam wholly or in part and declared by the Legislature of the State of Assam by law to be projects of State importance (Entry 17).

17. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans, colonization (Entry 18).

18. Forests, subject to the provisions of entry 2 of Part C (Entry 19).

19. Protection of wild animals and birds (Entry 20).

20. Fisheries (Entry 21).

21. Courts of wards subject to the provisions of entry 34 of List I; encumbered and attached estates (Entry 22).

22. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union (Entry 23).

23. Gas and gas-works (Entry 25).

24. Trade and commerce within the autonomous State subject to the provisions of entry 33 of List III (Entry 26).

25. Markets and fairs (Entry 28).

26. Weights and measures except establishment of standards (Entry 29).

27. Money-lending and money-lenders; relief of agricultural indebtedness (Entry 30).

28. Inns and inn-keepers (Entry 31).

29. Incorporation, regulation and winding up of universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies (Entry 32).

30. Theatres and dramatic performances; cinemas subject to the provisions of entry 60 of List I; sports, entertainments and amusements (Entry 33).

31. Betting and gambling (Entry 34).

32. Works, lands and buildings vested in or in the possession of the autonomous State (Entry 35).

33. Elections to the legislature of the autonomous State subject to the provisions of any law made by Parliament (Entry 37).

34. Salaries and allowances of members, Speaker and Deputy Speaker of the Legislative Assembly (Entry 38).

35. Powers, privileges and immunities of the Legislative Assembly and of the members and committees thereof, enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of Meghalaya (Entry 39).

36. Salaries and allowances of Ministers for the autonomous State (Entry 40).

37. Public services of the autonomous State (Entry 41).

38. Pensions payable by the autonomous State or out of the Consolidated Fund of Meghalaya (Entry 42).

39. Public debt of the autonomous State (Entry 43).

40. Treasure trove (Entry 44).

41. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues (Entry 45).

42. Taxes on agricultural income (Entry 46).

43. Duties in respect of succession to agricultural land (Entry 47).

44. Estate duty in respect of agricultural land (Entry 48).

45. Taxes on lands and buildings (Entry 49).

46. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development (Entry 50).

47. Duties of excise on the following goods manufactured or produced in the autonomous State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India:—

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics;

but not including medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry (Entry 51).

48. Taxes on the entry of goods into a local area for consumption, use or sale therein (Entry 52).

49. Taxes on advertisements other than advertisements published in the newspapers (Entry 55).

50. Taxes on goods and passengers carried by road or on inland waterways (Entry 56).

51. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads including tram-cars subject to the provisions of entry 35 of List III (Entry 57).

52. Taxes on animals and boats (Entry 58).

53. Tolls (Entry 59).

54. Taxes on professions, trades, callings and employments (Entry 60).

55. Capitation taxes (Entry 61).

56. Taxes on luxuries, including taxes on entertainment, amusements, betting and gambling (Entry 62).

57. Rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty (Entry 63).

58. Any other matter not enumerated in this Part and in respect of which a District Council has power to make laws under paragraph 3 of the Sixth Schedule in the Constitution, to the extent to which it is not included in entry 16 of this Part and entry 2 of Part C.

59. Offences against laws with respect to any of the matters in this Part (Entry 64).

60. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Part (Entry 65).

61. Fees in respect of any of the matters in this Part, but not including fees taken in any court (Entry 66).

PART B

The following matters enumerated or to the extent included in List III—Concurrent List.

1. Marriage and divorce; wills, intestacy and succession; social customs; appointment or succession of Chiefs or Headmen (Entry 5).

2. Offences against laws with respect to any of the matters in this Part (Entry 1).

3. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Part (Entry 46).

4. Fees in respect of any of the matters in this Part, but not including fees taken in any court (Entry 47).

Concurrent List between the autonomous State and the State of Assam

PART C

[See section 33(2)]

Matters with respect to which the Legislature of Meghalaya and the Legislature of the State of Assam also have power to make laws, namely, the following matters enumerated or to the extent included in List II—State List and List III—Concurrent List.

1. Scheme of agriculture designed to benefit both the areas of the autonomous State as well as the rest of Assam (Entry 14 of List II).—
2. Conservation of forests in catchment areas of projects referred to in entry 16 of Part A, financed by the Government of Assam wholly or in part and declared by the Legislature of the State of Assam by law to be projects of State importance (Entry 19 of List II).
3. Industries subject to the provisions of entries 7 and 52 of List I (Entry 24 of List II).
4. Production, supply and distribution of goods, subject to the provisions of entry 33 of List III (Entry 27 of List II).
5. Removal from the autonomous State to any other area of the State of Assam or to any other State of prisoners and accused persons (Entry 4 of List III).
6. Transfer of property other than agricultural land, subject to entry 58 of Part A; registration of deeds and documents (Entry 6 of List III).
7. Economic and social planning (Entry 20 of List III).
8. Acquisition and requisitioning of property (Entry 42 of List III).
9. Recovery in the autonomous State of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such arrears, arising outside the autonomous State (Entry 43 of List III).
10. Inquiries and statistics for the purposes of any of the matters specified in this Schedule (Entry 45 of List III).
11. Offences against laws with respect to any of the matters in this Part (Entry 64 of List II and Entry 1 of List III).
12. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Part (Entry 65 of List II and Entry 46 of List III).
13. Fees in respect of any of the matters in this Part, but not including fees taken in any court (Entry 66 of List II and Entry 47 of List III).

THE THIRD SCHEDULE

(See section 58)

APPORTIONMENT OF ASSETS AND LIABILITIES

1. In this Schedule:—

Defini-
tions.

(a) "purpose of the autonomous State" means a purpose relatable to any of the matters in respect of which the Legislature of Meghalaya has power to make laws under this Act; and

(b) "population ratio", in relation to Meghalaya, means such ratio as the Central Government may, by order, specify as the ratio between the population as ascertained at the last preceding census of Meghalaya and the rest of the State of Assam.

2. (1) Subject to the other provisions contained in this Schedule, all land and all stores, articles and other goods held by the State of Assam within the territories of Meghalaya shall, on the appointed day, pass to Meghalaya, if the purposes for which they were held will be purposes of the autonomous State. Lands
and
goods.

(2) Stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the areas comprised partly in Meghalaya and partly in the rest of Assam and unissued stores shall be divided between the State of Assam and Meghalaya in accordance with such directions as the Central Government may think fit to issue for a just and equitable distribution thereof.

Explanation.—In this paragraph, the expression "land" includes immovable property of every description and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

3. The total of the cash balances in all treasuries of the State of Assam and the balances of that State with the Reserve Bank of India or any other bank immediately before the appointed day shall be divided between the State of Assam and Meghalaya according to the population ratio: Treasury
and bank
balances.

Provided that for the purpose of such division there shall be no transfer of cash balance from any treasury to any other treasury, and the apportionment shall be effected by adjusting the balance of the State of Assam and Meghalaya in the books of the Reserve Bank of India on the appointed day or in such other manner as the Central Government may, by order, direct.

4. Meghalaya shall have the right to recover the arrears of any tax or duty, including the arrears of land revenue, on property situate in Meghalaya, and shall also have the right to recover the arrears of any other tax or duty if the place of assessment of that tax or duty is located in Meghalaya: Arrears of
taxes.

Provided that nothing in this paragraph shall apply in relation to arrears of any tax or duty which Meghalaya is not competent to collect.

Right to recover loans and advances.

5. (1) The right to recover any loans or advances made before the appointed day by the State of Assam to any local body, society, agriculturist or other person in Meghalaya shall belong to Meghalaya, if the purpose for which the loans or advances were made will thereafter be a purpose of the autonomous State.

(2) The right to recover loans and advances of pay and travelling allowances to a Government servant made before the appointed day by the State of Assam shall pass to Meghalaya if, after the appointed day, that Government servant is required to serve in connection with the affairs of Meghalaya under sub-section (3) of section 65.

Investments and credits in certain funds.

6. The investments made before the appointed day from the Cash Balance Investment Account and any other general fund of the State of Assam shall, after the appointed day, be divided between the State of Assam and Meghalaya according to the population ratio; and the investments in any special fund the objects of which are confined to a local area in Meghalaya shall pass to Meghalaya if such investment relates to a purpose of the autonomous State.

Assets and liabilities of State undertakings and investments.

7. (1) The assets and liabilities in Meghalaya on the appointed day relating to any commercial or industrial undertaking of the State of Assam other than an undertaking on which the State of Assam has incurred a capital outlay exceeding rupees fifty lakhs or a Government company shall, after the appointed day, pass to Meghalaya if the purpose of the undertaking relates to a purpose of the autonomous State.

(2) Where a depreciation reserve fund is maintained by the State of Assam for any such undertaking as is referred to in sub-paragraph (1), the securities held in respect of such investments made from that fund shall pass to Meghalaya.

(3) The investments of the State of Assam made before the appointed day in any body corporate or co-operative society whose area of operation or jurisdiction extends to areas comprised partly within Meghalaya and partly within the rest of the State of Assam, or in any Government company or private commercial or industrial undertaking, shall, if the Central Government so directs, be allocated between the Government of Assam and the Government of Meghalaya in such proportion as may be agreed upon between the two Governments within one year from the date of the direction aforesaid or, in default of such agreement, as the Central Government may by order direct.

Public debt.

8. (1) The public debt of the State of Assam attributable to loans raised by the issue of Government securities and outstanding with the public immediately before the appointed day shall continue to be the public debt of that State, and Meghalaya shall be liable to pay to the State of Assam its share of the sums due from time to time for the servicing and repayment of the debt.

(2) For the purpose of determining the share referred to in sub-paragraph (1), the debt shall be deemed to be divided between the State of Assam and Meghalaya as if it were a debt referred to in sub-paragraph (4).

(3) Out of so much of the public debt of Assam, other than the public debt referred to in sub-paragraph (1), as is equal to the amount of loans and advances made by that State and outstanding on the appointed day, the share of the liability of Meghalaya shall be for an amount equal to the loans and advances recoverable by Meghalaya under paragraph 5.

(4) The remaining public debt of the State of Assam attributable to loans taken from the Central Government, the Reserve Bank of India or any other body or bank outstanding immediately before the appointed day, shall be divided between the State of Assam and Meghalaya in proportion to the total capital expenditure on all capital works and other capital outlays incurred or deemed to have been incurred by the State of Assam up to the appointed day and the total expenditure on all capital works and other capital outlays incurred or deemed to have been incurred up to that day in Meghalaya for purposes of the autonomous State.

(5) For the purposes of this paragraph, "Government security" means a security created and issued by the State of Assam for the purpose of raising a public loan and having any of the forms specified in, or prescribed under, clause (2) of section 2 of the Public Debt Act, 1944.

