

X REPEALED

ACTS of Parliament
1973

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TABLE SHOWING EFFECT OF PARLIAMENTARY LEGISLATION OF 1973

Part I.—Central Acts amended, repealed or otherwise affected.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 1973 Act by which affected
1	2	3	4	5
1860	45	Indian Penal Code, 1860	S. 405 amended (w.e.f. 1-11-1973)	40, s. 9.
1890	9	Indian Railways Act, 1890	Ss. 47, 82C, 82E, 82I, 108, 118, 120A, 122, 126, 131, amended S. 82 HH, 126A inserted Ss. 82A, 82J amended	45, ss. 2, 3, 4, 6, 7, 8, 9, 10, 11, 13. <i>Ibid.</i> , ss. 5, 12, 54, ss. 2, 3.
1899	2	Indian Stamp Act, 1899	S. 3A omitted (w.e.f. 1-4-1973) S. 54 B inserted (w.e.f. 1-4-1973)	13, s. 2. <i>Ibid.</i> , s. 2.
1908	5	Code of Civil Procedure, 1908	S. 109 Substituted S. 110 Omitted First schedule amended	49, s. 2. <i>Ibid.</i> , s. 3. <i>Ibid.</i> , s. 4.
1934	2	Reserve Bank of India Act, 1934	S. 17 amended (with retrospective effect)	44, s. 2.
1934	32	Indian Tariff Act, 1932	First Schedule amended	21, s. 24 and Sch. II.
1944	1	Central Excises and Salt Act, 1944	First Schedule amended (w.e.f. 1-4-1973) First Schedule amended S. 4 substituted (w.e.f.) S. 37 amended Ss. 38, 40 substituted Ss. 9, 37 amended	13, s. 3. 21, s. 27 and Sch. III. 22, s. 2. <i>Ibid.</i> , s. 3. <i>Ibid.</i> , ss. 4, 5. 36, ss. 20, 24.
1944	1	Central Excises and Salt Act, 1944	Ss. 9A, 9B, 9C, 9D, 9E, 34 A, 36 A inserted. First Schedule amended (w.e.f. 3-11-1973)	<i>Ibid.</i> , ss. 21, 22, 23. 58, s. 2.
1947	7	Foreign Exchange Regulation Act, 1947	Repealed (w.e.f. 1-1-1974)	46, s. 81.
1948	41	Diplomatic and Consular Officers (Oaths and Fees) Act, 1948	Ss. 2, 8, amended	2, ss. 2, 3.
1949	1	Indian Tariff (Amendment) Act, 1949	Ss. 4, 5 amended	21, s. 26.

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Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1973 Act by which affected
1	2	3	4	5
1949	8	Seaward Artillery Practice Act, 1949	Ss. 3.9 substituted (w.e.f.)	3, ss. 2, 3.
1951	65	Industries (Development and Regulation) Act, 1951.	Ss. 10, 24 First Schedule amended (w.e.f.)	67, ss. 2, 3, 4
1952	19	Employees' Provident Funds and Family Pension Fund Act, 1952	Ss. 8, 11, 14, 14B amended (w.e.f. 1-11-1973)	40, ss. 2, 3, 4, 6.
			Ss. 14AA, 14AB, 14AC, 14C, 17B inserted (w.e.f. 1-11-1973)	<i>Ibid.</i> , ss., 5, 7, 8.
1952	30	Requisition and Acquisition of Immovable Property Act, 1952	S. 6 amended	1, s. 2.
1952	37	Cinematograph Act, 1952.	Ss. 1, 8 amended S. 2A inserted	25, ss. 2, 4. <i>Ibid.</i> , s. 3.
1955	23	State Bank of India Act, 1955	Ss. 2, 19, 20, 21, 21B, 22, 24, 25, 31, 31A, 34 amended (w.e.f.) S. 33 substituted (w.e.f.) Ss. 39, 40, 42, 49, 50 amended (w.e.f. 31-12-1973) S. 41 amended (partly w.e.f. 31-12-1973, partly w.e.f. 1-12-1964)	48, ss. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13. <i>Ibid.</i> , s. 12. <i>Ibid.</i> , ss. 14, 15, 17, 18, 19. <i>Ibid.</i> , s. 16.
1957	27	Wealth-tax Act, 1957	Schedule amended (w.e.f. 1-4-1974)	21, s. 20.
1957	58	Additional Duties of Excise (Goods of Special Importance) Act, 1957	First Schedule amended	<i>Ibid.</i> , s. 29 and Sch. IV.
1958	18	Gift-tax Act, 1958	S. 5 amended (w.e.f. 1-4-1974)	<i>Ibid.</i> , s. 21.
1959	38	State Bank of India (Subsidiary Banks) Act, 1959.	Ss. 2, 25, 26, 27, 30, 31, 33, 34 amended (w.e.f.) Ss. 37, 39, 41, 43, 44, 62, 63 amended (w.e.f. 31-12-1973) Throughout the Act except sections 23 and 49(3) for "general manager" substitute "managing director" (w.e.f.)	48, ss. 20, 22, 23, 24, 25, 26, 27, 28. <i>Ibid.</i> , ss. 29, 30, 31, 32, 33, 34, 35. <i>Ibid.</i> , s. 21.
1961	25	Advocates Act, 1961	Ss. 1, 2, 3, 4, 6, 7, 10A, 12, 15, 16, 17, 21, 24, 28, 30, 34, 35, 36, 37, 38, 40, 41, 42, 44, 48, 49, 49A amended (w.e.f. 31-12-1974) Ss. 7A, 9A, 10A, 24A, 36A, 36B, 42A, 46A, 48AA, 58AC-58AF inserted (w.e.f. 31-1-1974) Ss. 20, 22, 26A, 39 substituted (w.e.f. 31-1-1974)	60, ss. 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 16, 18, 21, 22, 23, 24, 25, 27, 28, 30, 31, 32, 34, 36, 38, 39. <i>Ibid.</i> , ss. 8, 9, 10, 19, 26, 33, 35, 37, 40. <i>Ibid.</i> , ss. 15, 17, 20, 29.

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1973 Act by which affected
1	2	3	4	5
1961	43	Income-tax Act, 1961	S. 2 amended (partly w.e.f. 1-4-1974 & partly w.e.f. 1-4-1973). Ss. 28, 80S, 112A amended (w.e.f. 1-4-1972) S. 35B amended (w.e.f. 1-4-1968) Ss. 45, 80C, 80G, 80J, 104, 105 amended. (w.e.f. 1-4-1974) S. 155 amended (partly w.e.f. 1-4-1970 & partly w.e.f. 1-4-1974) Ss. 194C, 197, 198 to 200, 202 to 205, 209 amended (w.e.f. 1-4-1973) S. 54D inserted (w.e.f. 1-4-1974) S. 194D inserted (w.e.f. 1-4-1973) S. 269D amended (Retrospectively) S. 269P amended (w.e.f. 1-1-1974)	21, s. 3. <i>Ibid.</i> , ss. 4, 11, 14. <i>Ibid.</i> , s. 5. <i>Ibid.</i> , ss. 6, 8, 9, 10, 12, 13. <i>Ibid.</i> , s. 15. <i>Ibid.</i> , ss. 16, 18, 19. <i>Ibid.</i> , s. 7. <i>Ibid.</i> , s. 17. 66, s. 2(a). <i>Ibid.</i> , s. 2(b)
1961	45	Foreign Awards (Recognition and Enforcement) Act, 1961.	S. 3 substituted	47, s. 2.
1961	52	Apprentices Act, 1961	Long title ss. 1, 2, 3, 6, 8, 9, 10, 11, 12, 13, 17, 21, 23, 24, 27, 28, 29, 30, 35, 37 amended (w.e.f.) S. 3A inserted (w.e.f.) S. 4 substituted (w.e.f.)	27, ss. 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24. <i>Ibid.</i> , s. 6. <i>Ibid.</i> , s. 7.
1961	53	Maternity Benefit Act, 1961	Ss. 1, 2, 3, 28 amended (w.e.f.)	52, ss. 2, 3, 4, 5.
1962	3	Union Duties of Excise (Distribution) Act, 1962.	S. 2 amended (w.e.f. 1-4-1973)	13, s. 4.
1962	26	National Co-operative Development Corporation Act, 1962.	Ss. 1, 22 amended S. 2A inserted	32, s. 2. <i>Ibid.</i> , s. 3.
1962	52	Customs Act, 1962	Ss. 111, 112, 123, 135, 136, 138, 156 amended Ss. 135A, 135B, 138A, 138B, 140A inserted S. 139 substituted	36, ss. 2, 3, 4, 5, 7, 8, 12. <i>Ibid.</i> , ss. 6, 9, 11. <i>Ibid.</i> , s. 10.
1963	10	Agricultural Refinance Corporation Act, 1963.	S. 22 amended	37, s. 2.
1963	41	Textile Committee Act, 1963	Ss. 1, 2, 4, 7, 8, 12, 22 amended (w.e.f.) Ss. 2A, 5A, 5F inserted (w.e.f.)	51, ss. 2, 3, 5, 7, 8, 9, 10. <i>Ibid.</i> , ss. 4, 6.
1964	7	Companies (Profits) Surtax Act, 1964.	First Schedule, Second Schedule amended (w.e.f. 1-4-1974)	21, s. 22.

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Year of Act	No. of Act	Short Title of Act	How affected	No. and section of 1973 Act by which affected
1	2	3	4	5
1965	21	Payment of Bonus Act, 1965	Ss. 10, 13, 19 amended. S. 19 amended (w.e.f. 1-9-1973)	39, ss. 2, 3, 4. 55, s. 2.
1965	34	Press Council Act, 1965	S. 5 amended (w.e.f. 27-9-1973)	53, s. 2.
1968	45	Gold (Control) Act, 1968	Ss. 67, 85, 98, 100, 114 amended Ss. 96A, 98A, 98B, 98C, 98D inserted	36, ss. 13, 14, 16, 18, 19. <i>Ibid.</i> , ss. 15, 17.
1971	46	Railway Passenger Fares Act, 1971	Repealed (w.e.f. 1-4-1973)	13, s. 5.
1971	47	Tax on Postal Articles Act, 1971	Repealed (w.e.f. 1-4-1973)	13, s. 6.
1971	48	Inland Air Travel Tax Act, 1971	Repealed (w.e.f. 1-4-1971)	13, s. 7.
1971	73	Union Territories Taxation Laws (Amendment) Act, 1971 in its application to the Union Territories of Delhi, Andaman and Nicobar Islands, Dadra and Nagar Haveli, Goa, Daman and Diu, Pondicherry and Chandigarh	Repealed	14, s. 2.
1972	36	Coking Coal Mines (Nationalisation) Act, 1972	Ss. 4, 5, 23 amended (w.e.f. 1-5-1972) S. 12A inserted (w.e.f. 1-5-1972)	41, ss. 2, 3, 5. <i>Ibid.</i> , s. 4.
1973	26	Coal Mines (Nationalisation) Act, 1973	S. 20 amended (w.e.f. 1-5-1973)	<i>Ibid.</i> , s. 6.

PART II—CONSTITUTION OF INDIA AMENDED

How affected	No. and section of 1973 Act by which affected
Articles 81, 330, 332 amended	Constitution (Thirty-first Amendment) Act, 1973 ss. 2, 3, 4.
Article 133 amended (w.e.f. 27-2-1973)	Constitution (Thirtieth Amendment) Act, 1972, s. 2.
Article 168 amended	31, s. 4.
Article 240 amended (w.e.f. 1-11-1973)	34, s. 4.
First Schedule amended	31, s. 5. 34, s. 5 (w.e.f. 1-11-1973).
Fourth Schedule amended (w.e.f. 1-11-1973)	31, s. 5.

PART III—GENERAL ORDINANCES REPEALED

Year	No.	Short title of Ordinance	No. and section of 1973 Act by which repealed
1973	1	Coal Mines (Taking over of Management) Ordinance, 1973	15, s. 20 (w.e.f. 30-1-1973).
	2	Press Council (Amendment) Ordinance, 1973	53, s. 3 (w.e.f. 27-9-73).
	3	Central Excises and Salt (Amendment) Ordinance, 1973 (w.e.f. 3-11-1973)	58, s. 3.
	4	Konkan Passenger Ships (Acquisition) Ordinance, 1973 (w.e.f. 7-11-1973)	62, s. 20.

PART IV—STATE ACTS AMENDED

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1973 Act by which affected
1952	Pun. Act 27	Capital of Punjab (Development and Regulation) Act, 1952 as in force in the Union territory of Chandigarh.	Ss. 3, 10 amended (w.e.f. I-II-1966) Ss. 8, 19 substituted (w.e.f. I-II-1966) S. 9 omitted (w.e.f. I-II-1966)	17, ss. 2, 5. <i>Ibid.</i> , ss. 3, 6. <i>Ibid.</i> , s. 4.
1989 1933 A. D.	J & K 24	Jammu and Kashmir Cinematograph Act, 1989 (so far as it relates to the sanctioning of cinematograph films for exhibition)	Repealed (w.e.f. ———).	25, s. 4.

MEMORANDUM FOR THE RECORD

DATE: 10/10/50
SUBJECT: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

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THE REQUISITIONING AND ACQUISITION OF
IMMOVABLE PROPERTY (AMENDMENT) ACT, 1973

No. 1 OF 1973

[9th March, 1973]

An Act further to amend the Requisitioning and Acquisition of
Immovable Property Act, 1952.

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

1. This Act may be called the Requisitioning and Acquisition of Short
Immovable Property (Amendment) Act, 1973. title.

2. In section 6 of the Requisitioning and Acquisition of Immovable Amend-
Property Act, 1952, in sub-section (1A), for the words "three years" ment of
30 of 1952. wherever they occur, the words "five years" shall be substituted. section 6.

THE DIPLOMATIC AND CONSULAR OFFICERS (OATHS)
AND FEES) (EXTENSION TO JAMMU AND
KASHMIR) ACT, 1973

No. 2 OF 1973

[13th March, 1973]

An Act to provide for the extension of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 to the State of Jammu and Kashmir.

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

Short
title
and com-
mence-
ment.

1. (1) This Act may be called the Diplomatic and Consular Officers (Oaths and Fees) (Extension to Jammu and Kashmir) Act, 1973:

(2) It shall come into force at once.

Extension
of Act
41 of 1948.

2. The Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (hereinafter referred to as the principal Act) is hereby extended to, and shall come into force in, and in relation to, the State of Jammu and Kashmir and accordingly,—

(a) the provisions of the principal Act and the rules made thereunder shall apply to and in relation to the State of Jammu and Kashmir as they apply to and in relation to any other State;

(b) clause (d) of section 2 of the principal Act shall be omitted.

Amend-
ment of
section 8.

~~3. In section 8 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—~~ (4XXX)

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

↳ Repealed by Act 38 of 1978, S. 2 + Sch. I

THE SEAWARD ARTILLERY PRACTICE (AMENDMENT) ACT, 1973

No. 3 OF 1973

[13th March, 1973]

An Act further to amend the Seaward Artillery Practice Act, 1949.

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

1. (1) This Act may be called the Seaward Artillery Practice (Amendment) Act, 1973.

Short title and commencement.

(2) It shall come into force on such ⁴date as the Central Government may, by notification in the Official Gazette, appoint.

8 of 1949.

2. For section 3 of the Seaward Artillery Practice Act, 1949 (hereinafter referred to as the principal Act), the following sections shall be substituted, namely:—

Substitution of new sections for section 3.

“3. (1) The Central Government may, by notification in the Official Gazette, authorise the carrying out of seaward artillery practice over such area and during such period or periods as may be specified in the notification.

Power of Central Government to authorise seaward artillery practice.

Provided that there shall be an interval of at least fourteen days between the date of publication of such notification in the Official Gazette and the date of carrying out of seaward artillery practice.

(2) The Central Government shall, as soon as may be, after the publication of a notification under sub-section (1), cause the substance thereof to be published—

(a) in some newspaper circulating in, and in the language commonly understood in, the area specified in the notification; and

(b) in such other manner as may be prescribed.

(3) If any question arises whether the substance of a notification under sub-section (1) was published as required by sub-section (2), a certificate by the Collector of the district in which the notified area is situate that the substance of the notification was so published, shall be conclusive.

3A. The Central Government may, by notification in the Official Gazette, direct that the power to issue notifications under section 3 shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by such State Government as may be specified therein.”

Power to delegate.

4 21-1-1978 : Vide S.R.O. 24, dt. 9-1-1978, Gaz. of India Pt. II, Sec. 4, dt. 21-1-1978, p. 75.

Substitu-
tion of
new sec-
tion for
section 9.

Power to
make
rules.

3. For section 9 of the principal Act, the following section shall be substituted, namely:—

“9. (1) The Central Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act and different rules may be made for different States or for different areas thereof.

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

(a) the manner in which the substance of a notification under section 3 may be published;

(b) regulating the use under this Act of the notified area for seaward artillery practice in such manner as to secure the public against danger, and to enable the practice to be carried out with the minimum inconvenience to the inhabitants of the area affected;

(c) the minimum rates at which compensation shall be payable under sub-section (3) of section 6, and generally regarding the making of claims for compensation, the procedure to be followed by the authorities granting the compensation, the expeditious settlement of claims and the filing of appeals from original awards of compensation;

(d) the principles to be followed in assessing the amount of compensation to be awarded under this Act;

(e) any other matter which is required 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1973

No. 4 of 1973

[23rd March, 1973]

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 1973-74.

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

1. This Act may be called the Appropriation (Vote on Account) Act, 1973. title.

2. From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three thousand five hundred and six crores, eighty-one lakhs and ninety-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74. of Rs. 35,06,81,99,000 from and out of the Consolidated Fund of India for the financial year 1973-74.

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. Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Department of Agriculture . Revenue	24,38,000	..	24,38,000
2	Agriculture Revenue Capital .	14,15,98,000 47,81,27,000	.. 10,33,68,000	14,15,98,000 58,14,95,000
3	Fisheries Revenue Capital .	52,67,000 15,05,000	.. 33,000	52,67,000 15,38,000
4	Animal Husbandry and Dairy Development . Revenue Capital .	55,66,000 2,42,57,000	.. 2,75,000	55,66,000 2,45,32,000
5	Forest Revenue Capital .	96,88,000 83,000	.. 32,50,000	96,88,000 33,33,000
6	Payments to Indian Council of Agricultural Research Revenue	5,69,19,000	..	5,69,19,000
7	Department of Food . Revenue Capital .	26,86,82,000 1,48,84,000	.. 16,12,000	26,86,82,000 1,64,96,000
8	Department of Community Development . . . Revenue Capital	9,38,24,000 1,000	.. ..	9,38,24,000 1,000
9	Department of Co-operation Revenue Capital .	55,80,000 6,10,09,000	.. 14,00,000	55,80,000 6,24,09,000
10	Department of Foreign Trade Revenue	82,73,000	..	82,73,000
11	Foreign Trade . . . Revenue Capital .	23,31,00,000 7,00,00,000	.. ..	23,31,00,000 7,00,00,000
12	Export Oriented Industries Revenue Capital .	1,51,36,000 1,35,61,000	.. 12,50,000	1,51,36,000 1,48,11,000
13	Department of Internal Trade Revenue Capital .	2,71,62,000 1,40,87,000	.. 1,25,000	2,71,62,000 1,42,12,000
14	Ministry of Communications Revenue Capital .	12,68,000 32,17,000	.. ..	12,68,000 32,17,000
15	Overseas Communications Service Revenue Capital .	99,43,000 31,13,000	.. 3,000	99,43,000 31,16,000
16	Posts and Telegraphs Working Expenses . Revenue	53,21,73,000	8,000	53,21,81,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
17	Posts and Telegraphs— Dividend to General Revenues, Appropriations to Reserve Funds and Repayment of Loans from General Revenues . . . Revenue	11,49,77,000	..	11,49,77,000
18	Capital Outlay on Posts and Telegraphs (Not met from Revenue) . . . Capital	17,77,84,000	..	17,77,84,000
19	Ministry of Defence . . . Revenue Capital	21,35,000 4,00,39,000	.. ..	21,35,000 4,00,39,000
20	Defence Services—Army . . . Revenue	1,71,52,83,000	1,50,000	1,71,54,33,000
21	Defence Services—Navy . . . Revenue	14,56,83,000	7,000	14,56,90,000
22	Defence Services—Air Force . . . Revenue	55,14,33,000	25,000	55,14,58,000
23	Defence Services—Pensions, etc. Revenue	10,06,67,000	2,000	10,06,69,000
24	Defence Capital Outlay . . . Capital	32,67,67,000	5,00,000	32,72,67,000
25	Department of Education . . . Revenue	44,30,000	..	44,30,000
26	Education Revenue Capital	19,59,79,000 17,70,000	.. 74,92,000	19,59,79,000 92,62,000
27	Department of Social Wel- fare Revenue Capital	4,41,91,000 83,000	.. 83,000	4,41,91,000 1,66,000
28	Ministry of External Affairs . . . Revenue Capital	13,71,55,000 30,00,000	1,000 ..	13,71,56,000 30,00,000
29	Ministry of Finance Revenue	3,50,49,000	..	3,50,49,000
30	Customs Revenue	2,18,48,000	7,000	2,18,55,000
31	Union Excise Duties Revenue	3,91,51,000	11,000	3,91,62,000
32	Taxes on Income, etc. Revenue	3,98,18,000	34,000	3,98,52,000
33	Stamps Revenue Capital	93,04,000 13,13,000	.. ..	93,04,000 13,13,000
34	Audit Revenue	7,43,34,000	11,25,000	7,54,59,000
35	Currency, Coinage and Mint Revenue Capital	3,48,37,000 4,31,98,000	.. ..	3,48,37,000 4,31,98,000
36	Pensions Revenue Capital	3,55,02,000 1,18,70,000	6,33,000 80,000	3,61,35,000 1,19,50,000
37	Opium and Alkaloid Factories . . . Revenue Capital	8,79,97,000 9,53,000	1,000 ..	8,79,98,000 9,53,000
38	Transfers to State and Union Territory Governments . . . Revenue Capital	58,17,17,000 ..	1,35,37,75,000 2,07,11,83,000	1,93,54,92,000 2,07,11,83,000
	APPROPRIATION—			
	Interest Payments Revenue	..	1,39,14,46,000	1,39,14,46,000
39	Other Expenditure of the Ministry of Finance . . . Revenue Capital	47,85,55,000 10,95,62,000	72,000 ..	47,86,27,000 10,95,62,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
40	Loans to Government Servants, etc. Capital .	11,57,81,000	..	11,57,81,000
	APPROPRIATION—			
	Repayment of Debt Capital .	..	19,00,19,17,000	19,00,19,17,000
41	Ministry of Health and Family Planning Revenue	24,44,000	..	24,44,000
42	Medical and Public Health Capital .	7,90,43,000 3,92,33,000	.. 6,27,000	7,90,43,000 3,98,60,000
43	Family Planning Revenue Capital .	9,07,38,000 79,73,000	.. ..	9,07,38,000 79,73,000
44	Ministry of Heavy Industry Revenue	2,10,000	..	2,10,000
45	Heavy Industries Revenue Capital	90,45,000 8,61,77,000	.. ..	90,45,000 8,61,77,000
46	Ministry of Home Affairs . Revenue	28,94,000	..	28,94,000
47	Cabinet Revenue	16,70,000	..	16,70,000
48	Department of Personnel and Administrative Reforms Revenue Capital .	82,84,000 ..	.. 4,17,000	82,84,000 4,17,000
49	Police Revenue Capital .	20,46,49,000 42,08,000	.. 1,75,00,000	20,46,49,000 2,17,08,000
50	Census Revenue	57,96,000	..	57,96,000
51	Other Expenditure of the Ministry of Home Affairs Revenue Capital .	11,21,49,000 2,16,52,000	2,43,61,000 44,50,000	13,65,10,000 2,61,02,000
52	Delhi Revenue Capital .	13,04,20,000 5,79,98,000	6,86,000 43,82,000	13,11,06,000 6,23,80,000
53	Chandigarh Revenue Capital .	1,60,18,000 63,65,000	6,40,000 67,000	1,66,58,000 64,32,000
54	Andaman and Nicobar Islands Revenue Capital .	2,30,58,000 84,06,000	1,000 ..	2,30,59,000 84,06,000
55	Arunachal Pradesh Revenue Capital .	2,90,13,000 1,07,94,000	.. ..	2,90,13,000 1,07,94,000
56	Dadra and Nagar Haveli Revenue Capital .	12,59,000 6,77,000	.. ..	12,59,000 6,77,000
57	Laccadive, Minicoy and Amindivi Islands Revenue Capital .	37,78,000 7,80,000	.. ..	37,78,000 7,80,000
58	Ministry of Industrial Development Revenue	32,36,000	..	32,36,000
59	Industries Revenue Capital .	2,52,27,000 4,83,59,000	4,17,000 1,73,60,000	2,56,44,000 6,57,19,000
60	Ministry of Information and Broadcasting Revenue	6,51,000	..	6,51,000
61	Information and Publicity . Revenue Capital .	1,73,73,000 17,75,000	.. ..	1,73,73,000 17,75,000
62	Broadcasting Revenue Capital .	3,00,47,000 2,44,23,000	.. ..	3,00,47,000 2,44,23,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
63	Ministry of Irrigation and Power Revenue	1,65,87,000	..	1,65,87,000
64	Irrigation and Flood Control Schemes Revenue	2,58,96,000	..	2,58,96,000
	Capital	1,40,27,000	26,67,000	1,66,94,000
65	Power Schemes Revenue	98,22,000	..	98,22,000
	Capital	11,26,41,000	2,24,96,000	13,51,37,000
66	Department of Labour and Employment Revenue	22,55,000	..	22,55,000
67	Labour and Employment Revenue	4,82,56,000	1,000	4,82,57,000
	Capital	29,92,000	..	29,92,000
68	Department of Rehabilitation Revenue	10,86,42,000	20,000	10,86,62,000
	Capital	1,56,68,000	95,16,000	2,51,84,000
69	Ministry of Law, Justice and Company Affairs Revenue	1,28,47,000	..	1,28,47,000
70	Administration of Justice Revenue	43,900	7,44,000	7,87,000
71	Ministry of Petroleum and Chemicals Revenue	10,40,000	..	10,40,000
	Capital	36,15,18,000	..	36,15,18,000
72	Ministry of Planning Revenue	1,01,000	..	1,01,000
73	Statistics Revenue	94,16,000	..	94,16,000
74	Planning Commission Revenue	33,80,000	..	33,80,000
75	Ministry of Shipping and Transport Revenue	27,85,000	..	27,85,000
76	Roads Revenue	10,91,66,000	2,000	10,91,68,000
	Capital	17,49,43,000	2,13,08,000	19,62,51,000
77	Ports, Lighthouses and Shipping Revenue	2,64,29,000	1,000	2,64,30,000
	Capital	20,55,95,000	12,95,000	20,68,90,000
78	Road and Inland Water Transport Revenue	2,65,22,000	..	2,65,22,000
	Capital	1,89,44,000	11,76,000	2,01,20,000
79	Department of Steel Revenue	2,12,02,000	..	2,12,02,000
	Capital	29,19,79,000	83,33,000	30,03,12,000
80	Department of Mines Revenue	3,33,27,000	3,000	3,33,30,000
	Capital	17,24,19,000	..	17,24,19,000
81	Geological Survey Revenue	2,39,35,000	..	2,39,35,000
82	Ministry of Tourism and Civil Aviation Revenue	5,06,000	..	5,06,000
83	Meteorology Revenue	1,13,44,000	..	1,13,44,000
	Capital	9,20,000	..	9,20,000
84	Aviation Revenue	2,49,87,000	..	2,49,87,000
	Capital	3,37,08,000	58,000	3,37,66,000
85	Tourism Revenue	50,63,000	..	50,63,000
	Capital	1,00,83,000	..	1,00,83,000
86	Ministry of Works and Housing Revenue	7,22,99,000	..	7,22,99,000
	Capital	42,39,000	6,00,000	48,39,000
87	Public Works Revenue	8,93,22,000	6,40,000	8,99,62,000
	Capital	3,33,09,000	5,33,000	3,38,42,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
88	Stationery and Printing . Revenue	2,98,47,000	17,000	2,98,64,000
89	Department of Atomic Energy . Revenue	5,58,000	..	5,58,000
90	Atomic Energy Research and Development . Revenue	5,07,30,000	..	5,07,30,000
	Capital .	4,35,10,000	..	4,35,10,000
91	Nuclear Power Schemes . Revenue	4,04,96,000	..	4,04,96,000
	Capital .	4,83,32,000	..	4,83,32,000
92	Department of Culture . Revenue	1,11,87,000	..	1,11,87,000
93	Archaeology . Revenue	43,62,000	..	43,62,000
94	Department of Electronics . Revenue	96,95,000	..	96,95,000
	Capital .	10,82,000	..	10,82,000
95	Department of Science and Technology . Revenue	63,87,000	..	63,87,000
	Capital .	3,41,000	..	3,41,000
96	Survey of India . Revenue	1,60,94,000	..	1,60,94,000
97	Grants to Council of Scientific and Industrial Research . Revenue	4,03,91,000	..	4,03,91,000
98	Department of Space . Revenue	2,00,80,000	..	2,00,80,000
	Capital .	50,73,000	..	50,73,000
99	Department of Supply . Revenue	48,33,000	..	48,33,000
100	Supplies and Disposals . Revenue	81,16,000	..	81,16,000
101	Lok Sabha . Revenue	51,01,000	18,000	51,19,000
102	Rajya Sabha . Revenue	19,76,000	15,000	19,91,000
103	Department of Parlia- mentary Affairs . Revenue	2,44,000	..	2,44,000
	APPROPRIATION— Staff, Household and Allow- ances of the President . Revenue	..	8,45,000	8,45,000
104	Secretariat of the Vice- President . Revenue	65,000	..	65,000
	APPROPRIATION— Union Public Service Com- mission . Revenue	..	20,30,000	20,30,000
	TOTAL .	10,98,51,05,000	24,08,30,94,000	35,06,81,99,000

THE APPROPRIATION ACT, 1973

No. 5 OF 1973

[28th March, 1973]

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 1972-73.