18 of 1944.

9. After the appointed day, it shall be the liability of Meghalaya to refund any tax or duty on property, including land revenue, collected in excess on any property situate in Meghalaya or any other tax or duty collected in excess, if the place of assessment of that tax or duty is situate in Meghalaya:

Provided that nothing in this paragraph shall apply to the refund of any tax or duty which Meghalaya is not competent to collect.

10. The liability of the State of Assam in respect of any civil deposit or local fund deposit made before the appointed day in any place situate in Meghalaya, shall become the liability of Meghalaya if the deposit is for any purpose of the autonomous State.

11. The liability of the State of Assam in respect of the Provident Fund account of a Government servant required to serve in connection with the affairs of Meghalaya under sub-section (3) of section 65 shall, on and from the appointed day, be the liability of Meghalaya.

12. The liability of the State of Assam or Meghalaya in respect of pensions shall be apportioned between the two in such manner as may be agreed upon between them or in default of such agreement, in such manner as the Central Government may, by order, specify.

13. (1) Where, before the appointed day, the State of Assam has made any contract in the exercise of its executive power for any of the purposes of that State, that contract shall be deemed to have been made in the exercise of the executive power of Meghalaya if the purpose is as from that day exclusively a purpose of the autonomous State, and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights or liabilities of Assam, be rights or liabilities of Meghalaya.

(2) For the purposes of this paragraph, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in, or in connection with, any such proceedings.

(3) This paragraph shall have effect subject to the other provisions of this Schedule relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

Liability in respect of actionable wrong.

14. Where, immediately before the appointed day, the State of Assam is subject to any liability in respect of an actionable wrong other than a breach of contract, that liability shall be the liability of Meghalaya if it relates thereafter to a purpose of the autonomous State.

Liability as guarantor.

15. Where, immediately before the appointed day, the State of Assam is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability shall be the liability of Meghalaya if it relates thereafter to a purpose of the autonomous State.

Items in suspense.

16. If any item in suspense relating to a purpose of the autonomous State is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing paragraphs of this Schedule, it shall be dealt with in accordance with that provision.

Residuary provisions.

17. The benefit or burden of any asset or liability of the State of Assam which relates to a purpose of the autonomous State and which is not dealt with in any of the foregoing paragraphs of this Schedule, shall pass to Meghalaya.

Apportionment of assets and liabilities by agreement.

18. Where the State of Assam and Meghalaya agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that as provided for in the foregoing paragraphs of this Schedule, then, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

Power of Central Government to order allocation or adjustment in certain cases.

19. Where, by virtue of any of the provisions of this Schedule, the State of Assam or Meghalaya is entitled to any property, or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made to it within a period of three years from the appointed day by the State of Assam or the autonomous State, as the case may be, that it is just and equitable that that property or those benefits should be transferred to one of the two States or shared between them, or that a contribution towards that liability should be made by either of the States, the said property or benefits shall be allocated in such manner, or Meghalaya or the State of Assam shall make to the other State primarily subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the Government of Assam and the Government of Meghalaya, by order, determine.

THE FOURTH SCHEDULE

(See section 74)

AMENDMENTS TO THE SIXTH SCHEDULE OF THE CONSTITUTION

1. In the Sixth Schedule to the Constitution (hereinafter referred to as the Sixth Schedule), in sub-paragraph (3) of paragraph 1, after clause (f), the following clause shall be inserted, namely:—

“(ff) alter the name of any autonomous district.”.

2. In paragraph 2 of the Sixth Schedule,—

(i) for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:—

“(1) There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.”;

(ii) in sub-paragraph (6)—

(a) in clause (e), for the words “such Councils”, the words “Regional Councils” shall be substituted;

(b) in clause (g), after the words “conduct of business”, the brackets and words “(including the power to act notwithstanding any vacancy)” shall be inserted;

(iii) after sub-paragraph (6), the following sub-paragraph shall be inserted, namely:—

“(6A) The elected members of the District Council shall hold office for a term of five years from the date appointed for the first meeting of the Council after the general elections to the Council, unless the District Council is sooner dissolved under paragraph 16 and a nominated member shall hold office at the pleasure of the Governor:

Provided that the said period of five years may, while a Proclamation of Emergency is in operation or if circumstances exist which, in the opinion of the Governor, render the holding of elections impracticable, be extended by the Governor for a period not exceeding one year at a time and in any case where a Proclamation of Emergency is in operation not extending beyond a period of six months after the Proclamation has ceased to operate;

Provided further that a member elected to fill a casual vacancy shall hold office only for the remainder of the term of office of the member whom he replaces.”;

(iv) in sub-paragraph (7)—

(a) after the words “make rules”, where they first occur, the words “with the approval of the Governor” shall be inserted, and where they occur a second time, the words “with like approval” shall be inserted;

(b) the second proviso shall be omitted.

3. In paragraph 3 of the Sixth Schedule, in sub-paragraph (1),—

(i) in the proviso to clause (a), for the words "Government of Assam", the words "Government of Assam or the Government of Meghalaya" shall be substituted;

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

"(i) marriage and divorce;"

4. In paragraph 4 of the Sixth Schedule, the following sub-paragraph shall be inserted at the end, namely:—

(5) On and from such date as the President may, after consulting the Government of Assam or, as the case may be, the Government of Meghalaya, by notification appoint in this behalf, this paragraph shall have effect in relation to such autonomous district or region as may be specified in the notification, as if—

(i) in sub-paragraph (1), for the words "between the parties all of whom belong to Scheduled Tribes within such areas, other than suits and cases to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply," the words "not being suits and cases of the nature referred to in sub-paragraph (1) of paragraph 5 of this Schedule, which the Governor may specify in this behalf," had been substituted;

(ii) sub-paragraphs (2) and (3) had been omitted;

(iii) in sub-paragraph (4)—

(a) for the words "A Regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating", the words "The Governor may make rules regulating" had been substituted; and

(b) for clause (a), the following clause had been substituted, namely:—

"(a) the constitution of village councils and courts, the powers to be exercised by them under this paragraph and the courts to which appeals from the decisions of village councils and courts shall lie;"

(c) for clause (c), the following clause had been substituted, namely:—

"(c) the transfer of appeals and other proceedings pending before the Regional or District Council or any court constituted by such Council immediately before the date appointed by the President under sub-paragraph (5);" and

(d) in clause (e), for the words, brackets and figures "sub-paragraphs (1) and (2)", the word, brackets and figure "sub-paragraph (1)" had been substituted.

5. In paragraph 5 of the Sixth Schedule, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:—

“(4) On and from the date appointed by the President under sub-paragraph (5) of paragraph 4 in relation to any autonomous district or autonomous region, nothing contained in this paragraph shall, in its application to that district or region, be deemed to authorise the Governor to confer on the District Council or Regional Council or on courts constituted by the District Council any of the powers referred to in sub-paragraph (1) of this paragraph.”

6. For paragraph 6 of the Sixth Schedule, the following paragraph shall be substituted, namely:—

“6. (1) The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, cattle ponds, ferries, fisheries, roads, road transport and waterways in the district and may, with the previous approval of the Governor, make regulations for the regulation and control thereof and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district. Powers of the District Council to establish primary schools, etc.

(2) The Governor may, with the consent of any District Council, entrust either conditionally or unconditionally to that Council or to its officers functions in relation to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning or any other matter to which the executive power of the State of Assam or Meghalaya, as the case may be, extends.”

7. In paragraph 7 of the Sixth Schedule, for sub-paragraph (2), the following sub-paragraphs shall be substituted, namely:—

“(2) The Governor may make rules for the management of the District Fund, or, as the case may be, the Regional Fund and for the procedure to be followed in respect of payment of money into the said Fund, the withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with or ancillary to the matters aforesaid.

(3) The accounts of the District Council or, as the case may be, the Regional Council shall be kept in such form as the Comptroller and Auditor-General of India may, with the approval of the President, prescribe.

(4) The Comptroller and Auditor-General shall cause the accounts of the District and Regional Councils to be audited in such manner as he may think fit, and the reports of the Comptroller and Auditor-General relating to such accounts shall be submitted to the Governor who shall cause them to be laid before the Council.”

8. In paragraph 8 of the Sixth Schedule, in sub-paragraph (4), the following words shall be inserted at the end, namely:—

“and every such regulation shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.”

9. After paragraph 12 of the Sixth Schedule, the following paragraph shall be inserted, namely:—

Special provisions as respects application of laws in Meghalaya.

“12A. (1) Notwithstanding anything contained in paragraph 12,—

(a) if any provision of a law made by a District or Regional Council in Meghalaya with respect to any of the matters specified in clause (b) or clause (c) of sub-paragraph (1) of paragraph 3 of this Schedule is repugnant to any provision of a law made by the Legislature of the State of Assam with respect to any project declared by the Legislature of that State to be of State importance, then, the law made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of the State of Assam, shall, to the extent of the repugnancy, be void and the law made by the Legislature of the State of Assam shall prevail;

(b) if any provision of a law made by a District or Regional Council in Meghalaya with respect to any of the matters specified in clause (b) or clause (c) or clause (f) of sub-paragraph (1) of paragraph 3 of this Schedule is repugnant to any provision of a law made by the Legislature of Meghalaya with respect to that matter, then, the law made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of Meghalaya, shall, to the extent of repugnancy, be void and the law made by the Legislature of Meghalaya shall prevail.

(2) If it appears to two or more District Councils or Regional Councils in Meghalaya to be desirable that any of the matters with respect to which they have power to make laws under paragraph 3 of this Schedule should be regulated by the Legislature of Meghalaya by law, and if resolutions to that effect are passed by the said District Councils or Regional Councils, it shall be lawful for the Legislature of Meghalaya to pass an Act regulating that matter accordingly, and any Act so passed shall apply to the autonomous districts or regions concerned, and to any other autonomous district or region the District or Regional Council whereof adopts it afterwards by resolution passed in this behalf.

(3) Any Act passed by the Legislature of Meghalaya under sub-paragraph (2) of this paragraph may be amended or repealed by an Act of the Legislature of Meghalaya passed in like manner, but shall not, as respects any autonomous district or region to which it applies, be amended or repealed by any law made by the District or Regional Council thereof.

(4) The Governor may, with respect to any Act of the Legislature of the State of Assam, and the President may, with respect to any Act of Parliament, by public notification direct, that it shall not apply to Meghalaya, or shall apply thereto, or to any part thereof subject to such exceptions or modifications as he may specify in the notification, and any such direction may be so given as to have retrospective effect.

(5) The provisions of clause (b) of sub-paragraph (1) of paragraph 12 shall not apply to Meghalaya."

10. In sub-paragraph (1) of paragraph 15 of the Sixth Schedule, after the words "safety of India", the words "or is likely to be prejudicial to public order" shall be inserted.

11. Paragraph 16 of the Sixth Schedule shall be re-numbered as sub-paragraph (1) of that paragraph and to that paragraph as so re-numbered, the following sub-paragraphs shall be added, namely:—

"(2) If at any time the Governor is satisfied that a situation has arisen in which the administration of an autonomous district or region cannot be carried on in accordance with the provisions of this Schedule, he may, by public notification, assume to himself all or any of the functions or powers vested in or exercisable by the District Council or, as the case may be, the Regional Council and declare that such functions or powers shall be exercisable by such person or authority as he may specify in this behalf, for a period not exceeding six months:

Provided that the Governor may by a further order or orders extend the operation of the initial order by a period not exceeding six months on each occasion.

(3) Every order made under sub-paragraph (2) of this paragraph with the reasons therefor shall be laid before the Legislature of the State and shall cease to operate at the expiration of thirty days from the date on which the State Legislature first sits after the issue of the order, unless, before the expiry of that period it has been approved by the State Legislature."

12. After paragraph 20 of the Sixth Schedule, the following paragraph shall be inserted, namely:—

'20A. (1) In this Schedule,—

Interpre-
tation.

(a) "Governor", in relation to Meghalaya, means the Governor of Assam acting on the aid and advice of the Council of Ministers for Meghalaya, except in so far as he is by or under this Schedule required to exercise his functions in his discretion or to exercise his powers under sub-paragraph (4) of paragraph 12A;

(b) "Meghalaya" means the autonomous State formed under article 244A.

(2) Subject to any express provision made in this behalf, the provisions of this Schedule shall, in their application to Meghalaya, have effect—

(i) as if references to the Government of Assam, State of Assam, State and Legislature of the State were references respectively to the Government of Meghalaya, the autonomous State of Meghalaya, Meghalaya and the Legislature of Meghalaya;

(ii) as if in paragraph 13, the words and figures "under article 202" had been omitted.'

Rep. by Act. 56 of 1969, s. 2 & Sch. I.

THE MOTOR VEHICLES (AMENDMENT) ACT, 1969

No. 56 OF 1969

[29th December, 1969]

An Act further to Amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 1969.

(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.

Amendment of section 2.

2. In section 2 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act),—

(a) clause (1) shall be re-numbered as clause (1B), and before clause (1B) as so re-numbered, the following clauses shall be inserted, namely:—

(1) "area", in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;

(1A) "articulated vehicle" means a tractor to which a trailer is attached in such a manner that a part of the trailer is super-imposed on, and a part of the weight of the trailer is borne by, the tractor;

(b) in clause (3), for the words "fixed or agreed rate or sum and from one point to another without stopping to pick

1. The provisions of sections 9 and 13, clause (a) of section 16, clause (e) of section 29, sections 36 and 37, sub-clause (i) of clause (a) of sections 41, sections 44, 45 and 56 shall come into force on 1-10-1970, vide Notifn. No. S.O. 3123 dt. 18.9.1970, Gaz. of India, Exty., Pt. II, sec. 3(ii), p-1523.

Gazette of India, pt. II, sec. 3(ii), p. 175.

up", the following words, brackets and figures shall be substituted, namely:—

"fixed or agreed rate or sum—

(i) on a time basis whether or not with reference to any route or distance, or

(ii) from one point to another, and in either case without stopping to pick up";

(c) in clause (9), for the figures "8,200", the figures "11,000" shall be substituted;

(d) in clause (13), for the figures "3,000", the figures "4,000" shall be substituted;

(e) for clause (17), the following clause shall be substituted, namely:—

'(17) "motor cycle" means a two-wheeled motor vehicle, the unladen weight of which, inclusive of the unladen weight of any detachable side car, having an extra wheel, attached to motor vehicle, does not exceed 600 kilograms;'

(f) after clause (28), the following clause shall be inserted, namely:—

'(28A) "route" means a line of travel which specifies the highway which may be traversed by a motor vehicle between one terminus and another;'

(g) after clause (29), the following clause shall be inserted, namely:—

'(29A) "tourist vehicle" means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as the State Government may, by notification in the Official Gazette, specify in this behalf;'

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

Amend-
ment of
section 3.

"(3) Notwithstanding anything contained in sub-section (1), a person who holds an effective driving licence authorising

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Motor Vehicles (Amendment) [ACT 56]

him to drive a motor car may drive any motor cab hired by him for his own use."

Amendment of section 7.

4. In section 7 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority having jurisdiction in the area—

(i) in which he ordinarily resides or carries on business, or

(ii) in which the school or establishment where he is receiving or has received instruction in driving a motor vehicle is situate, or

(iii) if the application is for a driving licence to drive as a paid employee, in which the employer resides or carries on business,

for the issue to him of a driving licence."

Amendment of section 11.

5. In section 11 of the principal Act,—

(a) in sub-section (1), after the proviso, the following further proviso shall be added, namely:—

"Provided further that where the application is for the renewal of a licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, the same shall be accompanied by a fresh medical certificate in Form C as set forth in the First Schedule, signed by a registered medical practitioner, and the provisions of sub-section (5) of section 7 shall apply to every such case.;"

(b) after sub-section (3A), the following sub-section shall be inserted, namely:—

"(3B) When the authority to whom an application for the renewal of a licence to drive as a paid employee or to drive a transport vehicle is made, is not the authority which issued the licence sought to be renewed, it may, for

the purpose of deciding whether the application for such renewal may be granted, verify the antecedents of the applicant in such manner as may be prescribed and pending the verification, such authority may grant a provisional licence for such period or periods not exceeding six months in the aggregate, subject to the condition that every such provisional licence shall cease to be effective immediately on the renewal of the licence sought to be renewed, or, as the case may be, on the refusal to renew the licence, and

(i) where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed,

(ii) where the application for renewal has not been rejected within the said period, the licence shall be renewed.”.

6. In section 15 of the principal Act,—

Amend-
ment of
section 15.

(a) in sub-section (1), for the words “a driving licence”, the words “any driving licence or a licence to drive a particular class or description of vehicle” shall be substituted;

(b) to sub-section (2), the following proviso shall be added, namely:—

“Provided that where the driving licence of a person authorises him to drive more than one class or description of motor vehicles and the order, made under sub-section (1), disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder.”.

7. In section 16 of the principal Act, in sub-section (1), for the words “a transport vehicle”, the words “any transport vehicle or a transport vehicle of a particular class or description” shall be substituted.

Amendment
of section 16.

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[ACT 56]

Amendment of section 18.

8. In section 18 of the principal Act, after the words "cease to be effective", the words "to such extent and" shall be inserted.

Amendment of section 21.

9. In section 21 of the principal Act, in sub-section (2),—

(a) for clause (aa), the following clause shall be substituted, namely:—

"(aa) the minimum qualifications of persons to whom licences to drive transport vehicles are issued, the time within which such qualifications are to be acquired by persons holding immediately before the commencement of the Motor Vehicles (Amendment) Act, 1969, licences to drive transport vehicles, and the duties, functions and conduct of such persons;"

(b) in clause (dd), for the words "stage carriages or contract carriages", the words "transport vehicles" shall be substituted;

(c) in clause (i), after the words "for the instruction of drivers of motor vehicles", the brackets and words "(including the registration of such schools or establishment)" shall be inserted.

Amendment of section 25.

10. In section 25 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

"Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body, the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or periods so, however, that the total period of such temporary registration may not exceed, in any case, three months."

Amendment of section 27.

11. In section 27 of the principal Act, after the words "particulars of any previous registration of the vehicle", the words "or furnishes inaccurate particulars in the application for registration of such vehicle" shall be inserted.

Omission of section 29A.

12. Section 29A of the principal Act shall be omitted.

Insertion of new section 31A.

13. In the principal Act, after section 31, the following section shall be inserted, namely:—

Special provisions regarding motor vehicles

"31A. (1) Where an application for registration of a motor vehicle which is held under a hire-purchase agreement is made, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.

(2) When the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into a hire-purchase agreement with any person, the registering authority shall, on receipt of an application from the parties to that agreement, make an entry as to the existence of such hire-purchase agreement in the certificate of registration. subject to hire purchase agreement.

(3) Any entry made under sub-section (1) or sub-section (2), may be cancelled by the registering authority on proof of the termination of the hire-purchase agreement by the parties concerned.

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under a hire-purchase agreement shall be made in the certificate of registration except with the written consent of the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement.

(5) Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement, satisfies the registering authority that he has taken possession of the vehicle owing to the default of the registered owner under the provisions of the agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice by registered post acknowledgement due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a duplicate thereof to the person aforesaid.

(6) The provisions of sub-sections (1) to (5) shall, so far as may be, apply to a motor vehicle which is subject to hypothecation as they apply to any motor vehicle which is held under a hire-purchase agreement."

14. In section 36 of the principal Act, in sub-section (3), for the words "in excess of that", the words "different from that" shall be substituted. Amendment of section 36.

15. In section 38 of the principal Act, to sub-section (2), the following proviso shall be added, namely :— Amendment of section 38.

'Provided that this sub-section shall, in respect of a certificate of fitness relating to a new transport vehicle registered for the first time and not plying in hilly areas, have effect as if for the words "six months", the words "one year" were substituted.

Explanation.—In this sub-section, the expression "hilly areas" means such areas as the State Government may, having regard to the elevation and topography, by notification in the Official Gazette, declare to be hilly areas.'

Amend-
ment of
section 41.

16. In section 41 of the principal Act, in sub-section (2),—

(a) in clause (e), for the brackets and figure “(3)”, the brackets and figure “(2)” shall be substituted;

(b) in clause (f), after the words “alteration of certificates of registration,”, the words “for making or cancelling an endorsement in respect of an agreement of hire-purchase or hypothecation on a certificate of registration,” shall be inserted.

Amend-
ment of
section 42.

17. In section 42 of the principal Act,—

(a) in sub-section (1), after the words “any public place,”, the brackets and words “(whether or not such vehicle is actually carrying any passenger or goods)” shall be inserted;

(b) in sub-section (3),—

(i) clause (ee) shall be omitted;

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

“(ff) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf;”;

(iii) in clause (i), the words “except as may otherwise be prescribed,” shall be omitted;

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

“(j) subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in any other State, without carrying any passenger or goods;

(k) to any transport vehicle which has been temporarily registered under section 25, while proceeding empty to any place for the purpose of registration of the vehicle under section 24;

(l) to any transport vehicle used for such purposes (other than plying for hire or reward) as the Central Government may, by notification in the Official Gazette, specify; or

(m) to any transport vehicle which, owing to flood, earthquake or any other natural calamity, is required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination; or

(n) to any transport vehicle while proceeding empty to any place for purpose of repair.”.