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

1. This Act may be called the Appropriation Act, 1973. 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 three hundred and two crores, ninety-three lakhs and sixty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1972-73, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 13,02,93,61,000 out of the Consolidated fund of India for the year 1972-73.
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	5,49,000	..	5,49,000
2	Defence Services, Effective—Army	1,53,65,00,000	..	1,53,65,00,000
3	Defence Services, Effective—Navy	4,11,50,000	..	4,11,50,000
4	Defence Services, Effective—Air Force	27,71,20,000	..	27,71,20,000
5	Defence Services, Non-Effective	3,00,00,000	..	3,00,00,000
7	Education	5,26,50,000	..	5,26,50,000
10	Other Revenue Expenditure of the Ministry of External Affairs	80,00,00,000	..	80,00,00,000
11	Ministry of Finance	47,78,000	..	47,78,000
14	Taxes on Income including Corporation Tax, etc.	1,30,00,000	..	1,30,00,000
18	Mint	13,38,000	..	13,38,000
20	Opium Factories and Alkaloid Works	1,42,00,000	..	1,42,00,000
22	Grants-in-aid to State and Union Terri- tory Governments	1,05,00,00,000	..	1,05,00,00,000
	<i>Interest on Debt and Other Obligations</i> . . . . .	..	38,63,03,000	38,63,03,000
	<i>Payments of States' Share of Union Ex- cise Duties</i> . . . . .	..	28,63,64,000	28,63,64,000
27	Payments to the Indian Council of Agri- cultural Research	1,000	..	1,000
29	Department of Food	16,21,00,000	..	16,21,00,000
31	Department of Co-operation	93,78,000	..	93,78,000
33	Foreign Trade	6,83,13,000	..	6,83,13,000
34	Export-Oriented Industries	30,76,000	..	30,76,000
37	Ministry of Home Affairs	88,000	..	88,000
38	Cabinet	14,21,000	..	14,21,000
40	Police	10,23,28,000	..	10,23,28,000
41	Census	19,15,000	1,000	19,16,000
45	Delhi	4,94,86,000	6,00,000	5,00,86,000
46	Chandigarh	1,82,89,000	4,19,000	1,87,08,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
47	Andaman and Nicobar Islands	1,47,55,000	..	1,47,55,000
48	Arunachal Pradesh	2,15,87,000	..	2,15,87,000
54	Village and Small Industries . . . . .	..	4,17,000	4,17,000
57	Information and Publicity	56,00,000	..	56,00,000
63	Department of Rehabilitation . . . . .	..	21,000	21,000
64	Ministry of Law and Justice	1,000	..	1,000
66	Ministry of Petroleum and Chemicals	2,53,92,000	..	2,53,92,000
70	Roads	2,39,44,000	6,000	2,39,50,000
73	Ports	2,81,00,000	..	2,81,00,000
75	Department of Steel	7,35,73,000	..	7,35,73,000
76	Department of Mines	8,57,41,000	..	8,57,41,000
80	Aviation . . . . .	..	45,000	45,000
82	Ministry of Works and Housing	1,000	..	1,000
83	Public Works	14,38,20,000	2,00,000	14,40,20,000
84	Stationery and Printing . . . . .	..	1,36,000	1,36,000
86	Atomic Energy Research and Nuclear Power Schemes	2,000	..	2,000
89	Posts and Telegraphs Working Expenses	2,86,87,000	..	2,86,87,000
90	Posts and Telegraphs Dividend to General Revenues, Appropriations to Reserve Funds and Repayment of Loans from General Revenues	12,08,67,000	..	12,08,67,000
95	Department of Parliamentary Affairs	90,000	..	90,000
96	Department of Science and Technology	1,000	..	1,000
99	Department of Supply	2,97,00,000	..	2,97,00,000
	<i>Union Public Service Commission</i> . . . . .	..	5,00,000	5,00,000
104	Defence Capital Outlay	5,92,00,000	..	5,92,00,000
105	Other Capital Outlay of the Ministry of Defence	15,30,000	..	15,30,000
108	Capital Outlay on Currency and Coin- age . . . . .	..	1,40,000	1,40,000
110	Commutated Value of Pensions . . . . .	..	2,59,000	2,59,000
113	Loans and Advances by the Central Go- vernment	15,55,07,000	5,90,88,00,000	6,06,43,07,000
114	Purchase of Foodgrains and Fertilizers	67,55,17,000	2,77,000	67,57,94,000
115	Other Capital Outlay of the Ministry of Agriculture	1,000	..	1,000
116	Capital Outlay of the Ministry of Foreign Trade	11,000	..	11,000

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	Capital Outlay in Union Territories	41,45,000	1,00,00,000	1,41,45,000
120	Capital Outlay of the Ministry of Industrial Development	1,000	..	1,000
124	Capital Outlay of the Ministry of Labour and Rehabilitation	..	5,000	5,000
125	Capital Outlay of the Ministry of Petroleum and Chemicals	21,99,89,000	..	21,99,89,000
126	Capital Outlay on Roads	7,48,90,000	..	7,48,90,000
129	Other Capital Outlay of the Ministry of Steel and Mines	36,97,01,000	..	36,97,01,000
132	Capital Outlay on Public Works	3,00,00,000	..	3,00,00,000
133	Delhi Capital Outlay	45,70,000	2,64,000	48,34,000
136	Capital Outlay on Posts and Telegraphs (Not met from Revenue)	1,000	..	1,000
	TOTAL	6,43,46,04,000	6,59,47,57,000	13,02,93,61,000

THE APPROPRIATION (RAILWAYS) ACT, 1973

No. 6 OF 1973

[29th March, 1973]

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 1972-73 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) Act, 1973. Short title.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred and seventeen crores, sixty-nine lakhs and forty-four thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1972-73, in respect of the services relating to railways specified in column 2 of the Schedule. Issue of Rs. 117, 69,44,000 out of the Consolidated Fund of India for the financial year 1972-73.
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 Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board	3,61,000	..	3,61,000
4	Working Expenses—Administration	1,80,56,000	1,18,000	1,81,74,000
5	Working Expenses—Repairs and Maintenance	18,23,21,000	4,32,000	18,27,53,000
6	Working Expenses—Operating Staff	1,21,45,000	2,23,000	1,23,68,000
7	Working Expenses—Operation (Fuel)	4,35,27,000	3,000	4,35,30,000
8	Working Expenses—Operation other than Staff and Fuel	5,70,65,000	15,58,000	5,86,23,000
9	Working Expenses—Miscellaneous Ex- penses	2,35,47,000	3,26,000	2,38,73,000
10	Working Expenses—Staff Welfare	74,76,000	1,000	74,77,000
12	Dividend to General Revenues	3,48,76,000	..	3,48,76,000
14	Construction of New Lines—Capital and Depreciation Reserve Fund . . . . .	..	29,45,000	29,45,000
15	Open Line Works—Capital, Depre- ciation Reserve Fund and Develop- ment Fund	77,65,01,000	30,97,000	77,95,98,000
16	Pensionary Charges—Pension Fund	92,76,000	..	92,76,000
17	Repayment of Loans from General Revenues and Interest thereon—De- velopment Fund	31,80,000	..	31,80,000
	TOTAL	116,83,31,000	86,13,000	117,69,44,000

THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1973

NO. 7 OF 1973

[29th March, 1973]

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 1973-74 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 2 Act, 1973. 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 two thousand one hundred and forty-one crores, forty lakhs and ninety-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74, in respect of the services relating to railways specified in column 2 of the Schedule. Issue of
Rs. 2141,
40, 98, 000
out of
the Con-
solidated
Fund of
India
for the
financial
year
1973-74.

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. Appro-
priation.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board	1,75,16,000	..	1,75,16,000
2	Miscellaneous Expenditure	7,96,92,000	3,00,000	7,99,92,000
3	Payments to Worked Lines and Others	15,45,000	..	15,45,000
4	Working Expenses—Administration	98,77,04,000	20,000	98,77,24,000
5	Working Expenses—Repairs and Maintenance	363,59,77,000	35,000	363,60,12,000
6	Working Expenses—Operating Staff	209,55,49,000	..	209,55,49,000
7	Working Expenses—Operation (Fuel)	185,54,39,000	..	185,54,39,000
8	Working Expenses—Operation other than Staff and Fuel	57,24,00,000	81,26,000	58,05,26,000
9	Working Expenses—Miscellaneous Expenses	42,08,30,000	9,14,000	42,17,44,000
10	Working Expenses—Staff Welfare	32,18,78,000	..	32,18,78,000
11	Working Expenses—Appropriation to Depreciation Reserve Fund	115,00,00,000	..	115,00,00,000
11A	Working Expenses—Appropriation to Pension Fund	16,00,00,000	..	16,00,00,000
12	Dividend to General Revenues	172,61,46,000	..	172,61,46,000
13	Open Line Works (Revenue)	8,00,38,000	..	8,00,38,000
14	Construction of New Lines—Capital and Depreciation Reserve Fund	36,76,55,000	..	36,76,55,000
15	Open Line Works—Capital, Deprecia- tion Reserve Fund and Development Fund	741,60,12,000	6,30,000	741,66,42,000
15	Pensionary Charges—Pension Fund	12,57,34,000	..	12,57,34,000
17	Repayment of Loans from General Revenues and Interest thereon— Development Fund	5,22,78,000	..	5,22,78,000
18	Appropriation to Development Fund	16,46,59,000	..	16,46,59,000
19	Appropriation to Revenue Reserve Fund	8,53,99,000	..	8,53,99,000
20	Payments towards Amortisation of over-capitalisation, Repayment of Loans from General Revenues and Interest thereon—Revenue Reserve Fund	8,76,22,000	..	8,76,22,000
	TOTAL	2140,40,73,000		141,40,98,000

THE ANDHRA PRADESH STATE LEGISLATURE
(DELEGATION OF POWERS) ACT, 1973

No. 8 OF 1973

[29th March, 1973]

An Act to confer on the President the power of the Legislature of the State of Andhra Pradesh to make laws.

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

1. This Act may be called the Andhra Pradesh State Legislature (Delegation of Powers) Act, 1973.

Short title.

2. In this Act, "Proclamation" means the Proclamation issued on the 18th day of January, 1973, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs, No. G.S.R. 13 (E) of the said date.

Definition.

3. (1) The power of the Legislature of the State of Andhra Pradesh 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.

Conferment on the President of the power of the State Legislature to make laws.

(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 ANDHRA PRADESH APPROPRIATION (VOTE ON ACCOUNT) ACT, 1973

No. 9 OF 1973

[30th March, 1973]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Andhra Pradesh for the services of a part of the financial year 1973-74.

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

Short title.

1. This Act may be called the Andhra Pradesh Appropriation (Vote on Account) Act, 1973.

Withdrawal of Rs. 2,18,50,23,000 from and out of the Consolidated Fund of the State of Andhra Pradesh for the financial year 1973-74.

2. From and out of the Consolidated Fund of the State of Andhra Pradesh there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and eighteen crores, fifty lakhs and twenty-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74.

Appropriation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Andhra Pradesh 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.
I	Land Revenue	2,14,80,000	..	2,14,80,000
II	Excise Department	96,56,000	11,000	96,67,000
III	Taxes on Vehicles	12,97,000	3,000	13,00,000
IV	Sales Tax Administration	55,95,000	5,000	56,00,000
V	Other Taxes and Duties Ad- ministration	3,00,000	..	3,00,000
VI	Stamps Administration	9,33,000	..	9,33,000
VII	Registration Department	25,86,000	1,000	25,87,000
	<i>Debt Charges</i> . . . . .	..	29,41,38,000	29,41,38,000
VIII	State Legislature	26,08,000	60,000	26,68,000
IX	Heads of State, Ministers and Headquarters Staff	1,91,29,000	6,33,000	1,97,62,000
X	District Administration and Miscellaneous	4,74,93,000	4,000	4,74,97,000
XI	Administration of Justice	99,40,000	13,93,000	1,13,33,000
XII	Jails	49,15,000	..	49,15,000
XIII	Police	6,37,35,000	17,000	6,37,52,000
XIV	Commerce and Export Promo- tion Department, Weights and Measures, etc.	44,08,000	..	44,08,000
XV	Miscellaneous Departments	74,77,000	..	74,77,000
XVI	Mines and Archaeology, etc.	17,16,000	..	17,16,000
XVII	Education	26,33,29,000	1,000	26,33,30,000
XVIII	Medical	6,35,27,000	..	6,35,27,000
XIX	Public Health and Family Plan- ning	4,37,72,000	..	4,37,72,000
XX	Agriculture	3,44,76,000	..	3,44,76,000
XXI	Fisheries	45,35,000	..	45,35,000
XXII	Animal Husbandry	2,16,31,000	..	2,16,31,000
XXIII	Co-operation	83,52,000	..	83,52,000

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.
XXIV	Industries	95,73,000	..	95,73,000
XXV	Community Development Pro- jects, National Extension Service and Local Develop- ment Works	3,62,50,000	..	3,62,50,000
XXVI	Labour and Employment . .	70,98,000	..	70,98,000
XXVII	Other Miscellaneous Social and Developmental Organi- sations	31,55,000	..	31,55,000
XXVIII	Women's Welfare Department, etc.	18,55,000	..	18,55,000
XXIX	Welfare of Scheduled Tribes, Castes and other Backward Classes	5,04,37,000	..	5,04,37,000
XXX	Interest on Capital Outlay on Multi-purpose River Schemes	4,21,85,000	..	4,21,85,000
XXXI	Irrigation	8,93,16,000	..	8,93,16,000
XXXII	Electricity	3,21,12,000	..	3,21,12,000
XXXIII	Public Works	6,91,93,000	31,000	6,92,24,000
XXXIV	Ports and Pilotage	24,84,000	..	24,84,000
XXXV	Famine Relief	1,60,84,000	..	1,60,84,000
XXXVI	Pensions	2,23,87,000	4,40,000	2,28,27,000
XXXVII	Territorial and Political Pen- sions	1,31,000	..	1,31,000
XXXVIII	Privy Purses and Allowances of Indian Rulers	8,000	..	8,000
XXXIX	Stationery and Printing . . .	76,12,000	38,000	76,50,000
XL	Forest Department	2,01,17,000	10,000	2,01,27,000
XLI	Miscellaneous	4,72,65,000	17,000	4,72,82,000
XLII	Municipal Administration . .	35,19,000	..	35,19,000
XLIII	Other Miscellaneous Compensa- tions and Assignments . . .	2,86,35,000	8,98,000	2,95,33,000
XLIV	Compensation to Zamindars . .	2,97,000	..	2,97,000
XLV	Capital Outlay on Improvement of Public Health	1,22,39,000	..	1,22,39,000
XLVI	Capital Outlay on Schemes of Agricultural Improvement and Research	2,00,000	..	2,00,000
XLVII	Capital Outlay on Industrial and Economic Development	2,30,18,000	11,70,000	2,41,88,000
XLVIII	Capital Outlay on Multi-pur- pose River Schemes	1,88,33,000	..	1,88,33,000
XLIX	Capital Outlay on Irrigation . .	5,78,85,000	..	5,78,85,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
L	Capital Outlay on Electricity Schemes	1,53,80,000	..	1,53,80,000
LI	Capital Outlay on Public Works	1,72,14,000	..	1,72,14,000
LII	Other Works	57,000	..	57,000
LIII	Capital Outlay on Forests . .	72,000	..	72,000
LIV	Commuted Value of Pensions	15,00,000	33,000	15,33,000
LV	Capital Outlay on Schemes of Government Trading	8,61,75,000	50,000	8,62,25,000
LVI	Loans and Advances by the State Government	6,20,76,000	..	6,20,76,000
	Public Debt Repayment . . .	..	45,88,18,000	45,88,18,000
	TOTAL	1,42,72,52,000	75,77,71,000	2,18,50,23,000

THE ANDHRA PRADESH APPROPRIATION ACT, 1973

NO. 10 OF 1973

[30th March 1973]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Andhra Pradesh for the services of the financial year 1972-73.

BE it enacted by Parliament in the Twenty-fourth year of the Republic of India as follows:—

Short title.