18. In section 43 of the principal Act, in sub-section (1),—

Amend-
ment of
section 43.

(a) in sub-clause (i), after the words “the fixing of fares and freights”, the brackets and words “(including the maximum and minimum in respect thereof)” shall be inserted;

(b) in sub-clause (iii), after the words “existing permits”, the words, brackets and figures “are not renewed in pursuance of the provisions of sub-section (1D) of section 68F, or” shall be inserted.

19. In section 44 of the principal Act, in sub-section (2),—

Amend-
ment of
section 44.

(a) for the words “and such other officials and non-officials, not being less than two,”, the words “and, in the case of a State Transport Authority, such other officials and non-officials, not being less than two, and, in the case of a Regional Transport Authority, such other persons (whether officials or not), not being less than two,” shall be substituted;

(b) for the words “Provided that”, the following shall be substituted, namely:—

“Provided that nothing in this section shall prevent any of the members of the State Transport Authority or the Regional Transport Authority, as the case may be, to preside over a meeting of such Authority during the absence of the Chairman, notwithstanding that such member does not possess judicial experience:

Provided further that the State Government may—

(i) where it considers necessary or expedient so to do, constitute Regional Transport Authority for any region so as to consist of only one member who shall be an official with judicial experience;

(ii) by rules made in this behalf, provide for the transaction of business in the absence of the Chairman or any other member and specify the nature of business which, the circumstances under which, and the manner in which, business could be so transacted:

Provided also that”.

20. Section 45 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

Amend-
ment of
section 45.

“(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the Official

Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that sub-section shall be made to the State Transport Authority of the region in which the applicant resides or has his principal place of business.

(3) Every applicant for the grant of a new permit under section 46 or section 54 shall deposit, by way of security, with his application an amount in such manner and at such rate not exceeding rupees two hundred per motor vehicle, as the State Government may, with reference to each class of vehicle, by notification in the Official Gazette, specify.

(4) The security furnished under sub-section (3) may be forfeited in whole or in part by the transport authority if it is satisfied that the application was made for the purpose of preventing the issue of a temporary permit under section 62 and the whole or part of it as has not been forfeited shall be refunded to the applicant, as soon as may be, after the disposal of the application:

Provided that no such forfeiture shall be made unless the transport authority has given the applicant a reasonable opportunity of being heard."

Amend-
ment of
section
46.

21. In section 46 of the principal Act, in clause (c),—

(a) for the word "services", wherever it occurs, the word "trips" shall be substituted;

(b) the following *Explanation* shall be added at the end, namely:—

Explanation.—For the purposes of this section, section 48 and section 57, "trip" means a single journey from one point to another, and every return journey shall be deemed to be a separate trip;

Amend-
ment of
section
48.

22. In section 48 of the principal Act,—

(a) sub-section (2) shall be omitted;

(b) in sub-section (3),—

(i) for clause (i), the following clauses shall be substituted, namely:—

"(i) that the vehicle or vehicles shall be used only in a specified area, or on a specified route or routes;

(ia) that the service or any specified part thereof shall be commenced with effect from a specified date;"

(ii) in clause (ii), for the words "services to be maintained", the words "trips to be provided" shall be substituted;

(iii) to clause (xxi), the following proviso shall be added, namely:—

“Provided that the conditions specified in pursuance of clause (i) shall not be varied so as to alter the distance covered by the original route by more than 24 kilometres, and any variation within such limits shall be made only after the Regional Transport Authority is satisfied that such variation will serve the public convenience and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof;”.

23. In section 51 of the principal Act, in sub-section (2), after clause (ii), the following clause shall be inserted, namely:— Amendment of section 51.

“(iia) the maximum number of passengers and the maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type, either generally or on specified occasions or at specified times and seasons and the same is prominently marked on the vehicle;”.

24. In section 57 of the principal Act, in sub-section (8), for the words “number of services above the specified maximum”, the words “number of trips above the specified maximum or by altering the route covered by it” shall be substituted. Amendment of section 57.

25. In section 58 of the principal Act,— Amendment of section 58.

(a) in sub-section (2),—

(i) in clause (a) of the proviso, for the words “sixty days”, the words “one hundred and twenty days” shall be substituted;

(ii) in clause (b) of the proviso, for the words “thirty days”, the words “sixty days” shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 62, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded.”.

26. In section 59 of the principal Act,— Amendment of section 59

(a) in sub-section (2), for the words “replace by another vehicle of the same nature and capacity any vehicle covered by the permit”, the words “replace any vehicle covered by the permit by any other vehicle of the same nature” shall be substituted;

(b) in sub-section (3),—

(i) in clause (a), for the words “permit relates”, the words and figures “permit relates carry valid certificates of fitness issued under section 38 and” shall be substituted;

(ii) in clause (c), the words "maximum or minimum" shall be omitted;

(iii) in clause (d), for the word and figures "section 72", the words and figures "section 5 or section 72" shall be substituted.

Amend-
ment of
section 60.

27. In section 60 of the principal Act,—

(a) after sub-section (1A), the following sub-section shall be inserted, namely:—

"(1B) The transport authority may exercise the powers conferred on it under sub-sections (1) and (1A) in relation to a permit granted by any authority or person to whom power in this behalf has been delegated under sub-section (5) of section 44 as if the said permit was a permit granted by the transport authority.";

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

"(2A) The powers exercisable under sub-section (1) or sub-section (1A) (other than the power to cancel a permit) by the transport authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under sub-section (5) of section 44:

Provided that—

(i) no such authority or person shall pass an order suspending the permit for a period exceeding one month or reducing the period thereof by more than one month; and

(ii) any such order shall be placed within the said period of one month before the transport authority who may vacate the order or extend the said period of one month where it has not expired or cancel the permit or take action under sub-section (3), as it may deem fit.";

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) The powers exercisable by the transport authority under sub-section (3) may, where an appeal has been preferred under section 64, be exercised also by the appellate authority."

Amend-
ment of
section 62.

28. Section 62 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1), a temporary permit may be granted thereunder in respect of any route or area where—

(i) no permit could be issued under section 48 or section 51 or section 54 in respect of that route or area by

REPEALED

reason of an order of a court or other competent authority restraining the issue of the same, for a period not exceeding the period for which the issue of the permit has been so restrained; or

(ii) as a result of the suspension by a court or other competent authority of the permit of any vehicle in respect of that route or area, there is no transport vehicle of the same class with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension:

Provided that the number of transport vehicles in respect of which the temporary permit is so granted shall not exceed the number of vehicles in respect of which the issue of a permit has been restrained or as the case may be, the permit has been suspended."

29. In section 63 of the principal Act,—

Amendment of section 63.

(a) to sub-section (1), the following further proviso shall be added, namely:—

"Provided further that where both the starting point and the terminal point of a route are situate within the same State, but part of such route lies in any other State and the length of such part does not exceed sixteen kilometres, the permit shall be valid in the other State in respect of that part of the route which is in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State.";

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), a permit granted or countersigned by a State Transport Authority shall be valid in the whole State or in such regions within the State as may be specified in the permit.";

(c) in the proviso to sub-section (3), after the words "arrived at between the States", the following shall be inserted, namely:—

"after complying with the requirements of sub-section (3A), or for the grant of counter-signatures of permits in pursuance of any direction issued by the Commission under clause (c) of sub-section (2) of section 63A";

(d) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(3A) Every proposal to enter into an agreement between the States referred to in the proviso to sub-section (3) and every proposal in such agreement to fix the number of permits which is proposed to be granted or counter-signed in respect of each route or area, shall be published by each of the State Governments concerned in the Official Gazette together with a notice of the date before which representations in connection therewith may be submitted, and the date, not being less than thirty days from the date of such publication, on which, and the authority by which, and the time and place at which, the proposal and any representations received in connection therewith will be considered:

Provided that no person, association or authority, other than those mentioned hereunder, shall have a right to make such representation, namely —

(i) any person already providing passenger or goods transport facilities by any means in the proposed area or along or near the proposed route;

(ii) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government;

(iii) any local authority or police authority within whose jurisdiction any part of the proposed area or route lies.

(3B) Every agreement arrived at between the States shall, in so far as it relates to the grant of counter-signature of permits, be published in the Official Gazette by each of the State concerned and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it.”;

(e) after sub-section (6), the following sub-sections shall be inserted, namely:—

“(7) Notwithstanding anything contained in sub-section (1) but subject to any rules that may be made under this Act, any State Transport Authority may, for the purpose of promoting tourism, grant in respect of tourist vehicles such number of permits valid for the whole or any part of India as the Central Government may, in respect of that State, specify in this behalf, and the provisions of sections 49, 50, 51, 57, 58, 59, 59A, 60, 61 and 64 shall, as far as may be, apply in relation to such permits.

(8) Every applicant for a permit under sub-section (7) shall deposit, by way of security, in such manner and such amount, not exceeding rupees two thousand per motor vehicle, as the Central Government may with reference to each class of vehicle, by notification in the Official Gazette, specify, and such security shall be refunded wholly or in part to the applicant if his application for permit has not been granted, or, as the case may be, granted for a lesser number of vehicles than what was applied for.

(9) Any amount deposited by way of security under sub-section (8) may, at any time, be forfeited in whole or in part by the State Transport Authority if it is satisfied after making such inquiry as it thinks fit that—

(a) the permit was obtained by fraud or misrepresentation, or

(b) the holder of the permit has failed without reasonable cause to use the vehicle or vehicles for the purpose for which the permit was granted, or

(c) the holder of the permit has committed a breach of any condition of the permit, or

(d) the holder of the permit has used or caused it to be used in any manner not authorised by the permit:

Provided that no such forfeiture shall be made unless the State Transport Authority has given the permit-holder a reasonable opportunity of being heard.

(10) The following shall be conditions of every permit granted under sub-section (7), namely:—

(i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;

(ii) every such motor vehicle shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Government; and

(iii) such other conditions as may be prescribed by the Central Government.”

30. In section 63A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amend-
ment of
section
63A.

“(2A) If any direction issued by the State Government under section 43 is repugnant to any direction made by the Commission under clause (c) of sub-section (2), then, the direction of the Commission, whether issued before or after the

direction issued by the State Government, shall prevail and the direction made by the State Government shall, to the extent of the repugnancy, be of no effect."

Insertion
of new
section
63BB.

31. After section 63B of the principal Act, the following section shall be inserted, namely:—

Appeal
against
decision,
direction
or order
under
section
63A.

"63BB. (1) Any person or authority (including Government) aggrieved by the decision, direction or order of the Commission under clause (b) or clause (c) or clause (d) or clause (e) of sub-section (2) of section 63A may, within sixty days from the date of the communication to him or it, of such decision, direction or order, as the case may be, appeal to the authority specified by the Central Government under clause (h) of section 63C, which shall decide the appeal after giving the person or the authority an opportunity of being heard and pass such order thereon as it may deem fit and such order shall be final:

Provided that the authority aforesaid may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) Every appeal under sub-section (1) shall be preferred in such manner and accompanied by such fee as may be prescribed by the Central Government."

Amend-
ment of
section
63C.

32. In section 63C of the principal Act, for clause (h), the following clause shall be substituted, namely:—

"(h) the authority to which, the manner in which and the fees on payment of which, an appeal against any decision, direction or order of the Commission may be preferred;"

Amend-
ment of
section 64.

33. Section 64 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered,—

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

"(hh) aggrieved by an order of forfeiture passed under sub-section (4) of section 45 or under sub-section (9) of section 63, or";

(ii) for the words "the prescribed authority who shall give such person and the original authority an opportunity of being heard", the words, brackets and figure "the State Transport Appellate Tribunal constituted under sub-section (2), who shall, after giving such person and the original authority an opportunity of being heard, give a decision thereon which shall be final" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-sections and *Explanation* shall be inserted, namely:—

“(2) The State Government shall constitute for the State a State Transport Appellate Tribunal which shall consist of a whole-time judicial officer not below the rank of a District Judge:

Provided that in relation to a Union territory the Tribunal may consist of the Administrator of that territory or any officer who has judicial experience.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), every appeal pending at the commencement of the Motor Vehicles (Amendment) Act, 1969, shall be proceeded with and disposed of as if that Act had not been passed.

58 of 1969.

Explanation.—For the removal of doubts, it is hereby declared that when any order is made by the State Transport Authority or the Regional Transport Authority in pursuance of a direction issued by the Commission under clause (c) of sub-section (2) of section 63A and any person feels aggrieved by such order on the ground that it is not in consonance with such direction, he may appeal under sub-section (1) to the State Transport Appellate Tribunal against such order but not against the direction so issued.”.

34. In section 64A of the principal Act,—

Amendment of section 64 A.

(a) for the words “State Transport Authority”, wherever they occur, the words “State Transport Appellate Tribunal” shall be substituted;

(b) for the words “Regional Transport Authority”, wherever they occur, the words “State Transport Authority or Regional Transport Authority” shall be substituted;

(c) after the words “as it deems fit”, the words “and every such order shall be final” shall be inserted.

35. In section 65 of the principal Act, in sub-section (1),—

Amendment of section 65.

(a) in clause (b), for the words “nine hours”, the words “eight hours” shall be substituted;

(b) in clause (c), for the words “fifty-four hours”, the words “forty-eight hours” shall be substituted.

36. After section 66 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 66A.

“66A. (1) No person shall engage himself—

Agent or canvasser to obtain licence.

(i) as an agent or canvasser, in the sale of tickets for travel by public service vehicles or in otherwise soliciting custom for such vehicles, or

(ii) as an agent in the business of collecting, forwarding or distributing goods carried by public carriers,

unless he has obtained a licence from such authority and subject to such conditions as may be prescribed by the State Government.

(2) The conditions referred to in sub-section (1) may include all or any of the following matters, namely:—

(a) the period for which a licence may be granted or renewed;

(b) the fee payable for the issue or renewal of the licence;

(c) the deposit of security—

(i) of a sum not exceeding rupees five thousand in the case of an agent in the business of collecting, forwarding or distributing goods carried by public carriers.

(ii) of a sum not exceeding rupees five hundred in the case of any other agent or canvasser, and the circumstances under which the security may be forfeited;

(d) the provision by the agent of insurance of goods in transit;

(e) the authority by which and the circumstances under which the licence may be suspended or revoked;

(f) such other conditions as may be prescribed by the State Government.”.

Amend-
ment of
section 68.

37. In section 68 of the principal Act, in sub-section (2),—

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

“(aa) the conduct of business by any such authority in the absence of any member (including the Chairman) thereof and the nature of business which, the circumstances under which and the manner in which, business could be so conducted;”;

(b) after clause (c), the following clause shall be inserted namely:—

“(cc) the manner in which and the time within which every application for a stage carriage permit or a public carrier’s permit shall be published, as required by sub-section (3) of section 57, and the circumstances under which and the fees on payment of which copies of such applications may be granted;”;

(c) in clause (ww), for the words “forwarding and distributing of,” the words “or forwarding and distributing”, shall be substituted,

38. In section 68A of the principal Act, in clause (b),—

(a) sub-clause (iii) shall be omitted;

(b) in sub-clause (v), for the words "the State Government", the words "the Central Government or one or more State Governments, or by the Central Government and one or more State Governments" shall be substituted.

Amendment of section 68A.

39. In section 68D of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 68D.

"(1) On the publication of any scheme in the Official Gazette and in not less than one newspaper in regional language circulating in the area or route which is proposed to be covered by such scheme,—

(i) any person already providing transport facilities by any means along or near the area or route proposed to be covered by the scheme;

(ii) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government; and

(iii) any local authority or police authority within whose jurisdiction any part of the area or route proposed to be covered by the scheme lies,

may, within thirty days from the date of its publication in the Official Gazette, file objections to it before the State Government."

40. Section 68E of the principal Act shall be re-numbered as sub-section (1) thereof, and—

Amendment of subsection 68E.

(i) in sub-section (1) as so re-numbered, for the words "proposed to be modified as if the modification proposed were a separate scheme", the following shall be substituted, namely:—

"proposed to be cancelled or modified as if the proposal were a separate scheme:

Provided that the State Transport Undertaking may, with the previous approval of the State Government, modify without following the procedure laid down in section 68C and section 68D, any such scheme relating to any route or area in respect of which the road transport services are run and operated by the State Transport Undertaking to the complete exclusion of other persons in respect of the following matters, namely:—

(a) increase in the number of vehicles or the number of trips;

(b) change in the type of vehicles without reducing the seating capacity;

(c) extension of the route or area, without reducing the frequency of the service; or

(d) alteration of the time-table without reducing the frequency of the service";

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), the State Government may, at any time, if it considers necessary in the public interest so to do, modify any scheme published under sub-section (3) of section 68D, after giving,—

(i) the State Transport Undertaking, and

(ii) any other person who, in the opinion of the State Government, is likely to be affected by the proposed modification,

an opportunity of being heard in respect of the proposed modification.”.

41. In section 68F of the principal Act,—

(a) in sub-section (1),—

(i) for the words and figures “in the manner specified in Chapter IV”, the words “in such manner as may be prescribed by the State Government in this behalf” shall be substituted;

(ii) for the words “Regional Transport Authority”, the words “State Transport Authority in any case where the said area or route lies in more than one region and the Regional Transport Authority in any other case” shall be substituted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) Where any scheme has been published by a State Transport Undertaking under section 68C, that Undertaking may apply for a temporary permit, in respect of any area or route or portion thereof specified in the said scheme, for the period intervening between the date of publication of the scheme and the date of publication of the approved or modified scheme, and where such application is made, the State Transport Authority or the Regional Transport Authority, as the case may be, shall, if it is satisfied that it is necessary to increase, in the public interest, the number of vehicles operating in such area or route or portion thereof, issue the temporary permit prayed for by the State Transport Undertaking.

Amendment of section 68F.

(1B) A temporary permit issued in pursuance of the provisions of sub-section (1A) shall be effective,—

(i) if the scheme is published under sub-section (3) of section 68D, until the grant of the permit to the State Transport Undertaking under sub-section (1), or

(ii) if the scheme is not published under sub-section (3) of section 68D, until the expiration of the one week from the date on which the order under sub-section (2) of section 68D is made.

(1C) If no application for a temporary permit is made under sub-section (1A), the State Transport Authority or the Regional Transport Authority, as the case may be, may grant, subject to such conditions as it may think fit, temporary permit to any person in respect of the area or route or portion thereof specified in the scheme and the permit so granted shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route or portion thereof.

(1D) Save as otherwise provided in sub-section (1A) or sub-section (1C) no permit shall be granted or renewed during the period intervening between the date of publication, under section 68C of any scheme and the date of publication of the approved or modified scheme, in favour of any person for any class of road transport service in relation to an area or route or portion thereof covered by such scheme :

Provided that where the period of operation of a permit in relation to any area, route or portion thereof specified in a scheme published under section 68C expires after such publication, such permit may be renewed for a limited period, but the permit so renewed shall cease to be effective on the publication of the scheme under sub-section (3) of section 68D.”;

(c) in sub-section (2),—

(i) for the words “the Regional Transport Authority”, the words “the State Transport Authority or as the case may be, the Regional Transport Authority concerned” shall be substituted;

(ii) in clause (a), for the words “the renewal of any other permit”, the words “the grant or renewal of any other permit or reject any such application as may be pending” shall be substituted;

(d) in sub-section (3), for the words “the Regional Transport Authority”, the words “the State Transport Authority or any Regional Transport Authority” shall be substituted.

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Motor Vehicles (Amendment)

[ACT 56

Insertion
of new
section
68FF.

42. After section 68F of the principal Act, the following section shall be inserted, namely:—

Restriction
on
grant of
permits
in res-
pect of
a notifi-
ed area
or notifi-
ed route.

“68FF. Where a scheme has been published under sub-section (3) of section 68D in respect of any notified area or notified route, the State Transport Authority or the Regional Transport Authority, as the case may be, shall not grant any permit except in accordance with the provisions of the scheme:

Provided that where no application for a permit has been made by the State Transport Undertaking in respect of any notified area or notified route in pursuance of an approved scheme, the State Transport Authority or the Regional Transport Authority, as the case may be, may grant temporary permits to any person in respect of such notified area or notified route subject to the condition that such permit shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route.”

Amend-
ment of
section
68G.

43. In section 68G of the principal Act, in sub-section (2), for the words “the Regional Transport Authority”, the words “the State Transport Authority or the Regional Transport Authority, as the case may be,” shall be substituted.

Insertion
of new
section
68HH.

44. After section 68H of the principal Act, the following section shall be inserted, namely:—

Disposal
of arti-
cles
found in
vehicles.

“68HH. Where any article found in any transport vehicle operated by the State Transport Undertaking is not claimed by its owner within the prescribed period, the State Transport Undertaking may sell the article in the prescribed manner and the sale proceeds thereof, after deducting the costs incidental to sale, shall be paid to the owner on demand.”

Amend-
ment of
section
68I.

45. In section 68I of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—

“(cc) the manner in which application under sub-section (1) of section 68F may be made;

(ccc) the period within which the owner may claim an article found left in any transport vehicle under section 68HH and the manner of sale of such article;”

Insertion
of new
section
68J.