1. This Act may be called the Andhra Pradesh Appropriation Act, 1973.

Issue of Rs. 71,59,03,200 from and out of the Consolidated Fund of the State of Andhra Pradesh for the financial year 1972-73.

2. From and out of the Consolidated Fund of the State of Andhra Pradesh 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 Order made by the President on the 16th day of February, 1973 under article 357 of the Constitution and published with the notification of the Government of India in the Ministry of Finance No. S.O. 100(E) of the said date] to the sum of seventy-one crores, fifty-nine lakhs, three thousand and two hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1972-73, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Andhra Pradesh 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)

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.
II	Excise Department	200	..	200
	Debt Charges . . . . .	..	35,300	35,300
VIII	State Legislature	3,17,600	29,700	3,47,300
IX	Heads of State, Ministers and Headquarters Staff	1,07,700	89,800	1,97,500
X	District Administration and Miscellaneous	1,35,800	..	1,35,800
XII	Jails	4,73,900	..	4,73,900
XIII	Police	1,90,00,000	..	1,90,00,000
XVI	Mines and Archaeology, etc. . . . .	..	3,100	3,100
XVII	Education	1,24,54,400	2,700	1,24,57,100
XIX	Public Health and Family Plan- ning	12,43,000	..	12,43,000
XX	Agriculture	2,87,48,000	..	2,87,48,000
XXII	Animal Husbandry	18,61,300	2,28,200	20,89,500
XXIII	Co-operation	17,500	1,400	18,900
XXIV	Industries	9,36,000	300	9,36,300
XXV	Community Development Pro- jects, National Extension Service and Local Develop- ment Works	87,14,700	..	87,14,700
XXVII	Other Miscellaneous, Social and Developmental Organisa- tions	1,65,52,100	..	1,65,52,100
XXVIII	Women's Welfare Department, etc.	25,000	5,800	30,800
XXIX	Welfare of Scheduled Tribes, Castes and Other Backward Classes	20,61,100	..	20,61,100
XXXI	Irrigation	2,45,000	..	2,45,000
XXXIII	Public Works	16,44,600	1,53,700	17,98,300
XXXV	Famine Relief	30,87,33,500	..	30,87,33,500
XXXVII	Territorial and Political Pensions . . . . .	..	34,500	34,500
XL	Forest Department	9,50,000	5,000	9,55,000

1	2	3				
		No. of Vote	Services and purposes	Sums not exceeding		
				Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.		
XLI	Miscellaneous	1,16,09,300	600	1,16,09,900		
XLII	Municipal Administration	13,48,200	..	13,48,200		
XLV	Capital Outlay on Improvement of Public Health . . . . .	..	53,800	53,800	
XLVI	Capital Outlay on Schemes of Agricultural Improvement and Research . . . . .	..	18,700	18,700	
XLVII	Capital Outlay on Industrial and Economic Development	1,94,00,000	47,33,700	1,41,33,700		
XLIX	Capital Outlay on Irrigation	2,86,69,000	..	2,86,69,000		
LI	Capital Outlay on Public Works	26,91,400	3,48,600	30,40,000		
LV	Capital Outlay on Schemes of Government Trading	5,600	..	5,600		
LVI	Loans and Advances by the State Government	25,22,13,400	..	25,22,13,400		
	TOTAL	71,01,58,300	57,44,900	71,59,03,200		

THE ORISSA APPROPRIATION (VOTE ON ACCOUNT)
ACT, 1973

No. II OF 1973

[30th March, 1973]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Orissa for the services of a part of the financial year 1973-74.

Enacted by Parliament in the Twenty-fourth year of the Republic of India as follows:—

- | | |
|---|---|
| 1. This Act may be called the Orissa Appropriation (Vote on Account) Act, 1973. | Short title. |
| 2. From and out of the Consolidated Fund of the State of Orissa there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred fifteen crores, thirty-nine lakhs, seventy-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74. | Withdrawal of Rs. 1,15,39,72,000 from and out of the Consolidated Fund of the State of Orissa for the financial year 1973-74. |
| 3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Orissa 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	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
	A.—Expenditure met from Revenue			
1	Elections and Expenditure relating to the Home Department	43,14,000	5,31,000	48,45,000
2	Jails	33,99,000	..	33,99,000
3	Police	3,25,79,000	..	3,25,79,000
4	Expenditure relating to the Planning and Co-ordination Department	16,77,000	..	16,77,000
4-A	Expenditure relating to the Rural Development Department	2,17,30,000	..	2,17,30,000
5	Community Development Projects, etc.	4,52,76,000	..	4,52,76,000
6	Expenditure relating to the Political and Services Department	17,49,000	1,20,000	18,69,000
6-A	Expenditure relating to the Political and Services (R. V. D.) Department	64,000	..	64,000
7	Cultural Affairs	9,20,000	..	9,20,000
8	Stamps	3,27,000	..	3,27,000
9	Ministers, Civil Secretariat and Other Expenditure relating to the Finance Department	1,05,21,000	2,67,000	1,07,88,080

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.
10	Pensions	70,70,000	19,000	70,89,000
11	Expenditure relating to the Education Department	11,22,30,000	..	11,22,30,000
11-A	Text Book Press	13,12,000	..	13,12,000
12	Taxation	39,22,000	12,000	39,34,000
13	Land Revenue	2,49,42,000	..	2,49,42,000
14	Excise	18,69,000	..	18,69,000
15	Registration	9,65,000	..	9,65,000
16	District Administra- tion and Other Expenditure relat- ing to the Revenue Department	1,34,28,000	41,67,000	1,75,95,000
17	Expenditure relating to the Industries Department	1,20,87,000	..	1,20,87,000
17-A	Mines	16,28,000	..	16,28,000
18	Civil and Sessions Courts and Other Expenditure relat- ing to the Law Department	25,86,000	..	25,86,000
19	Government Press and Other Expendi- ture relating to the Commerce Depart- ment	47,75,000	..	47,75,000
20	Labour, Employment and Housing	31,22,000	..	31,22,000
21	Tribal and Rural Welfare	1,91,78,000	..	1,91,78,000
22	Medical and Other Expenditure relat- ing to the Health and Family Planning Department	2,77,67,000	..	2,77,67,000

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.
23	Public Health	2,49,29,000	..	2,49,29,000
24	Irrigation	5,01,65,000	2,000	5,01,67,000
24-A	Lift Irrigation	36,26,000	..	36,26,000
25	Public Works	5,07,92,000	1,20,000	5,09,12,000
26	State Legislature	7,20,000	24,000	7,44,000
27	Public Works, Common Establishment	1,19,51,000	..	1,19,51,000
28	Electricity Schemes	68,31,000	..	68,31,000
29	Taxes on Vehicles	9,57,000	..	9,57,000
30	Transport Schemes	1,42,19,000	6,000	1,42,25,000
31	Forest	2,12,19,000	..	2,12,19,000
32	Fisheries	43,76,000	..	43,76,000
33	Co-operation and Marketing	65,42,000	..	65,42,000
34	Expenditure relating to the Urban Development De- partment	2,21,56,000	..	2,21,56,000
35	Animal Husbandry	1,17,44,000	..	1,17,44,000
36	Public Relations and Tour- ism	17,23,000	..	17,23,000
37	Agriculture	3,06,02,000	..	3,06,02,000
38	Supply Department	28,54,000	..	28,54,000
39	Ports	1,00,000	..	1,00,000
	<i>Interest on Debt and Other Obligations</i>	..	9,65,93,000	9,65,93,000
	<i>Appropriation for Reduction or Avoidance of Debt</i>	..	2,35,57,000	2,35,57,000
	TOTAL—A	62,49,43,000	12,54,18,000	75,03,61,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
	B.—Other Expenditure			
41	Loans to Local Funds, Government Servants, etc.	41,00,000	..	41,00,000
42	Compensation for Abolition of Zamindari System and Other Expenditure relating to Revenue Department	28,08,000	..	28,08,000
43	Multi-purpose River, Irrigation and Electricity Schemes	10,33,71,000	..	10,33,71,000
43-A	Capital Expenditure relating to Lift Irrigation	16,33,000	..	16,33,000
44	Agricultural Improvement and Research	1,58,95,000	..	1,58,95,000
45	Government Trading Schemes	2,33,33,000	..	2,33,33,000
46	Road and Water Transport Schemes	10,23,000	..	10,23,000
47	Capital Expenditure relating to Public Health and Urban Development Department	80,92,000	..	80,92,000
48	Capital Outlay on Industrial Development	44,52,000	..	44,52,000
49	Hirakud Dam Project	2,00,000	..	2,00,000
50	Capital Outlay on Ports	10,67,000	..	10,67,000
51	Capital Expenditure relating to Labour, Employment and Housing Department	27,00,000	..	27,00,000
52	Capital Expenditure relating to the Education Department	16,61,000	..	16,61,000
53	Capital Expenditure relating to Home Department.	1,66,000	..	1,66,000
54	Capital Outlay on Forests	3,31,63,000	..	3,31,63,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
55	Share Capital Contribution and Loans to Co-operative Organisations	89,13,000	..	89,13,000
56	Capital Expenditure relating to Rural Development Department	99,80,000	3,000	99,83,000
57	Capital Expenditure relating to Animal Husbandry Department	2,53,000	..	2,53,000
58	Capital Expenditure relating to the Grama Panchayat Department	54,000	..	54,000
60	Capital Outlay on Public Works.	2,42,05,000	43,000	2,42,48,000
61	Capital Expenditure relating to the Mining and Geology Department.	18,33,000	..	18,33,000
62	Capital Expenditure relating to Tribal and Rural Welfare Department	67,000	..	67,000
	<i>Permanent Debt (Repayment)</i> . . . . .	..	6,67,000	6,67,000
	<i>Floating Debt (Repayment)</i> . . . . .	..	1,80,00,000	1,80,00,000
	<i>Loans from the Central Government (Repayment)</i> . . . . .	..	13,29,37,000	13,29,37,000
	<i>Other Loans (Repayment)</i> . . . . .	..	29,92,000	29,92,000
	TOTAL—B.	24,89,69,000	15,46,42,000	40,36,11,000
	GRAND TOTAL	87,39,12,000	28,00,60,000	1,15,39,72,000

THE ORISSA APPROPRIATION ACT, 1973

No. 12 OF 1973

[30th March, 1973]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Orissa for the services of the financial year 1972-73.

Enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Orissa Appropriation Act, 1973.
2. From and out of the Consolidated Fund of the State of Orissa 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 seventy-nine crores, seven lakhs, thirty-one thousand and eight hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1972-73 in respect of the services specified in column 2 of the Schedule.

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

Short
title.

Issue of
Rs. 79,07,
31,800
from and
out of the
Consoli-
dated Fund
of the
State of
Orissa for
the Finan-
cial Year
1972-73

Appro-
priation.

THE SCHEDULE

(See sections 2 and 3)

I	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
	A.—Expenditure met from Revenue			
I	Elections and Other Expenditure relating to the Home Depart- ment	2,92,500	53,500	3,46,000
2	Jails	17,34,200	..	17,34,200
3	Police	39,94,500	5,500	31,00,000
4	Expenditure relating to the Planning and Co-ordination Depart- ment	100	..	100
4-A	Expenditure relating to the Rural Develop- ment Department	2,11,00,000	..	2,11,00,000
5	Community Develop- ment Projects, etc.	87,59,700	1,700	87,61,400
6	Expenditure relating to the Political and Ser- vices Department	29,000	..	29,000
7	Cultural Affairs	4,00,000	..	4,00,000
9	Ministers, Civil Sec- retariat and Other Expenditure relating to the Finance De- partment	16,79,800	92,700	17,72,500
10	Pensions	100	..	100
11	Expenditure relating to the Education De- partment	1,02,81,400	600	1,02,82,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
11-A	Text Book Press	6,00,000	..	6,00,000
13	Land Revenue	16,400	10,800	27,200
14	Excise	2,02,300	..	2,02,300
15	Registration	37,900	..	37,900
16	District Administration and Other Expenditure relating to the Revenue Department	2,24,89,000	6,300	2,24,95,300
17	Expenditure relating to the Industries Department	54,39,700	..	54,39,700
17-A	Mines	100	..	100
18	Civil and Sessions Courts and Other Expenditure relating to the Law Department	1,12,000	..	1,12,000
19	Government Press and Other Expenditure relating to the Commerce Department	65,300	..	65,300
20	Labour, Employment and Housing	95,000	..	95,000
21	Tribal and Rural Welfare	7,05,300	..	7,05,300
22	Medical and Other Expenditure relating to the Health and Family Planning Department	13,73,800	100	13,73,900
23	Public Health	47,68,000	..	47,68,000
24	Irrigation	1,60,10,200	..	1,60,10,200
24-A	Lift Irrigation	30,37,200	..	30,37,200

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
25	Public Works	1,24,26,100	94,500	1,25,20,600
26	State Legislature	2,00,000	..	2,00,000
27	Public Works, Common Establishment	5,50,100	7,000	5,57,100
28	Electricity Schemes	31,79,400	..	31,79,400
29	Taxes on Vehicles	16,800	..	16,800
30	Transport Schemes	21,19,700	34,600	21,54,300
31	Forest	52,00,400	..	52,00,400
32	Fisheries	300	..	300
33	Co-operation and Marketing	15,71,500	200	15,71,700
34	Expenditure relating to the Urban Development Department	96,08,200	..	96,08,200
35	Animal Husbandry	3,00,900	..	3,00,900
37	Agriculture	1,900	23,300	25,200
38	Supply Department	100	..	100
39	Ports . . . . .	..	1,88,000	1,88,000
	TOTAL—A	13,74,98,900	5,28,800	13,80,17,700
	B.—Other Expenditure			
41	Loans to Local Funds, Government Servants, etc.	8,13,20,000	..	8,13,20,000
42	Compensation for Abolition of Zamindari System and Other Expenditure relating to the Revenue Department	20,00,000	..	20,00,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
43	Multi-purpose River, Irrigation and Electricity Schemes	1,06,15,500	1,900	1,06,17,400
43-A	Capital Expenditure relating to Lift Irrigation . . .	33,00,000	..	33,00,000
44	Agricultural Improvement and Research	2,27,75,300	..	2,27,75,300
45	Government Trading Schemes	13,00,50,000	38,700	13,00,88,700
46	Road and Water Transport Schemes	41,600	..	41,600
47	Capital Expenditure relating to Public Health and Urban Development Department .	5,57,600	39,000	5,96,600
48	Capital Outlay on Industrial Development	1,00,200	..	1,00,200
54	Capital Outlay on Forests . .	1,88,60,600	..	1,88,60,600
55	Share Capital Contribution and Loans to Co-operative Organisations	1,44,50,800	..	1,44,50,800
56	Capital Expenditure relating to Rural Development Department . . . . .	..	39,400	39,400
57	Capital Expenditure relating to Animal Husbandry Department	1,50,200	..	1,50,200
59	Capital Expenditure relating to Health Department .	53,28,000	..	53,28,000
60	Capital Outlay on Public Works	36,96,900	..	36,96,900
61	Capital Expenditure relating to the Mining and Geology Department	85,42,000	..	85,42,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
62	Capital Expenditure relating to Tribal and Rural Welfare Department . . .	86,000	..	86,000
	<i>Floating Debt (Repayment)</i> . . .	..	33,58,93,000	33,58,93,000
	<i>Loans from the Central Government (Repayment)</i> . . .	..	1,45,36,600	1,45,36,600
	<i>Other Loans (Repayment)</i> . . .	..	2,90,800	2,90,800
	TOTAL—B . . .	30,18,74,700	35,08,39,400	65,27,14,100
	GRAND TOTAL . . .	43,93,73,600	35,13,58,200	79,07,31,800

THE REFUGEE RELIEF TAXES (ABOLITION)
ACT, 1973

No. 13 OF 1973

[31st March, 1973]

An Act further to amend the Indian Stamp Act, 1899, the Central Excises and Salt Act, 1944, and the Union Duties of Excise (Distribution) Act, 1962, and to repeal the Railway Passenger Fares Act, 1971, the Tax on Postal Articles Act, 1971, and the Inland Air Travel Tax Act, 1971.

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

1. (1) This Act may be called the Refugee Relief Taxes (Abolition) Act, 1973. Short title and commencement.
- (2) It shall come into force on the 1st day of April, 1973.
2. In the Indian Stamp Act, 1899,— Amendment of Act 2 of 1899.
 - (a) section 3A shall be omitted;
 - (b) after section 54A, the following section shall be inserted, namely:—

‘54B. Notwithstanding anything contained in section 54, when any person is possessed of stamps bearing the inscription “Refugee Relief” (being stamps issued in pursuance of section 3A before its omission) and such stamps have not been spoiled, the Collector shall, upon such person delivering up, within six months from the commencement of the Refugee Relief Taxes (Abolition) Act, 1973, such stamps to the Collector, refund to such person the value of such stamps in money or give in lieu thereof other stamps of the same value.’ Allowances for Refugee Relief stamps.
3. In the First Schedule to the Central Excises and Salt Act, 1944, Item No. 61 (relating to newspapers and all other printed periodicals) shall be omitted. Amendment of Act 1 of 1944.
4. In the Union Duties of Excise (Distribution) Act, 1962, in section 2, the brackets, words and figures “(other than duties of excise levied and collected under that Act on newspapers and all other printed periodicals falling under Item No. 61 of the First Schedule to that Act)” shall be omitted. Amendment of Act 3 of 1962.

Repeal of
Act 46 of
1971.

5. The Railway Passenger Fares Act, 1971, is hereby repealed and every person from whom tax has been collected under sub-section (2) of section 3 of that Act for a journey commencing on or after the 1st day of April, 1973, shall, upon his making an application in this behalf to the Railway Administration within six months from the commencement of this Act, be entitled to a refund thereof:

Provided that the Railway Administration may, with a view to facilitating expeditious disposal of claims for such refunds, specify, in such manner as it deems fit, any other procedure which may also be followed for claiming such refunds.

Repeal of
Act 47 of
1971.

6. (1) The Tax on Postal Articles Act, 1971, is hereby repealed.

(2) Where any person is possessed of any adhesive stamp, or any inland letter or aerogramme on which is embossed any stamp, bearing the inscription "Refugee Relief" [being in each case a stamp referred to in section 3 of the Act repealed by sub-section (1)] and such adhesive stamp or inland letter or aerogramme has not been spoiled, the officer in charge of any post office shall, upon such person delivering up, within six months from the commencement of this Act, such adhesive stamp, inland letter or aerogramme to that officer, refund to such person the value of such adhesive stamp or, as the case may be, the aggregate value of the stamps embossed on such inland letter or aerogramme, either in money or in postage stamps of the same value.

Repeal of
Act 48 of
1971.

7. (1) The Inland Air Travel Tax Act, 1971, is hereby repealed and every person from whom tax has been collected under sub-section (2) of section 3 of that Act for a journey commencing on or after the 1st day of April, 1973, shall be entitled to claim a refund thereof from the carrier or, where the carrier has credited the tax so collected to the Central Government, from that Government.

(2) Notwithstanding the repeal of the Inland Air Travel Tax Act, 1971, the provisions of that Act and the rules made thereunder in relation to the refund by a carrier of any tax paid in respect of any journey shall so far as may be applied in relation to the refund of the tax in respect of any journey referred to in sub-section (1).

(3) Where any tax in respect of any journey referred to in sub-section (1) has not been refunded by the carrier within a period of three months from the commencement of this Act, the carrier shall credit such tax to the Central Government within thirty days of the expiry of that period and if the carrier makes any default, such tax may be recovered by the Central Government from the carrier as an arrear of land revenue.

(4) The provisions of sub-sections (2) and (3) 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.

THE UNION TERRITORIES TAXATION LAWS
(AMENDMENT) ACT, 1973

No. 14 OF 1973

[31st March, 1973]

An Act further to amend certain taxation laws in the Union territories

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

1. (1) This Act may be called the Union Territories Taxation Laws (Amendment) Act, 1973.

(2) It shall come into force on the 1st day of April, 1973.

2. As from the commencement of this Act, the Union Territories Taxation Laws (Amendment) Act, 1971, in so far as it applies to the Union territories of Delhi, the Andaman and Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands, Dadra and Nagar Haveli, Goa, Daman and Diu, Pondicherry and Chandigarh, and the provisions inserted by the said Act in the taxation laws as in force in the said Union territories and specified in the Schedule to that Act, shall stand repealed:

Provided that the repeal shall not—

(a) affect the previous operation of the provisions so repealed or anything duly done or suffered thereunder; or

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed; or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed in relation to the provisions so repealed; or

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

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if those provisions had not been repealed.

Refunds.

3. (1) The Administrator of each of the Union territories referred to in section 2 shall, by order published in the Official Gazette, make provisions for the refund, in such manner as may be provided in the order, of—

(a) the value of any unspoiled stamps issued in pursuance of any of the provisions repealed by section 2; or

(b) any additional duty or tax or surcharge collected in pursuance of any of the said provisions in so far as it relates to any period after the commencement of this Act.

(2) The provisions of any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith contained in any relevant taxation law referred to in section 2.

Short
title and
com-
mence-
ment.
Repeal of
Act 73 of
1971 and
of amend-
ments
made
thereby
in respect
of certain
Union
territories.

**THE COAL MINES (TAKING OVER OF MANAGEMENT)
ACT, 1973**

No. 15 of 1973

[31st March, 1973]

An Act to provide for the taking over, in the public interest, of the management of coal mines, pending nationalisation of such mines, with a view to ensuring rational and co-ordinated development of coal production and for promoting optimum utilisation of the coal resources consistent with the growing requirements of the country, and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Coal Mines (Taking Over of Management) Act, 1973.

(2) It shall be deemed to have come into force on the 30th day of January, 1973, except sub-section (2) of section 8 which shall come into force at once.

Short
title and
com-
mence-
ment.

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

Defini-
tions.

(a) "appointed day" means the 31st day of January, 1973;

(b) "coal mine" means a mine in which there exists one or more seams of coal;

1 of 1956.

(c) "company" means a company as defined in section 3 of the Companies Act, 1956, and includes a foreign company within the meaning of section 591 of that Act;

(d) "Custodian", in relation to a coal mine, means the person appointed under section 6 to take over, or carry on, the management of the coal mine;

1 of 1956.

(e) "Government company" has the meaning assigned to it by section 617 of the Companies Act, 1956;

(f) "managing contractor" means the person, or body of persons, who, with the previous consent in writing of the State Government, has entered into an arrangement, contract or understanding, with the owner of the coal mine under which the operations of the mine are substantially controlled by such person or body of persons;

(g) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes—

(i) all borings and bore holes;

(ii) all shafts, whether in the course of being sunk or not;

(iii) all levels and inclined planes in the course of being driven;

(iv) all open cast workings;

(v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;

(vi) all lands, buildings, works, adits, levels, planes, machinery and equipments, instruments, stores, vehicles, railways, tramways and sidings in, or adjacent to, a mine and used for the purposes of the mine;

(vii) all workshops (including buildings, machinery, instruments, stores, equipments of such workshops and the lands on which such workshops stand) in, or adjacent to, a mine and used substantially for the purposes of the mine or a number of mines under the same management;

(viii) all coal in stock or in transit belonging to the owner of the mine and all coal under production in a mine;

(ix) all power stations in a mine or operated primarily for supplying electricity for the purpose of working the mine or a number of mines under the same management;

(x) all lands, buildings and equipments, belonging to the owner of the mine, and in, adjacent to or situated on the surface of, the mine where the washing of coal obtained from the mine or manufacture, therefrom, of coke is carried on;

(xi) all lands and buildings [other than those referred to in sub-clause (x)] wherever situated and solely used for the location of the management, sale or liaison offices, or for the residence of officers and staff, of the mine;

(xii) all other assets, movable and immovable, belonging to the owner of a mine, wherever situated, including cash balances, reserve funds and investments in so far as they relate to the mine and also any money lawfully due to him in relation to the mine in respect of any period prior to the appointed day;

(h) "mining company" means a company owning a coal mine, and in relation to a foreign company within the meaning of section 591 of the Companies Act, 1956, the undertaking of that company in India;

1 of 1956.

(i) "notified order" means an order notified in the Official Gazette;

(j) words and expressions used herein and not defined but defined in the Coal Mines (Conservation, Safety and Development) Act, 1952, have the meanings, respectively, assigned to them in that Act;

12 of 1952.

(k) words and expressions used herein and not defined in this Act or in the Coal Mines (Conservation, Safety and Development) Act, 1952, have the meanings, respectively, assigned to them in the Mines Act, 1952.

12 of 1952.

35 of 1952.

CHAPTER II

MANAGEMENT OF COAL MINES

3. (1) On and from the appointed day, the management of all coal mines shall vest in the Central Government.

(2) Without prejudice to the generality of the provisions of sub-section (1), the coal mines specified in the Schedule shall be deemed, for the purposes of this Act, to be the coal mines the management of which shall vest, under sub-section (1), in the Central Government:

Provided that if, after the appointed day, the existence of any other coal mine comes to the knowledge of the Central Government, whether after an investigation or in pursuance of an intimation given to it under sub-section (5), or otherwise, the Central Government shall, by a notified order, make a declaration about the existence of such mine, and on and from the date of such declaration—

(i) the management of such coal mine shall be deemed, for the purposes of this Act, to vest in the Central Government; and

(ii) such coal mine shall be deemed to be included in the Schedule,

and thereupon the provisions of this Act shall become applicable thereto subject to the modification that for the words "appointed day", wherever they occur, the words, brackets and figures "date of the declaration made by the Central Government under sub-section (2) of section 3" shall be substituted.

(3) If any error or omission is noticed in the Schedule in relation to the name or address of the owner of a coal mine, the owner of such mine shall, within thirty days from the date on which this Act receives the assent of the President, bring such error or omission to the notice of the Central Government.

Management of coal mines to vest in the Central Government on the appointed day.

(4) If, after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coal mine included, or deemed to be included, in the Schedule or the name and address of the owner of any such coal mine, it may, by notified order, correct such error, omission or misdescription, and on the issue of such notified order the relevant entries in the Schedule shall stand corrected accordingly:

Provide that no such correction in relation to the ownership of a coal mine shall be made where such ownership is in dispute.

(5) Every person in charge, immediately before the date on which this Act receives the assent of the President, of the management of any coal mine, being a coal mine not included or deemed to be included on the said date in the Schedule, shall, within thirty days from the said date, intimate to the Central Government the name and location of such mine and the name and address of the owner thereof.

(6) Where there is a dispute with regard to the declaration made by the Coal Board under the Coking Coal Mines (Emergency Provisions) Act, 1971, to the effect that a coal mine contains coking coal, the management of such coal mine shall, notwithstanding anything contained in the said Act, vest in the Central Government under this Act and nothing contained in the first-mentioned Act shall apply, or be deemed ever to have applied, to the said coal mine.

64 of 1971.

4. Any contract, whether express or implied, providing for the management of any coal mine, made before the appointed day between the owner of such mine and any person in charge of the management of such mine immediately before the appointed day shall be deemed to have terminated on the appointed day.

5. (1) Pending the appointment of a Custodian under section 6 for any coal mine, the person in charge of the management of such mine immediately before the appointed day shall, on and from the appointed day, be in charge of the management of such mine for and on behalf of the Central Government; and the management of such mine shall be carried on by such person subject to the provisions contained in subsections (2) and (4) and such directions, if any, as the Central Government may give to him and no other person, including the owner, shall, so long as such management continues, exercise any powers of management in relation to the coal mine or give any direction with regard to such management.

(2) No person in charge of the management of a coal mine shall, without the previous approval of the person specified by the Central Government in this behalf in respect of that mine (hereinafter referred to as the "authorised person"),—

(a) incur any expenditure from the assets pertaining to the coal mine otherwise than for the purpose of making routine payments of salaries or commissions to employees, agents or for the purpose of meeting the routine day-to-day expenditure;

(b) transfer or otherwise dispose of any such assets or create any charge, hypothecation, lien or other incumbrance thereon;

Contract regarding management of coal mines to be deemed to have terminated on the appointed day. Management of coal mines pending the appointment of Custodian.

- (c) invest in any manner any monies forming part of such assets;
- (d) acquire any immovable property out of the monies forming part of such assets;
- (e) enter into any contract of service or agency, whether expressly or by implication, for purposes connected wholly or partly with the coal mine or vary the terms and conditions of any such contract subsisting on the appointed day;
- (f) enter into any other transaction relating to the business of the coal mine or vary the terms of any agreement relating to such business subsisting at the commencement of this Act.

(3) The approval of the authorised person may be given either generally in relation to certain classes of transactions relating to the coal mine or specially in relation to any of its transactions.

(4) Every person in charge of the management of a coal mine shall deposit all securities and documents of title to any assets pertaining to such mine in any Scheduled Bank or Nationalised Bank in which the owner or agent had an account immediately before the appointed day or in any branch of the State Bank in the place where the head office or the principal office of the coal mine is situated or where there is no branch of the State Bank in such place, the nearest branch of the State Bank; and no such security or document shall be withdrawn from the Scheduled Bank, the Nationalised Bank or the State Bank, as the case may be, except with the permission of the authorised person:

Provided that nothing contained in this sub-section shall apply to any security or document of title kept in trust with an Official Trustee in pursuance of the articles of association of any mining company unless the Central Government, by notified order, otherwise directs.

Explanation.—In this sub-section,—

(a) "Scheduled Bank" means a bank included for the time being in the Second Schedule to the Reserve Bank of India Act, 1934;

2 of 1934.

(b) "State Bank" means the State Bank of India constituted under the State Bank of India Act, 1955;

23 of 1955.

(c) "Nationalised Bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

5 of 1970.

(5) Every person in charge of the management of a coal mine shall deliver forthwith to the person specified in this behalf by the Central Government in respect of that coal mine, the following documents, namely:—

(a) the minutes book or any other book in India containing all resolutions, up to the appointed day, of the persons in charge of the management of the coal mine before the appointed day;

(b) the cheque books relating to the coal mine which are at any office of the coal mine;

(c) all registers or other books containing particulars relating to the investment of any monies pertaining to the coal mine including investments on mortgaged properties and all loans granted or advances made.

(6) Without prejudice to the generality of the powers conferred by sub-section (1) and the provisions contained in sub-section (2), (4) and (5), any directions issued under sub-section (1) may require the persons

in charge of the management of a coal mine under this Act to furnish to the Central Government or to the authorised person such returns, statements and other information relating to the coal mine as may be mentioned in the direction.

(7) The persons in charge of the management of the coal mine under this Act shall be entitled to such remuneration, whether by way of allowance or salary or perquisites as the Central Government may fix; and any such person may, by giving one month's notice in writing to the Central Government of his intention so to do, relinquish charge of the management of the coal mine.

6. (1) The Central Government may, as soon as it is convenient administratively so to do, appoint any person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Custodian for the purpose of taking over the management of one or more coal mines and the person so appointed shall carry on the management of such mines for and on behalf of the Central Government.