46. In Chapter IVA of the principal Act, after section 68I, the following section shall be inserted, namely:—

Certain
powers of
State
Govern-
ment

“68J. The powers conferred on the State Government under this Chapter shall, in relation to a corporation or company owned or controlled by the Central Government or by the Central Government and one or more State Governments, be

exercisable only by the Central Government in relation to an inter-State route or area."

exercise
able by
the
Central
Govern-
ment.

47. After section 69 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
69A.

"69A. Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature."

Vehicles
to have
right
hand
control.

48. Section 79 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

Amend-
ment of
section
79.

(i) in sub-section (1) as so re-numbered, after the words "driver of a motor vehicle", the words "with a right hand steering control" shall be inserted; and

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) In the case of a motor vehicle with a left hand steering control, the signal of an intention to turn to the right or left or to stop shall be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle:

Provided that Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt, subject to such conditions as may be specified therein, any such motor vehicle or class of such motor vehicles from the operation of this sub-section for the purpose of plying in that area or route."

49. To section 80 of the principal Act, the following proviso shall be added, namely:—

Amend-
ment of
section
80.

"Provided that Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt, subject to such conditions as may be specified therein, any such motor vehicle or class of such motor vehicles from the operation of this section for the purpose of plying in that area or route."

50. In section 89 of the principal Act, after the words "When any person is injured", the words "or any property of a third party is damaged," shall be inserted,

Amend-
ment of
section
89.

Amend-
ment of
section 92.

51. In section 92 of the principal Act, in sub-section (1A), the words "contiguous to it" shall be omitted.

Amend-
ment of
section 93.

52. In section 93 of the principal Act,—

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

'(bb) "property" includes roads, bridges, culverts, causeways, trees, posts and mile-stones;'

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

'(d) "third party" includes the Government.'

Amend-
ment of
section 94.

53. In section 94 of the principal Act, in sub-section (3), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Explanation.—For the purposes of this sub-section, appropriate Government means the Central Government or the State Government, as the case may be, and—

(i) in relation to any corporation or company owned by the Central Government or any State Government, means the Central Government or that State Government;

(ii) in relation to any corporation or company owned by the Central Government and one or more State Governments, means the Central Government;

(iii) in relation to any other State Transport Undertaking or any local authority, means that Government which has control over that Undertaking or authority."

Amend-
ment of
section

54. In section 95 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (b), the following clause shall be substituted, namely:—

"(b) insures the person or classes of persons specified in the policy to the extent specified in sub-section (2)—

(i) against any liability which may be incurred by him in respect of the death of or bodily injury to any person or damage to any property of a third party caused by or arising out of the use of the vehicle in a public place;

(ii) against the death of or bodily injury to any passenger of a public service vehicle caused by or arising out of the use of the vehicle in a public place;"

(ii) the following Explanation shall be added at the end, namely:—

Explanation.—For the removal of doubts, is hereby declared that the death of or bodily injury to any person or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of, the use of a vehicle in a public place notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place.";

(b) in sub-section (2),—

(i) in clause (a), for the word "twenty", the word "fifty" shall be substituted;

(ii) for clauses (b) and (c), the following clauses shall be substituted, namely:—

"(b) where the vehicle is a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment,—

(i) in respect of persons other than passengers carried for hire or reward, a limit of fifty thousand rupees in all;

(ii) in respect of passengers,—

(1) a limit of fifty thousand rupees in all where the vehicle is registered to carry not more than thirty passengers;

(2) a limit of seventy-five thousand rupees in all where the vehicle is registered to carry more than thirty but not more than sixty passengers;

(3) a limit of one lakh rupees in all where the vehicle is registered to carry more than sixty passengers; and

(4) subject to the limits aforesaid, ten thousand rupees for each individual passenger where the vehicle is a motor cab, and five thousand rupees for each individual passenger in any other case;

(c) save as provided in clause (d), where the vehicle is a vehicle of any other class, the amount of liability incurred;

(d) irrespective of the class of the vehicle, a limit of rupees two thousand in all in respect of damage to any property of a third party."

Insertion of new section 95AA.

Security to be deposited by insurers.

55. After section 95A of the principal Act, the following section shall be inserted, namely:—

"95AA. (1) In addition to the deposits required to be made under section 7 of the Insurance Act, 1938, every insurer who is competent to issue a policy of insurance in accordance with this Chapter, shall deposit and keep deposited with the Reserve Bank of India or the State Bank of India, a sum of rupees thirty thousand as security for the due discharge of any liability covered by a policy of insurance issued in accordance with the provisions of this Chapter. 4 of 1938.

(2) Any sum deposited under sub-section (1) shall be deemed to be part of the assets of the insurer but shall not be susceptible of any assignment or charge nor shall it be liable to any attachment in execution of any decree except for meeting the claims arising in respect of a policy of insurance issued after complying with the requirements of this Chapter.

(3) Where, on an application made to it in this behalf, any Court or Claims Tribunal, which has made an award for compensation under this Act, is satisfied—

(i) that the applicant has exhausted all other remedies open to him to recover his dues from the insurer, or

(ii) that the award has been made after the insurer has gone into liquidation,

it may direct the payment of such compensation from out of the sum deposited under sub-section (1):

Provided that in the case of the insolvency of the insurer—

(a) such payment shall not be made until all claims under this Act against the insurer have been settled; and

(b) payment so made shall be proportionate to the amount of compensation allowed in each case."

Insertion of new section 103A.

Transfer of certificate of insurance.

56. After section 103 of the principal Act, the following section shall be inserted, namely:—

"103A. (1) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter proposes to transfer to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, he may apply in the prescribed form to the insurer for the transfer of the certificate of insurance and the policy described in the

certificate in favour of the person to whom the motor vehicle is proposed to be transferred, and if within fifteen days of the receipt of such application by the insurer, the insurer has not intimated the insured and such other person his refusal to transfer the certificate and the policy to the other person, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

(2) The insurer to whom any application has been made under sub-section (1) may refuse to transfer to the other person the certificate of insurance and the policy described in that certificate if he considers it necessary so to do, having regard to—

(a) the previous conduct of the other person,—

(i) as a driver of motor vehicles; or

(ii) as a holder of the policy of insurance in respect of any motor vehicle; or

(b) any conditions which may have been imposed in relation to any such policy held by the applicant; or

(c) the rejection of any proposal made by such other person for the issue of a policy of insurance in respect of any motor vehicle owned or possessed by him.

(3) Where the insurer has refused to transfer, in favour of the person to whom the motor vehicle has been transferred, the certificate of insurance and the policy described in that certificate, he shall refund to such transferee the amount, if any, which, under the terms of the policy, he would have had to refund to the insured for the unexpired term of such policy.”

57. In section 110 of the principal Act, in sub-section (1), for the words “motor vehicles”, the following words shall be substituted, namely:—

Amend-
ment of
section
110.

“motor vehicles, or damages to any property of a third party so arising, or both:

Provided that where such claim includes a claim for compensation in respect of damage to property exceeding rupees two thousand, the claimant may, at his option, refer the claim to a civil court for adjudication, and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim.”

58. In section 110A of the principal Act,—

(a) in sub-section (1),—

(i) in clause (b), for the words “by the legal representatives”, the words “by all or any of the legal representatives” shall be substituted

Amend-
ment of
section
110A.

(ii) in clause (c), for the words "or the legal representatives", the words "or all or any of the legal representatives" shall be substituted;

(iii) the following proviso shall be inserted at the end, namely:—

"Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.";

(b) in sub-section (3), for the words "sixty days", wherever they occur, the words "six months" shall be substituted.

Insertion of new section 110 AA. Option regarding claims for compensation in certain cases.

59. After section 110A of the principal Act, the following section shall be inserted, namely:—

"110AA. Notwithstanding anything contained in the Workmen's Compensation Act, 1923, where the death of or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation may claim such compensation under either of those Acts but not under both."

Amendment of section 110B.

60. In section 110B of the principal Act, after the words "the insurer", the words "or owner or driver of the vehicle involved in the accident or by all or any of them, as the case may be." shall be inserted.

Amendment of section 110C.

61. In section 110C of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Where in the course of any inquiry, the Claims Tribunal is satisfied that—

(i) there is collusion between the person making the claim and the person against whom the claim is made, or

(ii) the person against whom the claim is made has failed to contest the claim,

it may, for reasons to be recorded by it in writing, direct that the insurer who may be liable in respect of such claim, shall be impleaded as a party to the proceeding and the insurer so impleaded shall thereupon have the right to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made."

Insertion of new sections 110CC and 110CCC.

62. After section 110C of the principal Act, the following sections shall be inserted, namely:—

"110CC. Where any Court or Claims Tribunal allows a claim for compensation made under this Chapter, such Court or Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.

Award of interest where any claim is allowed.

110CCC. (1) Any Court or Claims Tribunal adjudicating upon any claim for compensation under this Act, may in any case where it is satisfied for reasons to be recorded by it in writing that—

Award of compensatory costs in certain cases.

(i) the policy of insurance is void on the ground that it was obtained by representation of fact which was false in any material particular, or

(ii) any party or insurer has put forward a false or vexatious claim or defence,

such Court or Tribunal may make an order for the payment, by the party who is guilty of mis-representation or by whom such claim or defence has been put forward, of special costs by way of compensation to the insurer or, as the case may be, to the party against whom such claim or defence has been put forward.

(2) No Court or Claims Tribunal shall pass an order for special costs under sub-section (1) for any amount exceeding rupees one thousand.

(3) No person or insurer against whom an order has been made under this section shall, by reason thereof be exempted from any criminal liability in respect of such mis-representation, claim or defence as is referred to in sub-section (1).

(4) Any amount awarded by way of compensation under this section in respect of any mis-representation, claim or defence, shall be taken into account in any subsequent suit for damages for compensation in respect of such mis-representation, claim or defence."

63. In section 110E of the principal Act, for the words "an insurer", the words "any person" shall be substituted.

Amendment of section 110E.

64. In section 111A of the principal Act, in clause (d), after the words "the manner in which", the words and brackets "and the fees (if any) on payment of which," shall be inserted.

Amendment of section 111A.

65. After section 113 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 113A.

Allowing
unautho-
rised per-
sons to
drive
vehicles.

"113A. Whoever, being the owner or person in charge of a motor vehicle, causes, or permits, any person who does not satisfy the provisions of section 3 or section 4, to drive the vehicle shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

Amend-
ment of
section
115.

66. In section 115 of the principal Act,—

(i) in sub-section (1), for the words "one hundred rupees", the following words shall be substituted, namely:—

"two hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees";

(ii) in sub-section (2), for the words "two hundred rupees" the following words shall be substituted, namely:—

"three hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees".

Amend-
ment of
section
123.

67. In section 123 of the principal Act, in sub-section (1),—

(i) after the words "for which the vehicle may be used", the words "or to the maximum number of passengers and maximum weight of luggage that may be carried on the vehicle" shall be inserted;

(ii) for the words "a subsequent offence if committed within three years of the commission of a previous similar offence", the words "any second or subsequent offence" shall be substituted;

(iii) in the proviso, after the words "any such", the words "second or" shall be inserted.

Insertion
of new
section
123A.

68. After section 123 of the principal Act, the following section shall be inserted, namely:—

Punish-
ment of
agents
and
canvassers
without
proper
authority.

"123A. Whoever engages himself as an agent or canvasser in contravention of the provisions of section 66A or any rules made thereunder shall be punishable for the first offence with fine which may extend to one thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that no court shall, except for reasons to be recorded by it in writing, impose a fine of less than five hundred rupees for any such second or subsequent offence."

69. In section 124 of the principal Act, for the words and figures "section 72 or of the conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under section 74 shall be punishable", the words and figures "section 72 or of the conditions prescribed under that section, or in contravention of any prohibition or restriction imposed under section 72 or section 74, shall be punishable" shall be substituted.

Amendment of section 124.

70. To section 129A of the principal Act, the following proviso shall be added, namely:—

Amendment of section 129A.

"Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used without the permit required by sub-section (1) of section 42, he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof."

71. In section 130 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 130.

"(1) The court taking cognizance of an offence under this Act,—

(i) may, if the offence is an offence punishable with imprisonment under this Act, and

(ii) shall, in any other case,

state upon the summons to be served on the accused person that he—

(a) may appear by pleader and not in person, or

(b) may, by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum (not exceeding the maximum fine that may be imposed for the offence) as the court may specify:

Provided that nothing in this sub-section shall apply to any offence specified in Part A of the Fifth Schedule."

72. After section 131 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 131A.

"131A. Every court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall send intimation to—

Courts to send intimations about conviction.

(a) the licensing authority which issued the driving licence, and

(b) the licensing authority by whom the licence was last renewed,

and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded for the same and such other particulars as may be prescribed."

Insertion
of new
section
132A.

Power to
levy fee.

73. In Chapter X of the principal Act, before section 133, the following section shall be inserted, namely:—

"132A. Any rule which the Central Government or the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits, tests, endorsements, badges, plates, counter-signatures authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made thereunder as may be considered necessary:

Provided that the Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full."

Amend-
ment of
section
133A.

74. In section 133A of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) In addition to the powers that may be conferred on any officer of the Motor Vehicles Department under sub-section (3), such officer as may be empowered by the State Government in this behalf shall also have the power to,—

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed;

(b) with such assistance, if any, as he thinks fit, enter, inspect and search any premises which is in the occupation of a person who, he has reason to believe, has committed an offence under this Act or in which a motor vehicle in respect of which such offence has been committed is kept:

Provided that—

(i) any such search without a warrant shall be made only by an officer of the rank of a gazetted officer;

(ii) where the offence is punishable with fine only the search shall not be made after sunset and before sunrise;

(iii) where the search is made without a warrant, the gazetted officer concerned shall record in writing the grounds for not obtaining a warrant and report to his immediate superior that such search has been made;

(c) examine any person and require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;

(d) seize or take copies of any registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed;

(e) launch prosecutions in respect of any offence under this Act and to take a bond for ensuring the attendance of the offender before any court;

(f) exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

5 of 1898.

(5) The provisions of the Code of Criminal Procedure, 1898 shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure under the authority of any warrant issued under section 98 of that Code."

75. In section 134 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:— Amendment of section 134.

"(1A) Notwithstanding anything contained in sub-section (1), if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, the revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or application for revision is disposed of."

76. After section 134 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 135.

"135. (1) The enactments specified in the Twelfth Schedule are hereby repealed to the extent mentioned therein. Repeal and savings.

(2) Notwithstanding the repeal of any enactment by this section,—

(a) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or any licence, permission or exemption granted, or any confiscation made, or any penalty or fine imposed, or any forfeiture,

cancellation or discharge of any bond ordered, or any other thing done, or any other action taken under the repealed enactment, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act;

(b) any document referring to any enactment hereby repealed, or to any provision thereof, shall be construed as referring to this Act or to the corresponding provision of this Act.

(3) Any penalty payable under any repealed enactment may be recovered in the manner provided by or under this Act but without prejudice to any action already taken for the recovery of such penalty under the repealed enactment.

(4) The mention of particular matters in this section 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."

Amend-
ment of
First
Schedule.

77. In the First Schedule to the principal Act,—

(a) in Form A, in Part III,—

(i) in paragraph (b), after the words "with each eye", the following brackets and words shall be inserted, namely:—

"(or if you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye)";

(ii) in paragraph (f), after the words "unable to hear", the brackets and words "(and if the application is for driving a light motor vehicle, with or without hearing aid)" shall be inserted;

(b) in Form AA, for the words "I hereby", the following words "I, Shri|Shrimati|Kumari....., hereby" shall be substituted;

(c) in Form B,—

(i) below the heading "Form of application for the renewal of driving licence", the figure "1" shall be inserted;

(ii) for the words "I hereby apply", the words "I, Shri/Shrimati/Kumari....., hereby apply" shall be substituted;

(iii) for the words beginning with "I hereby declare" and ending with "danger to the public", the following figures, words, brackets and letters shall be substituted, namely:—

II

Declaration as to physical fitness of the applicant

(The applicant is required to answer "yes" or "no" in the space provided opposite each question.)

- (a) Do you suffer from epilepsy, or from sudden attacks of disability, giddiness or fainting?
- (b) Are you able to distinguish with each eye (or if you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye), at a distance of 25 metres in good day light (with glasses, if worn), a motor car number plate containing seven letters and figures?
- (c) Have you lost either hand or foot or are you suffering from any defect in movement, control or muscular power of either arm or leg?
- (d) Can you readily distinguish pigmentary colours red and green?
- (e) Do you suffer from night blindness?
- (f) Are you so deaf as to be unable to hear (and if you are an applicant for the renewal of a driving licence in respect of light motor vehicle with or without hearing-aid) the ordinary sound signals?
- (g) Do you suffer from any other disease or disability likely to cause your driving of a motor vehicle to be a source of danger to the public?

I declare that to the best of my knowledge and belief, the particulars given in Section I and the declaration made in Section II hereof are true.

NOTE 1.—An applicant who answers "yes" to any of the questions (a), (c), (e), (f) and (g) or "no" to either of the questions (b) and (d) should amplify his answer with full particulars and may be required to give further information relating thereto.

NOTE 2.—An applicant who answers "yes" to questions (b), (c) and (d) in the declaration and "no" to the other questions may claim to be subjected to a test as to his competency to drive vehicles of a specified class or classes.

NOTE 3.—An application for renewal of a driving licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, shall be accompanied by a medical certificate in Form C.;

(d) in Form C, in sub-paragraph (d) of paragraph 4, after the word "hearing", the brackets and words "(and in the case of an applicant for a licence to drive a light motor vehicle, with or without hearing-aid)" shall be inserted;

(e) in Form D,—

(i) for the expression "son/daughter of (father's name)", the expression "wife/son/daughter of" shall be substituted;

(ii) for the words "He is", the expression "He/She is" shall be substituted;

(f) in Form E,—

(i) in item 1, for the words "or husband", the words and brackets "and husband (in the case of a married woman)" shall be substituted;

(ii) after item 7, the following item shall be inserted, namely:—

"7A. Cubic capacity.....";

(iii) after item 10, the following item shall be inserted, namely:—

"10A. Fuel used in the engine.....";

(iv) for item 15, the following item shall be substituted, namely:—

"15. Maximum laden weight—

(a) as certified by the manufacturer....Kgms.

(b) to be registered.....Kgms.";

(v) the *Explanation* shall be omitted;

(vi) for the Note, the following Note shall be substituted, namely:—

"NOTE.—The motor vehicle above described is—

(i) subject to a hire-purchase agreement with....;

(ii) subject to a hypothecation in favour of.....;

(iii) not held under hire-purchase agreement or subject to any mortgage.

(Strike out whatever is not applicable and, if the motor vehicle is subject to hire-purchase agreement or hypothecation, obtain the signature of the hire-purchase company or the mortgagee, as the case may be.)";

(vii) for the words "Signature of the Hire Purchase Company.", the following expression shall be substituted:—

"Signature of Hire-purchase Company.
Mortgagee.";

(g) in Form G,—

(i) in line 8, for the words "or husband", the words and brackets "and husband (in the case of a married woman)" shall be substituted;

(ii) after item 7, the following item shall be inserted, namely:—

"7A. Fuel used in the engine.....";

(iii) after item 8, the following item shall be inserted, namely:—

"8A. Cubic capacity.....";

(iv) for item 12, the following item shall be substituted, namely:—

"12. Maximum laden weight—

(a) as certified by the manufacturer....Kgms.;

(b) as registered.....Kgms.";

(v) for the Note, the following Note shall be substituted, namely:—

"NOTE.—The motor vehicle above described is—

(i) subject to a hire-purchase agreement with....;

(ii) subject to a hypothecation in favour of.....";

78. In the Second Schedule to the principal Act,—

Amend-
ment of
Second
Schedule.

(i) in paragraph 4, after the words "with each eye", the following brackets and words shall be inserted, namely:—

"(or in the case of a person who has held a licence to drive a motor vehicle for a period of not less than five years and lost sight of one eye after the said period of five years and has applied for a licence to drive a light motor vehicle, other than a transport vehicle, with one eye)";

(ii) in paragraph 5, after the word "hearing", the words "or in the case of a person who has applied for a licence to drive a light motor vehicle, with or without hearing-aid" shall be inserted.

79. For the Third Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Substitu-
tion of
Third
Schedule.

THE THIRD SCHEDULE

[See sections 7(6) and 17(6)]

TEST OF COMPETENCE TO DRIVE

PART I

The candidate shall satisfy the person conducting the test that he is able to—

- (1) start the engine of the vehicle;
- (2) move away straight ahead and at an angle, while at the same time engaging the first and intermediate gears until the top gear is reached;
- (3) change down to the lower gear quickly from the top gear when the traffic conditions warrant such change;
- (4) overtake, allow to be overtaken, meet or cover the path of other vehicles and take an appropriate course with proper caution giving appropriate signals;
- (5) turn right and left corners correctly;
- (6) stop the vehicle in an emergency and normally and in the latter case bring it to rest at an appropriate course of the road;
- (7) drive the vehicle backwards and whilst so doing enter a limited opening to the right and left;
- (8) cause the vehicle to face in the opposite direction by means of forward and reverse gears;
- (9) give by hand and by mechanical means (if fitted to the vehicle), or, in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions;
- (10) act correctly and promptly on all signals given by traffic signs, automatic traffic lights, traffic police or other authorised persons and take appropriate notice of signs given by other road users;
- (11) demonstrate general control of the vehicle by confident steering and smooth gear changing and braking as and when necessary;
- (12) to change quickly to lower gear while driving downhill;
- (13) to stop and re-start the vehicle on a steep upward incline making proper use of the handbrake or of the throttle and the footbrake without any rolling back.