Power of
Central
Govern-
ment to
appoint
Custo-
dians.

(2) (a) The Central Government may also appoint a person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Custodian-General for exercising supervision and control over all the coal mines the management of which is taken over under this Act and on such appointment, every Custodian, appointed under sub-section (1), shall act under the guidance, control and supervision of the Custodian-General.

(b) The Central Government may also appoint one or more persons as Additional Custodian-General or Deputy Custodian-General for assisting the Custodian-General in the exercise of his powers and duties under this Act and the Custodian-General may delegate all or such of his powers, as he may think fit, to the Additional Custodian-General or Deputy Custodian-General.

(c) Every Additional Custodian-General or Deputy Custodian-General shall exercise the powers delegated to him under the control and supervision of the Custodian-General:

Provided that where a Government company has been appointed as the Custodian in relation to a coal mine, no Custodian-General, Additional Custodian-General or Deputy Custodian-General shall exercise any powers of supervision or control in regard to such coal mine.

(3) On the appointment of a Custodian under sub-section (1), the charge of management of the coal mine shall vest in him and all persons in charge of the management of such mine immediately before such appointment shall cease to be in charge of such management and shall be bound to deliver to the Custodian all assets, books of account, registers or other documents in their custody relating to the coal mine.

(4) Notwithstanding any judgment, decree or order of any Court or anything contained in any other law for the time being in force, the Official Liquidator or any Receiver appointed by any Court or any other person who has, on the appointed day, in his possession, custody or control any coal mine specified in the Schedule or any part thereof, shall forthwith deliver possession of the mine or such part thereof, as the case may be, to the Custodian.

(5) The Official Liquidator, Receiver or any other person who has, on the appointed day, in his possession, custody or control any books, docu-

ments or other papers relating to any coal mine specified in the Schedule, shall be liable to account for the said books, documents or other papers to the Central Government and shall deliver them up to the Custodian or to such person as the Custodian may specify in this behalf.

(6) The Central Government may authorise the Custodian to exercise such of the powers of the owner, including powers to borrow, as may be necessary for the proper management of the coal mine and the Central Government may also issue such directions to the Custodian as to his powers and duties as it may deem desirable in the circumstances of the case; and no other person, including the owner, shall, so long as such management continues, exercise any powers of management in relation to the coal mine or give any direction with regard to such management.

(7) The Custodian may also apply to the Central Government at any time for instructions as to the manner in which he shall conduct the management of the coal mine or in relation to any other matter arising in the course of such management.

(8) The Custodian shall receive from the funds of the coal mine for the charge of management of which he is appointed under sub-section (1), such remuneration as the Central Government may fix:

Provided that where a Government company has been appointed as the Custodian of more than one coal mine, the remuneration of the Custodian shall be received from the funds of each such coal mine in such proportion as may be determined by the Central Government.

(9) The Custodian-General, and every—

- (i) Additional Custodian-General,
- (ii) Deputy Custodian-General,
- (iii) Custodian,

shall hold office during the pleasure of the Central Government.

(10) The Central Government shall receive, to the exclusion of all other persons, any monies due to the coal mine realised after the appointed day notwithstanding that such receipt pertains to a transaction made at any time before the appointed day.

Payment
of
amount.

7. (1) Every owner of a coal mine shall be given by the Central Government an amount, in cash, for the vesting in it, under section 3, of the management of such mine.

(2) For every month during which the management of a coal mine remains vested in the Central Government, the amount referred to in sub-section (1) shall be computed at the rate of twenty paise per tonne of coal on the highest monthly production of coal from such mine during any month in the years 1969, 1970, 1971 and 1972:

Provided that if in relation to any such coal mine, there was no production of coal during the said years, the amount referred to in sub-section (1) shall be computed at the rate of four paise per tonne of such highest monthly coal producing capacity of the coal mine, before the appointed day, as may be assessed and declared by the Coal Board:

Provided further that in relation to a coal mine, the operations of which were immediately before the appointed day under the control of a managing contractor, the amount, as computed under this sub-section, shall be apportioned between the owner of the coal mine and such managing contractor in such proportions as may be agreed upon by or between the owner and such contractor, and in the event of there being no such agreement, in such proportions as may be determined by the principal

Civil Court of original jurisdiction within the local limits of whose jurisdiction the head office of the coal mine is situated.

(3) For every month during which the management of a coke oven plant, which falls within the definition of coal mine, remains vested in the Central Government under this Act, there shall be given by the Central Government, in cash, in addition to the amount referred to in sub-section (1), to the owner of such coke oven plant, an amount computed at the rate of fifty paise per tonne of coke on the highest monthly production of coke from such coke oven plant during any month in the years 1969, 1970, 1971 and 1972.

(4) Out of the amount payable under the foregoing sub-sections, there shall be deducted by the Central Government, all sums equal to the amount of arrears due, on the appointed day, to the persons employed by the owner of a coal mine—

(a) in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of the coal mine, and

(b) as wages.

(5) All sums deducted under sub-section (4) shall, in accordance with such rules as may be made under this Act, be credited by the Central Government to the relevant fund or paid by that Government to the persons to whom the said sums are due, and on such credit or payment, the liability of the owner in respect of the amount of arrears due as aforesaid, shall, to the extent of such credit or payment, stand discharged.

CHAPTER III

MISCELLANEOUS

8. (1) If any person—

(a) fails to deliver to the Custodian any assets, books of account, registers or any other document in his custody relating to the coal mine in respect of the management of which the Custodian has been appointed, or

(b) retains any property of such coal mine or removes or destroys it, or

(c) fails to comply with the provisions contained in sub-section (2) or sub-section (4) or sub-section (5) of section 5, or

(d) fails to comply with any directions given under sub-section (1), read with sub-section (6), of section 5,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

(2) If any person fails, without any reasonable excuse, to comply with the provisions of sub-section (5) of section 3, he shall be punishable with imprisonment for a term which may extend to three years and also with fine.

9. (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 :

Penalties.

Offences
by com-
panies.

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 any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

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

10. (1) No proceeding for the winding up of a mining company, the management of whose coal mines has vested in the Central Government under this Act, or for the appointment of a Receiver or for any other order in respect of the business of such company, shall lie in any Court except with the consent of the Central Government.

(2) Notwithstanding anything contained in the Companies Act, 1956, or in any memorandum or articles of association of any mining company or in any instrument, no resolution passed at any meeting of the Board of Directors or of the members of a mining company shall, in so far as it relates to the coal mine owned by such company or any business of such mine, be given effect to unless approved by the Central Government. 1 of 1956.

(3) Subject to the other provisions contained in this Act and subject to such exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Companies Act, 1956, shall continue to apply to every mining company in the same manner as they applied to it before the appointed day. 1 of 1956.

11. In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by the owner of any coal mine in respect of any matter arising out of any transaction in relation to the coal mine owned by him, the time during which this Act is in force shall be excluded.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any Court, tribunal or other authority.

13. (1) The Central Government may, by notified order, direct that all or any of the powers exercisable by it under this Act may also be exercised by any person or persons as may be specified in the order.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

Mining companies not to be wound up by Court.

Exclusion of period of operation of Act in computing period of limitation.

Effect of Act on other laws.

Delegation of powers.

14. (1) No suit, prosecution or other legal proceeding shall lie against the Custodian-General, Additional Custodian-General, Deputy Custodian-General, any Custodian or authorised person for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or the Custodian-General, Additional Custodian-General, Deputy Custodian-General, any Custodian or authorised person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

15. (1) Every person with whom the owner or occupier of any coal mine has, before the appointed day, entered into any contract for any service (other than a contract of employment), sale or supply shall, within fifteen days from the date on which this Act receives the assent of the President, intimate to the Central Government the particulars of such contract and if any default is made in giving such intimation, such contract shall, on the expiry of the said period of fifteen days, be voidable at the option of the Central Government.

Contracts, etc., in bad faith or detrimental may be cancelled or varied.

(2) If the Central Government is satisfied, after such inquiry as it may think fit, that any contract or agreement between the owner, agent or manager of a coal mine and any other person, in so far as such contract or agreement relates to the coal mine, has been entered into in bad faith, or is detrimental to the interests of the coal mine, it may make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(3) Any person aggrieved by an order made under sub-section (2) may make an application to the principal Court of civil jurisdiction within the local limits of whose jurisdiction the head office of the coal mine is situated for the variation or reversal of such order and thereupon such Court may confirm, modify or reverse such order.

16. If the Custodian is of opinion that any contract of employment entered into by any owner or agent of a coal mine, at any time before the appointed day, is unduly onerous or if he considers that it is necessary so to do in the interests of the proper management of a coal mine, he may, by giving to the employee concerned one month's notice in writing or the salary or wages for one month in lieu thereof, terminate such contract of employment.

Power to terminate contract of employment.

17. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

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

(a) the manner in which the coal mines shall be managed by the Custodian;

(b) the constitution of a Board of management, by whatever name called, for advising the Custodian-General in the management of the coal mines;

(c) the form and manner in which accounts of the coal mines shall be maintained;

(d) any other matter in relation to which such rule is required to be, or may be, made.

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

18. (1) Nothing contained in this Act shall apply to any coal mine—

(a) owned, managed or controlled by Government, or by a Government company or by a corporation which is owned, managed or controlled by Government;

(b) owned or managed by a company engaged in the production of iron and steel:

Provided that clause (b) shall not extend to such part of the coal mine or production thereof which, in the opinion of the Central Government, is in excess of the requirements for the production of iron and steel by the company owning or managing such coal mine:

Provided further that any coal obtained from any such coal mine as is referred to in the foregoing proviso in excess of the requirements for the production of iron and steel by the company owning or managing such coal mine, shall not be sold, delivered, transferred or otherwise disposed of, except with the previous approval of the Central Government.

(2) Sub-section (1) shall not apply where there is any dispute as to the ownership or right of user of Government, Government company or corporation referred to in clause (a) of that sub-section, or company referred to in clause (b) of that sub-section, with regard to any coal mine or any machinery, equipment, vehicle, railway or tramway which is in such coal mine or is used for the purposes of such coal mine.

19. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notified order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

20. (1) The Coal Mines (Taking Over of Management) Ordinance, 1973, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed (including any appointment, declaration or order made thereunder), shall be deemed to have been done or taken under the corresponding provisions of this Act.

Coal mines to which this Act shall not apply.

Power to remove difficulties.

Repeal and saving.

THE SCHEDULE

(See section 3)