NOTE.—(i) Requirements (7) and (8) are not applicable in the case of a motor cycle or a tri-cycle not equipped with means for reversing;

REPEALED

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(ii) Requirements (7), (8) and (9) are not applicable in the case of invalid carriages.

PART II

The candidate shall satisfy the person conducting the test that he is—

(1) cognizant of the provisions of sections 81, 82, 83, 84 and 85 and of the Tenth Schedule;

(2) conversant with the general traffic rules and regulations relating to the use of lights, speeding, parking, stopping the vehicle in an emergency, accidents, production of documents, right of way, controlled and uncontrolled pedestrian crossings, meaning of light signals (amber, red and green), overtaking, taking a "U" turn, silence zones, one-way traffic, driving on channelised roads and other relevant matters;

(3) aware of the meaning of the traffic signs specified in the Ninth Schedule;

(4) not so deaf as to be unable to hear (or in the case of a person who has applied for a licence to drive a light motor vehicle with or without hearing-aid), the ordinary sound signals. (This shall not apply to a person who has produced a medical certificate in Form C.);

(5) able to distinguish with each eye (or in the case of a person who has held a licence to drive a motor vehicle for a period of not less than five years and lost sight of one eye after the said period of five years and has applied for a licence to drive a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye) at a distance of 25 metres in good day light (with glasses if worn) a motor car number plate containing seven letters and figures. (This shall not apply to a person who has produced a medical certificate in Form (C)).

80. For the Sixth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Substitution of Sixth Schedule.

“THE SIXTH SCHEDULE

[See sections 24(3) and 29(2)]

REGISTRATION MARKS

One of the groups of letters specified in the second column followed by any other letter shall be used as the registration mark for a vehicle in the State specified in the first column.

1	2
Andhra Pradesh	AP, AA
Assam	AS
Bihar	BR, BH
Gujarat	GJ, GT
Harvana	PR, HY

1	2
Jammu and Kashmir	JK
Kerala	KL
Madhya Pradesh	MP, CP
Maharashtra	MR, MH
Mysore	MY, ME
Nagaland	NL
Orissa	OR, OS
Punjab	PN, PU
Rajasthan	RJ, RS
Tamil Nadu	TN, TM
Uttar Pradesh	UP, US, UT
West Bengal	WB, WG, WM
Chandigarh	CG, CH
Delhi	DL, DH
Goa, Daman and Diu	GD
Himachal Pradesh	HI, HP
Manipur	MN
Pondicherry	PY, PD
Tripura	TR
Andaman and Nicobar Islands	AN
Laccadive, Minicoy and Amindivi Islands	LC, MA.

NOTE 1.—These letters shall be followed by not more than four figures, and the letters and figures shall be shown—

1. In the case of transport vehicles In black on a white ground.
2. In the case of temporary registrations (section 25). In red on a yellow ground.
3. In the case of registration marks allotted to dealers [section 41 (2) (k)]. In white on a red ground.
4. In other cases. In white on a black ground.

NOTE 2.—In respect of the Maharashtra State, the letters BM, BY may continue to be used in respect of vehicles which were registered before the 1st October, 1961.”

~~REPEALED~~

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81. For the Eighth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Substitution of Eighth Schedule.

"THE EIGHTH SCHEDULE

(See section 71)

LIMITS OF SPEED FOR MOTOR VEHICLES

Class of vehicle	Maximum speed per hour in Kilometres
(1) If all the wheels of the vehicle are fitted with pneumatic tyres and the vehicle is not drawing a trailer :—	
(a) if the vehicle is a light motor vehicle or a motor cycle	No limit.
(b) if the vehicle is a medium or heavy passenger motor vehicle	60
(c) if the vehicle is a medium or heavy goods motor vehicle	60
(2) If the vehicle is an articulated vehicle (all the wheels of which are fitted with pneumatic tyres) which is a heavy motor vehicle	50
(3) If the vehicle is drawing not more than one trailer (or in the case of artillery equipment, not more than two trailers) and all the wheels of that vehicle and the trailer are fitted with pneumatic tyres :—	
(a) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a laden weight not exceeding 800 kgms.	60
(b) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a laden weight exceeding 800 kgms.	50
(c) if the vehicle is a medium motor vehicle	50
(d) if the vehicle is a heavy motor vehicle	40
(e) if the vehicle is a heavy motor vehicle used by the fire brigade	50
(4) Any case not covered by entry (1), (2) or (3)	30".

REPEALED

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Motor Vehicles (Amendment) ACT 56

Insertion
of new
Schedule.

82. After the Eleventh Schedule to the principal Act, the following Schedule shall be inserted, namely:—

“THE TWELFTH SCHEDULE

(See section 135)

REPEAL OF CERTAIN ENACTMENTS

Serial No.	Short title	Extent of repeal
1	2	3
1.	Motor Vehicles (Andhra Pradesh) (Andhra Area) Amendment Act, 1948 (20 of 1948)	The whole except sections 1 and 12.
2.	Motor Vehicles (Andhra Pradesh) (Telangana Area) Amendment Act, 1956 (45 of 1956)	The whole.
3.	Assam State Road Transport Act, 1954 (30 of 1954)	The whole.
4.	Assam State Road Transport (Amendment) Act, 1955 (18 of 1955)	The whole.
5.	Motor Vehicles (Bihar Amendment) Act, 1949 (27 of 1950)	The whole except sections 1 and 3.
6.	Motor Vehicles (Bihar Amendment) Act, 1953 (1 of 1954)	The whole.
7.	Motor Vehicles (Madras Amendment) Act, 1948 as applicable to Kerala (20 of 1948)	The whole except sections 1 and 3.
8.	Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Kerala (44 of 1949)	The whole.
9.	Motor Vehicles (Madras Amendment) Act, 1954 as applicable to Kerala (39 of 1954)	The whole.
10.	Motor Vehicles (Madras Amendment) Act, 1948 (20 of 1948)	The whole except sections 1, 3 and 5.
11.	Motor Vehicles (Madras Amendment) Act, 1949 (44 of 1949)	The whole.
12.	Motor Vehicles (Madras Amendment) Act, 1954 (39 of 1954)	The whole except sections 1 and 2.
13.	Motor Vehicles (Madras Amendment) Act, 1957 (19 of 1957)	The whole.
14.	Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Madhya Pradesh (3 of 1948)	The whole.

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1	2	3
15.	Motor Vehicles (Bombay Amendment) Act, 1947 (7 of 1947)	The whole.
16.	Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Maharashtra (3 of 1947)	The whole.
17.	Motor Vehicles (Bombay Amendment) Act, 1954 (31 of 1954)	The whole.
18.	Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Maharashtra (55 of 1956)	The whole.
19.	Motor Vehicles (Mysore Amendment) Act, 1953 (14 of 1953)	The whole.
20.	Motor Vehicles (Mysore Amendment) Act, 1955 (16 of 1955)	The whole.
21.	Motor Vehicles (Bombay Amendment) Act, 1947 as applicable to Mysore (7 of 1947)	The whole.
22.	Motor Vehicles (Bombay Amendment) Act, 1954 as applicable to Mysore (31 of 1954)	The whole.
23.	Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Mysore (45 of 1956)	The whole.
24.	Motor Vehicles (Madras Amendment) Act, 1948 as applicable to Mysore (20 of 1948)	The whole.
25.	Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Mysore (45 of 1949)	The whole.
26.	Orissa Motor Vehicles (Amendment) Act, 1948 (1 of 1949)	The whole.
27.	Orissa Motor Vehicles (Regulation of Stage Carriage and Public Carrier's Services) Act, 1947 (36 of 1947)	The whole.
28.	Orissa Motor Vehicles (Regulation of Stage Carriage and Public Carrier's Services) Amendment Act, 1951 (41 of 1951)	The whole.
29.	Motor Vehicles (East Punjab Amendment) Act, 1948 (28 of 1948)	The whole except sections 1, 3 4 and 10.
30.	Motor Vehicles (United Provinces Amendment) Act, 1948 (11 of 1948)	The whole.
31.	Motor Vehicles (Uttar Pradesh Amendment) Act, 1953 (28 of 1953)	The whole.

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1	2	3
32.	Uttar Pradesh Road Transport Services (Development) Act, 1955 (9 of 1955)	The whole except sections 1 and 14.
33.	Motor Vehicles (West Bengal Amendment) Act, 1951 (19 of 1951)	The whole.
34.	Motor Vehicles (Delhi Amendment) Act, 1954 (5 of 1954)	The whole.
35.	Himachal Pradesh State Road Transport Act, 1953 (5 of 1954)	The whole.

THE CONSTITUTION (TWENTY-SECOND AMENDMENT)
ACT, 1969

[25th September, 1969]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Twenty-second Amendment) Act, 1969. Short title.

2. In Part X of the Constitution, after article 244, the following article shall be inserted, namely:— Insertion of new article 244A.

“244A. (1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and create therefor— Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor.

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or

(b) a Council of Ministers,

or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) may, in particular,—

(a) specify the matters enumerated in the State List or the Concurrent List with respect to which the Legislature of the autonomous State shall have power to make laws for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise;

(b) define the matters with respect to which the executive power of the autonomous State shall extend;

(c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State

(d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and

(e) make such supplemental, incidental and consequential provisions as may be deemed necessary.

(3) An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting.

(4) Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

Amendment of Article 275.

3. In article 275 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

"(1A) On and from the formation of the autonomous State under article 244A,—

(i) any sums payable under clause (a) of the second proviso to clause (1) shall, if the autonomous State comprises all the tribal areas referred to therein, be paid to the autonomous State, and, if the autonomous State comprises only some of those tribal areas, be apportioned between the State of Assam and the autonomous State as the President may, by order, specify;

(ii) there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the autonomous State sums, capital and recurring, equivalent to the costs of such schemes of development as may be undertaken by the autonomous State with the approval of the Government of India for the purpose of raising the level of administration of that State to that of the administration of the rest of the State of Assam."

Insertion of new article 371B.

4. After article 371A of the Constitution, the following article shall be inserted, namely:—

Special provision with respect to the State of Assam.

"371B. Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Assam, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and such number of other members of that Assembly as may be specified in the order and for the modifications to be made in the rules of procedure of that Assembly for the constitution and proper functioning of such committee."

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