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
ASSAM—MEGHALAYA		
<i>Khasi and Jaintia Coalfield</i>		
1.	Thangji Nath, P.O. Pynursla, Meghalaya.	Assam Trading and Mining Company (Private) Limited, Shillong.
<i>Makum Coalfield, Lakhimpur</i>		
2.	Baragolai, P.O. Margherita.	Assam Railways and Trading Coal Company Limited, Margherita, Upper Assam.
3.	Ledo, P.O. Ledo, Lakhimpur.	Assam Railways and Trading Coal Company Limited, Margherita, Upper Assam.
4.	Tipong, P.O. Ledo, Lakhimpur.	Assam Railways and Trading Coal Company Limited, Margherita, Upper Assam.
<i>Mikir Coalfield</i>		
5.	Koilajan, P.O. Koilajan, District Dimapur.	Koilajan Collieries Limited, P.O. Dimapur, Naga Hills.
6.	Seelvata, P.O. Diphu, District Mikir Hills.	Hira Padda Dipali Dutta, Shillong.
BIHAR		
<i>Daltonganj Hutar Coalfield, Palamau</i>		
7.	Hutar, P.O. Hutar Colliery.	Sone Valley Portland Cement Company Limited, P.O. Japla, Palamau.
8.	Rajhara, P.O. Rajhara Colliery.	Ram Saran Das and Brothers, 18, Netaji Subhas Road, Calcutta-1.
<i>East Bokaro Coalfield, Hazaribagh</i>		
9.	East Bokaro, P.O. Pichri.	East Bokaro Colliery Company (Private) Limited, P.O. Pichri.
10.	New Selected Dhori, P.O. Bermo.	Gopal Narain Singh, Krishna Narain Singh, Govind Narain Singh, Shyam Narain Singh, Girdhar Narain Singh— nominated owner Sri Bhuneswar Go- swami, P.O. Bermo, Hazaribagh.
11.	Pure Dhori, P.O. Tantri.	Pure Dhori Colliery Company, P.O. Tantri, Hazaribagh.
12.	Selected Kargali, P.O. Pichri.	Vaydanji J-Dave, Post Box 8, Jharia.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
<i>Hura Coalfield (Santhal Pargana)</i>		
13.	Lalmatia, P.O. Mahagama.	Messrs S.P. Coal Enterprises, P.O. Mahagama (S.P.).
14.	Paharpur, P.O. Mahagama.	Fulchand Ram, Mahagama.
15.	Simlong, P.O. Dhamni.	H.N. Bhagat, P.O. Barhait.
<i>Jainty Coalfield (Santhal Pargana)</i>		
16.	Bhowanipur, P.O. Chitra.	Sideswari Prasad, N. Deo, P.O. Chitra.
17.	Central Saharjuri, P.O. Chitra.	M.N. Singh and S.S. Singh, P.O. Chitra.
18.	Chitra Central, P.O. Chitra.	B.N. Mondal and Company, P.O. Chitra.
19.	Damagora East and West, P.O. Chitra.	N.N. Mondal, Dishergarh, West Bengal.
20.	East Damagora, P.O. Kukraha.	R.N. Singh, P.O. Saroth.
21.	Giriya, P.O. Chitra.	Sri M.K. Singh, P.O. Chitra.
22.	Haripur, P.O. Kukraha.	Haripur, P.O. Kukraha.
23.	Patrika, P.O. Chitra.	Patrika, Sri N.K. Singh, P.O. Chitra.
24.	Saharjuri, P.O. Kukraha.	M.G. Misra, P.O. Kukraha.
25.	Tarabad, P.O. T.K. Gram.	Sri Durga Jamjuri Coal Company (Private) Limited, P.O. Barakar, Burdwan.
26.	Tulsi Dabor, P.O. Chitra.	Nalini Kumar Singh, P.O. Chitra.
<i>Jharia Coalfield</i>		
<i>Ashakuti Phularitand</i>		
27.	Baramessia, Sikarichuck, P.O. Tundoo.	Thakur Rama Avtar Singh, P.O. Tundoo.
28.	Baherabera Chuk, P.O. Tundoo.	Thakur Gupteswar Prasad Singh, P.O. Tundoo.
29.	Barwabera, P.O. Nawagarh.	B. Trigunait and Brothers, P.O. Nawagarh, Dhanbad.
30.	Barora, P.O. Nawagarh.	Barora Coal Concern, P.O. Nawagarh.
31.	Central Ganeshpur, P.O. Nawagarh.	Shyamlal Sunda and Company, P.O. Nawagarh.
32.	Central Kendwadih, P.O. Nawagarh.	Narsingh Harji, P.O. Nawagarh.
33.	Central Kessurgarh, P.O. Nawagarh.	Bhairobux Agarwalla, P.O. Nawagarh.
34.	Damrakhas, P.O. Nawagarh.	Sheikh Brothers and Company, Nawagarh.
35.	Damra Pinalgoria, P.O. Nawagarh.	Lala Mohinder Paul, P.O. Nawagarh.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
36.	Diamond Phularitand, P.O. Kharkharee.	Shyama Coal Company, P.O. Kharkharee.
37.	East Benedih, P.O. Nawagarh.	East Bengal Coal Concern Private Limited, P.O. Nawagarh.
38.	East Dharmaband, P.O. Nawagarh.	East Dharmaband Colliery Company, P.O. Nawagarh.
39.	East Khas Baihardih, P.O. Tundoo.	E.K. Baihardih Coal Company, P.O. Tundoo.
40.	East Mandra, P.O. Nawagarh.	Bharat Coal Company, P.O. Nawagarh.
41.	Kendwadih (Mondal), P.O. Nawagarh.	B.N. Mondal and Company, P.O. Nawagarh.
42.	Khas Muraidih, P.O. Tundoo.	U.N. Lala, P.O. Tundoo.
43.	Khas Sinidih, P.O. Nawagarh.	Gyan Chand Sunda and Company, Jharia.
44.	Khodo Valley, P.O. Nawagarh.	Jiwanlal Sunda, Joraphatak, P.O. Dhansar.
45.	Mandra South Barora, P.O. Katrasgarh.	Bijoy Narayan Singh and Jagdeo Prasad Singh, P.O. Kharkharee.
46.	Model Muraidih, P.O. Nawagarh.	R.K. Pandey, P.O. Nawagarh.
47.	New Kendwadih, P.O. Nawagarh.	K.P. Lalla and Sons, P.O. Nawagarh.
48.	New Muraidih, P.O. Kharkharee.	Messrs Kamlendu and Subhendu Banerjee, 42-C, Shyampukur Street, Calcutta.
49.	Nath and Khas Muraidih, P.O. Nawagarh.	Kaluram Heliwal, P.O. Nawagarh.
50.	North Baramossia, P.O. Tundoo.	North Baramossia Coal Company, P.O. Dhansar.
51.	North Tundoo Khas, Katrasgarh.	R.L. Agarwala, P.O. Katrasgarh.
52.	Pure Barora, P.O. Nawagarh.	N. Sahai, P.O. Nawagarh.
53.	Pure Benedih, P.O. Nawagarh.	Doaba Coal Company (Private) Limited, Sunda House, Joraphatak, Dhanbad.
54.	Pure Dharmaband, P.O. Katrasgarh.	B.N. Jagdeoprasad Singh, P.O. Katrasgarh.
55.	Pure Ganeshpur, P.O. Nawagarh.	Pure Ganeshpur Colliery Company, P.O. Jharia.
56.	Selected Mandra, P.O. Nawagarh.	Selected Mandra Colliery Company, P.O. Nawagarh.
57.	Selected Muraidih, P.O. Nawagarh.	Selected Muraidih Colliery Company, Jiwan Sadan, Dhanbad.
58.	South Barora, P.O. Nawagarh.	D.P. Lalla and Sons, P.O. Nawagarh.
59.	Upper Mandra, P.O. Nawagarh.	Upper Mandra Colliery Company, P.O. Nawagarh.
60.	West Phularitand, P.O. Nawagarh.	West Phularitand Colliery Company, Jiwan Sadan, Dhanbad.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
<i>Bhuggatdih</i>		
61.	Bastacolla, P.O. Dhansar.	Bastacolla Coal Company Limited, P.O. Dhansar.
62.	Dhansar, P.O. Dhansar.	Pure Dhansar Coal Company, P.O. Dhansar.
63.	Dhansar, NBH, P.O. Dhansar.	Dhansar Coal Company (Private) Limited, Dhansar.
64.	East Bastacolla, P.O. Dhansar	East Bastacolla Colliery Company, P.O. Jharia.
65.	Liberty, P.O. Jharia.	Agarwal Mining Company (Private) Limited, P.O. Jharia.
66.	Manaitand, P.O. Dhansar.	Manaitand Colliery Company, P.O. Dhansar.
67.	North Bhuggatdih, P.O. Dhansar.	Shrimati Narmada Bala Gupta, Sri Dinanath Agarwala and Bansdeo Prasad Agarwala, P.O. Jharia.
68.	Victory, P.O. Dhansar.	United Mining Company Limited, P.O. Jharia.
<i>Busseriya</i>		
69.	East Busseriya, P.O. Kusunda.	East Busseriya Colliery Company (Private) Limited, Shanti Bhawan, Dhanbad.
70.	Khas Bansjora, P.O. Bansjora.	Khas Bansjora Colliery Company, P.O. Bansjora.
71.	Nichitpur, P.O. Bansjora.	Nichitpur Coal (Private) Company, 7, Manoharpukur Road, Calcutta-26.
72.	Pure Nichitpur, P.O. Bansjora.	Pure Nichitpur Colliery Company, P.O. Bansjora, Dhanbad.
<i>Dharmaband</i>		
73.	Central Bahiardih, P.O. Katrasgarh.	K.K. Chandra and Brothers, Post Box No. 13, Katrasgarh.
74.	Central Sinidih, P.O. Tundoo.	Shrimati Manjula Devi, P.O. Tundoo.
75.	East Sinidih, P.O. Tundoo.	P. Chanchani and Company Private Limited, P.O. Tundoo.
76.	Jogidih, P.O. Tundoo.	P.K. Lalla and Brothers, P.O. Tundoo.
77.	Khas Baihardih, P.O. Tundoo.	Baihardih Coal Company, P.O. Tundoo.
78.	Majlitand, P.O. Tundoo.	Sri Pritish Lalla, P.O. Tundoo.
79.	North Sinidih, P.O. Tundoo.	Sankarlall Kejrillal, P.O. Jharia.
80.	Pure Sinidih, P.O. Tundoo.	Thakur Ramavtar Singh, P.O. Tundoo.
81.	Pure Suderaidih, P.O. Tundoo.	Thakur G.P. Singh, P.O. Tundoo.
82.	West Jogidih, P.O. Katrasgarh.	Bihar National Coal Company, P.O. Katrasgarh.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
Golukdih		
83.	Central Golukdih, P.O. Jharia.	Shrimati Jyotsna Devi, Nilachal, P.O. Sitarampur, Burdwan.
84.	East Kujama, P.O. Jharia.	East Kujama Colliery Company, P.O. Sijua (Dhanbad).
85.	New Golukdih, P.O. Govindpur.	Biswanath Aggarwalla, P.O. Govindpur (Dhanbad).
86.	North Golukdih, P.O. Baliapur.	Kishanlall Ranjelall, P.O. Baliapur, Dhanbad.
87.	Pure Selected Golukdih, P.O. Jharia.	Pure Selected Golukdih Colliery Company, P.O. Jharia, Dhanbad.
Govindpur		
88.	Katras New, P.O. Katrasgarh.	Shrimati Kashi Bai, P.O. Katrasgarh.
89.	Narayanpur, P.O. Katrasgarh.	Shrimati Naraini Devi, P.O. Katrasgarh.
90.	North Akashkinari, P.O. Katrasgarh.	Khimji Dossa and Company, Katrasgarh.
91.	North Dharmaband, P.O. Katrasgarh.	Kunverji Kalyanji, Katrasgarh.
92.	North Tentuliya, P.O. Katrasgarh.	Debram Ramji, Katrasgarh.
93.	West Katras, P.O. Katrasgarh.	Messrs. N. K. Bose and Company, Wes, Katras Colliery Company, P.O. Katrasgarh.
94.	West Koiludih, P.O. Katrasgarh.	West Koiludih Colliery Company, Katrasgarh.
Jealgora		
95.	Basudev 'A' (Narayanpur Seam), P.O. Khas Jeenagora.	A.B. Jugdutt and Company, Jharia.
Jharia		
96.	Bera Colliery, P.O. Jharia.	Bera Colliery Company, P.O. Jharia.
97.	Central Dobari, P.O. Jharia.	Shrimati Jayanti Devi, Jharia.
98.	Kuya and Khas Kuya, P.O. Jharia.	Kuya Colliery Company (Private) Limited, Jharia.
99.	North Dobari, P.O. Jharia.	Sahana Coal Company, Jharia.
100.	North and West Ghanuadih, P.O. Jharia.	North and West Ghanuadih Colliery Company, Jharia.
101.	Pure Bhuggatdih, P.O. Jharia.	Pure Bhuggatdih Colliery Company, Jharia.
Katras		
102.	Central Keshalpur, P.O. Katrasgarh.	Moolji N. Cholia, Katrasgarh.
103.	East Keshalpur, P.O. Katrasgarh.	Shri Baijnath Choudhury and Others, Katrasgarh.
104.	Ideal Keshalpur, P.O. Katrasgarh.	Ideal Keshalpur Colliery Company, Katrasgarh.
105.	Khas Katrasgarh, P.O. Katrasgarh.	Mustafi and Company, P.O. Katrasbazar, Dhanbad.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
106.	New Katras, P.O. Katrasgarh.	New Katras Coal Company, Katrasgarh.
107.	New Salanpur, P.O. Katrasgarh.	Madhu Lachman and Sons, Katrasgarh.
108.	North Keshalpur, P.O. Katrasgarh.	North Keshalpur Colliery Company (Private) Limited, P.O. Katrasgarh.
109.	Pure Salanpur, P.O. Katrasgarh.	G.V. Modi (Receiver), Jharia.
110.	Selected Govindpur, P.O. Katrasgarh.	Selected Govindpur Coal Concern, Katrasgarh.
111.	Selected Keshalpur, P.O. Katrasgarh.	Selected Keshalpur Colliery Company, Katrasgarh.
112.	West and Sowaria Salanpur, P.O. Katrasgarh.	M.P. and D.D. Agarwalla, Dhanbad Bazar, Dhanbad.
113.	West Ramkanali, P.O. Katrasgarh.	West Ramkanali Colliery Company, Katrasgarh.
<i>Kusunda</i>		
114.	Bright Kusunda, P.O. Dhansar.	Bright Kusunda Colliery Company, P.O. Dhansar.
115.	Central Godhur, P.O. Kusunda.	Central Godhur Colliery Company, Kusunda.
116.	East Kendwadiah, P.O. Dhansar.	East Kendwadiah Coal Company Limited, Kusunda.
117.	Aggarwalla Godhur, P.O. Kusunda.	Aggarwalla Godhur Coal Company, P.O. Kusunda, Dhanbad.
118.	Khas Godhur, P.O. Kusunda.	Khas Godhur Coal Company, Kusunda.
119.	Khas Kusunda, P.O. Kusunda.	Khas Kusunda Coal Company (Private) Limited, 40, Strand Road, Calcutta-1.
120.	North Godhur, P.O. Kusunda.	North Godhur Colliery Company, Kusunda.
121.	Selected Godhur, P.O. Kusunda.	Selected Godhur Coal Company, Kusunda.
122.	Sri Godhur, P.O. Kusunda.	Katasaria Coal Company (Private) Limited, Jharia.
<i>Loyabad</i>		
123.	North Loyabad, P.O. Bansjora.	North Loyabad Coal Company, P.O. Bansjora.
124.	South Loyabad, P.O. Bansjora.	South Loyabad Coal Company, P.O. Bansjora.
<i>Madhuband</i>		
125.	Central Jayaramdih, P.O. Nawagarh.	Paul Brothers, P.O. Nawagarh, Dhanbad.
126.	Joyramdih, P.O. Nudkhurkee.	Joyramdih Coal Company, P.O. Nudkhurkee, District Dhanbad.
127.	Karmatand, P.O. Karmatand.	Sri Ram Coal Company, P.O. Karmatand.
128.	Khas Joyramdih, P.O. Nawagarh.	Khas Joyramdih Colliery Company, P.O. Nawagarh.
129.	Khas Matigora, P.O. Nudkhurkee.	Khas Matigora Colliery Company, P.O. Nudkhurkee.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
130.	Model Joyramdih, P.O. Nawagarh.	Paul Brothers, P.O. Nawagarh, Dhanbad.
131.	North Kessurgarh, P.O. Nudkhurkee.	Nandalall Shaha and Others, P.O. Nawagarh.
132.	Nudkhurkee, P.O. Nudkhurkee.	M. B. Roy and Brothers, P.O. Nudkhurkee.
133.	Pinalgoria, P.O. Nawagarh.	East Kessurgarh Colliery Company, P.O. Nawagarh.
134.	Pure Damoda, P.O. Nudkhurkee.	Pandit Rambhaju Upadhyaya and Company, P.O. Nudkhurkee.
135.	Pure Joyramdih, P.O. Nudkhurkee.	Pure Joyramdih Colliery Company, P.O. Nudkhurkee, Dhanbad.
136.	Ramgarh Jharia, P.O. Karmatand.	Ramgarh Jharia Colliery Company, P.O. Karmatand, Dhanbad.
137.	West Joyramdih, P.O. Nudkhurkee.	A. K. Chandra, P.O. Nudkhurkee.
<i>Mohuda</i>		
138.	East Lohapati, P.O. Ramnagararh.	East Muralidih Coal Company Private Limited, P.O. Jharia.
<i>Patherdih</i>		
139.	Bright Tasra, P.O. Sindri.	Seth Jharumal, P.O. Sindri, Dhanbad.
140.	Central Tasra, P.O. Sindri.	Central Tasra Coal Company, P.O. Jharia, Dhanbad.
141.	National Tasra, P.O. Sindri.	Kailashram Khanna, P.O. Sindri, Dhanbad.
142.	Selected Sudamdih, P.O. Sindri Institute.	Selected Sudamdih Colliery Company, P.O. Sindri Institute, Dhanbad.
<i>Sijua</i>		
143.	Central Angarpathra, P.O. Sijua.	Central Angarpathra Colliery Company, P.O. Sijua, Dhanbad.
144.	Central Bansjora, P.O. Sijua.	Khas Sijua Coal Company (Private) Limited, P.O. Jharia, Dhanbad.
145.	Chandore, P.O. Katrasgarh.	R. N. Singh and Others, P.O. Katrasgarh.
146.	Chandore, P.O. Sijua.	D. P. Agarwalla, P.O. Jharia, Dhanbad.
147.	East Tetulmari, P.O. Sijua.	East Tetulmari Colliery Company Limited, P.O. Sijua.
148.	Kalasthan Angarpathra, P.O. Katrasgarh.	Kalasthan Angarpathra Coal Company, P.O. Katrasgarh, Dhanbad.
149.	Khas Sijua, P.O. Sijua.	Khas Sijua Coal Company Private Limited, P.O. Jharia.
150.	Model Angarpathra, P.O. Sijua.	B. L. Agarwalla, P.O. Govindpur, Dhanbad.
151.	New Angarpathra, P.O. Katrasgarh.	New Angarpathra Colliery Company, P.O. Katrasgarh.
152.	New Pandedih, P.O. Sijua.	New Pandedih Colliery Company, P.O. Jharia, Dhanbad.
153.	North and North East Angarpathra, P.O. Katrasgarh.	North Angarpathra Coal Company, P.O. Katrasgarh, District Dhanbad.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
154.	North Tetulmari, P.O. Sijua.	North Tetulmari Colliery Company, P.O. Sijua, Dhanbad.
155.	Pure Selected Bansjora, P.O. Sijua.	H. C. Bhutani, P.O. Sijua, Dhanbad.
156.	Pure Selected Tetulmari, P.O. Sijua.	Pure Selected Tetulmari Colliery Company Limited, Sijua.
157.	West Angarpathra, P.O. Katrasgarh.	West Angarpathra Colliery Company Limited, P.O. Katrasgarh.
158.	West Chandore, P.O. Sijua.	West Chandore Colliery Company, P.O. Jharia.
159.	West Mudidih, P.O. Sijua.	Waliram Taneja Mines Private Limited, P.O. Sijua, Dhanbad.
160.	Basudev 'A', P.O. Khas Jeenagora.	R. B. Jugdutta and Company, P.O. Jharia, Dhanbad.
161.	Central Sulunga, P.O. Khas Jeenagora.	Purushottampur Collieries (Private) Limi- ted, P.O. Jharia, Dhanbad.
162.	Golden Jeenagora, P.O. Khas Jeenagora.	Salunga Collieries (Private) Limited, Anand Bhavan, P.O. Jharia, Dhanbad.
163.	Pure Golukdih, P.O. Jharia.	Pure Golukdih Coal Company, P.O. Jharia.
164.	Royal Tisra, P.O. Jharia.	Royal Tisra Colliery Company, P.O. Jharia, Dhanbad.
165.	Bergo, P.O. Danro (S.P.).	Khudiram Seal, P.O. Danro (S.P.).
166.	Chatkam, P.O. Damni (S.P.).	H. N. Bhagat, P.O. Barhait (S.P.).
167.	Chilgo, P.O. Amra Para (S.P.).	Messrs. Paul Brothers, P.O. Jantara (S.P.).
168.	Churi Jilwari, P.O. Godda (S.P.).	Fulchand Ram, P.O. Godda (S.P.).
<i>Mugma Coalfield (East)</i>		
169.	East Badjna, P.O. Nirshachati.	S. N. Chanda and Brothers, P.O. Nirshachati.
170.	East Kapasara, P.O. Mugma.	Bangaluxmi Coal Company, P.O. Mugma, Dhanbad.
171.	East Kumardhubi, P.O. Chirkunda.	Sri Lakshmi Narayan Trust, P.O. Jharia, Dhanbad.
172.	East Rajpura, P.O. Mugma.	Rajpura Coal Company, P.O. Mugma.
173.	East Shampur, P.O. Kumardhubi.	Oriental Coal Company, P.O. Kumardhubi.
174.	Edgarcoor (Durgamata), P.O. Chirkunda.	Durgamata Coal Company, P.O. Chirkunda, Dhanbad.
175.	Edgarcoor, P.O. Kumardhubi.	Shrimati Sankarben Patel, P.O. Kumardhubi, Dhanbad.
176.	Kalimata, P.O. Mugma.	G. L. Dubey, P.O. Mugma.
177.	Kapasara, P.O. Mugma.	Bihar Coal Syndicate Private Limited, P.O. Mugma, Dhanbad.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
178.	Khas Kalimati, P.O. Kumardhubi.	Khas Kalimati Coal Company, P.O. Kumardhubi, Dhanbad.
179.	Khas Nirsa, P.O. Nirshachati.	Mahatta Brothers, 19, British India Street, Calcutta-1.
180.	Khoodia, P.O. Nirshachati.	Khoodia Coal Company, P.O. Nirshachati. Receiver, Onkarmal Agarwala, P.O. Barakar, Burdwan.
181.	Merah, P.O. Chirkunda.	Raghunath Agarwalla, P.O. Chirkunda.
182.	Nayadanga, P.O. Nirshachati.	K. G. Saiji and Sons, P.O. Searsole Rajbari, Burdwan.
183.	Nirsa Khas, P.O. Nirshachati.	Nirsa Khas Colliery (Private) Limited, P.O. Searsole Rajbari, Burdwan.
184.	Oriental, P.O. Kumardhubi	Oriental Coal Company, P.O. Kumardhubi.
185.	Pure Laikdih, P.O. Nirshachati.	Pure Laikdih Colliery (Private) Limited, 26A, Fern Road, Calcutta-19.
186.	Pure Mandman, P.O. Mugma.	East Indian Coal Company Limited, 4, Clive Row, Calcutta-1.
187.	Pure Rajpura, P.O. Kumardhubi.	Shrimati Sanker Ben Patel, P.O. Kumardhubi, Dhanbad.
188.	Pure Shampur, P.O. Nirshachati.	D. Mondal and Company, P.O. Nirshachati.
189.	Rajpura, P.O. Mugma.	R. K. Coal Company, Barakar, West Bengal.
190.	Reliance, P.O. Kumardhubi.	Reliance Coal Company, P.O. Kumardhubi, Dhanbad.
191.	Satyanarayan, P.O. Kumardhubi.	Rurmial Agarwal, P.O. Satyanarayan Colliery Kumardhubi.
192.	Shampur, P.O. Nirshachati.	Khas Shampur Coal Company, P.O. Nirshachati.
193.	Shampur, P.O. Nirshachati.	The Kamala Coal Company, P.O. Nirshachati, Dhanbad.
194.	South Marma, P.O. Mugma.	Guljarilal Agarwala, P.O. Jharia.
195.	Sri Durgamata, P.O. Mugma.	J. N. Gorai and Others, Chirkunda.
196.	Sri Gopinathpur, P.O. Nirshachati.	Shrimati, Mahamaya Devi, Nirshachati.
197.	Sri Lakhmimata, P.O. Chirkunda.	J. K. Gorai and Company, Mugma.
198.	Sudarshan Shampur, P.O. Nirshachati.	K. L. Bhambri and Company, Nirshachati Dhanbad.
199.	Upper Mehtadih, P.O. Nirshachati.	East India Coal Company, 4, Clive Row, Calcutta-1.
200.	West Barakar, P.O. Kumardhubi.	Dinendra Nath Das, P.O. Kumardhubi.
201.	West Chanch, P.O. Nirshachati.	West Chanch Coal Company, P.O. Barakar.
202.	West Laikdih, P.O. Mugma.	West Laikdih Coal Company, 152, B. K. Paul Avenue, Calcutta-5.
203.	West Rajpura, P.O. Mugma.	Kalyaneswari Coal Company, P.O. Mugma.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
<i>South</i>		
204.	Dahibari, P.O. Mugma.	Dahibari Coal Company, P.O. Mugma.
205.	East Palasia, P.O. Mugma.	K. K. Goswami, P.O. Mugma.
206.	Jamdahi Basantimata, P.O. Mugma.	Jamdohi Coal Company, P.O. Mugma.
207.	Palasia, P.O. Mugma.	K. K. Goswami, P.O. Mugma.
208.	Ramkrishna, P.O. Chirkunda.	P. N. Mukherjee, Chirkunda.
209.	Sri Raghunathji, P.O. Chirkunda.	Sri Raghunathji Coal Company, P.O. Chirkunda.
<i>West</i>		
210.	Badjna, P.O. Nirshachati.	Oriental Coal Company Limited, 25, Brabourne Road, Calcutta-1.
211.	Chapapur, P.O. Nirshachati.	B. N. Dutta and Others, Nirshachati.
212.	Jamburya (Selected Jhamburya), P.O. Nirshachati.	East Indian Coal Company Limited, 4, Clive Row, Calcutta-1.
213.	Khas Badjna, P.O. Nirshachati.	Western Bengal Coalfields and Adminis- trative Office, P.O. Moira Colliery, Burdwan.
214.	Lower Badjna, P.O. Nirshachati.	Associated Laikdih Colliery Limited, 18, Netaji Subhas Road, Calcutta.
215.	North Badjna, P.O. Nirshachati, Dhanbad	North Badjna Coal Company, P.O. Ranaghat, District Nadia.
216.	North Laikdih, P.O. Nirshachati, Dhanbad.	North Laikdih Coal Company, Nirshachati, 22, Strand Road, Calcutta-1.
217.	Pure Hariajam, P.O. Nirshachati, Dhanbad.	East Indian Coal Company, 4, Clive Row, Calcutta-1.
218.	Pure Singhpur, P.O. Nirshachati, Dhanbad.	Satyapal Kapoor, Kapoor Nivas, Dhanbad.
219.	Selected Fatka, P.O. Nirshachati, Dhanbad.	Srikrishna Colliery Company (Private) Limited, P.O. Kumardhubi, Dhanbad.
220.	South Badjna, P.O. Nirshachati, Dhanbad.	South Badjna Coal Company, P.O. Nirshachati.
<i>North Karanpura Coalfield</i>		
221.	Churi, P.O. Ray, District Ranchi.	United Karanpura Colliery Company (Private) Limited, 91, Stephen House, Calcutta.
222.	Dakra Buk Buka, P.O. Khalari.	United Karanpura Colliery Company (Private) Limited, Stephen House, Calcutta.
223.	Damodar Valley, P.O. Hindegir.	B. K. Bhaduri and Sons, 10, Purulia Road, Ranchi.
224.	Hindegir, P.O. Hindegir.	Hindegir Mining Corporation Limited, Hirapur, Dhanbad.
225.	Karanpura Dewarkhand, P.O. Khalari.	Karanpura Dewarkhand Colliery Company (Private) Limited, F. 3. Gillanders House, Calcutta.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
226.	Karkata, P.O. Khalari.	Ajit Prasad Singhdeo and Others, 82, Stephen House, Calcutta-1.
227.	Manki, P.O. Ray.	National Cement Mines and Industries, 82, Stephen House, Dalhousie Square East, Calcutta.
228.	Ray, P.O. Ray.	N. C. M. I. Limited, 82, Stephen House, Dalhousie Square East, Calcutta.
229.	South Karanpura, P.O. Hindegir.	Chauhan Brothers, Old Commissioner's Compound, Ranchi.
230.	West Tumang, P.O. Macluskiegunj.	Chauhan Brothers, Old Commissioner's Compound, Ranchi.
<i>Ramgarh-Hazaribagh Coalfield</i>		
231.	Mael, P.O. Chitarpur.	Rajballav Singh Chitarpur, District Hazaribagh.
232.	Rauta, P.O. Ramgarh Cantonment.	Receiver, State of Bihar, through Sri S. K. Sinha, I.A.S., O.S.D., Department of Mines and Geology, Government of Bihar, Patna.
233.	Suggia, P.O. Chitarpur.	Suggia Coal Company, Chitarpur.
<i>South Karanpura Coalfield</i>		
234.	Central Saunda, P.O. Saunda.	United Collieries Limited, 5, Royal Exchange Place, Calcutta-1.
235.	Karanpura, P.O. Patratu.	Associated Karanpura Colliery (Private) Limited, 18, Netaji Subhas Road, Calcutta-1.
236.	Khas Karanpura, P.O. Patratu.	Khas Karanpura Collieries Limited, 71, Ganesh Chandra Avenue, Calcutta.
237.	Lapanga, P.O. Bhadaminagar.	Hindustan Coal Company, Bhadaminagar, Hazaribagh.
238.	Religara, P.O. Religera.	The Karanpura Collieries Limited, Chartered Bank Buildings, Calcutta-1.
239.	Saunda 'D' (Bird's), P.O. Bhurkunda.	Karanpura Collieries Limited, Chartered Bank Buildings, Calcutta-1.
240.	Sirka, P.O. Argada.	South Karanpura Coal Company Limited, Chartered Bank Buildings, Calcutta-1.
<i>West Bokaro Coalfield</i>		
241.	Ara, P.O. Kuju.	North Ramgarh Colliery Company (Private) Limited, 8, Deodar Street, Calcutta.
242.	Hessagara, P.O. Kuju.	Hessagara Coal Company, P.O. Kuju.
243.	Jharkhand, P.O. Ghatutand.	Under dispute.
244.	Kedla, P.O. Ghatutand.	Under dispute.
245.	Kuju, P.O. Kuju.	Kuju Collieries Company (Private) Limited, P.O. Kuju.
246.	Laiyo, P.O. Daneya.	North Bokaro Coal Company, P.O. Danae, Hazaribagh.
247.	Model Dhori, P.O. Chainpur.	Model Dhori Colliery Company, Hazaribagh.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
248.	Morpa, P.O. Kuju.	A. K. Roy and R. P. Choudhury, P.O. Kuju.
249.	Pindra, P.O. Kuju.	Pindra Coal Company, Ramnaryan Jai's Compound, Ranchi.
250.	Sarubera, P.O. Kuju.	North Ramgarh Coal Company (Private) Limited, 8, Deodar Street, Calcutta-19.
251.	Semra, P.O. Mandu.	B. M. Roy, Burrabazar, Hazaribagh.
252.	Toera, P.O. Kuju.	M. N. Chatterjee, Kuju, Hazaribagh.
253.	Topa, P.O. Kuju.	Topa Coal Company, Kuju. Receiver M. H. Chatterjee and S. K. Banerjee, Kuju, Hazaribagh.

MADHYA PRADESH

Central India Coalfields

254.	Chirimiri, P.O. Chirimiri.	Chirimiri Colliery Company (Private) Limited, 18/22, Sheik Memon Street, Bombay-2.
255.	New Chirimiri (Ponri Hill), P.O. Chirimiri.	Dadabhoys New Chirimiri N. Ponri Hill Colliery Company Private Limited, Post Box No. 85, Nagpur-1.
256.	North Chirimiri, P.O. Gelhapani.	United Collieries Limited, 25, Brabourne Road, Calcutta.
257.	North Jhagrakhand, P.O. Jhagrakhand Colliery.	Jhagrakhand Collieries (Private) Limited, 15, Gariahat Road, Calcutta-19.
258.	Pure Chirimiri, P.O. Chirimiri.	K. N. Dhody.
259.	Rajnagar, P.O. Rajnagar Colliery.	Messrs. Dalchand Bahadur Singh, 15, Gariahat Road, Calcutta-19.
260.	Ramnagar, P.O. Ramnagar Colliery.	Vindhya Collieries (Private) Limited, 18, Netaji Subhas Road, Calcutta-1.
261.	South Jhagrakhand, P.O. Jhagrakhand Colliery.	Jhagrakhand Collieries (Private) Limited, 15, Gariahat Road, Calcutta-19.
262.	West Chirimiri, P.O. Chirimiri.	Indra Singh and Sons Private Limited, 7, Wellesly Place, Calcutta-1.
263.	West Jhagrakhand, P.O. West Jhagrakhand Colliery.	Jhagrakhand Collieries (Private) Limited, 15, Gariahat Road, Calcutta-19.

Pench-Kanhan Valley Coalfields

264.	Ambara, P.O. Junnerde	N. H. Ojha and Company (Private) Limited, F-3, Gillander House, 8, Netaji Subhas Road, Calcutta-1.
265.	Barkui, P.O. Parasea.	Pench Valley Coal Company Limited, Hongkong House, 31, Dalhousie Square East, Calcutta-1.
266.	Barkuhi West, P.O. Parasea.	J. A. Trivedi and Brothers, Post Box No. 1, Balaghat, District Chhindwara.
267.	Bhamori, P.O. Parasea.	Amalgamated Coalfields Limited, Hongkong House, 31, Dalhousie Square, Calcutta-1.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
268.	Chandamata, P.O. Parasea.	Pench Valley Coal Company Limited, Hongkong House, 31, Dalhousie Square East, Calcutta-1.
269.	Damua, P.O. Damua Colliery, Junnerdeo.	Under dispute.
270.	Datla West, P.O. Junnerdeo.	Amalgamated Coalfields Limited, Hongkong House, 31, Dalhousie Square East, Calcutta-1.
271.	Dhao, P.O. Dhao Colliery.	Durga Prosad, Junnerdeo, Chhindwara.
272.	East Dongarchickli, P.O. Parasea.	Pench Valley Coal Company Limited, Hongkong House, 31, Dalhousie Square, Calcutta-1.
273.	Eklehra, P.O. Parasea.	Amalgamated Coalfields Limited, Hongkong House, 31, Dalhousie Square East, Calcutta-1.
274.	Ghorawari, P.O. Ghorawarikhurd.	J. Trivedi and Brothers, P.O. Balaghat.
275.	Kalichapar, P.O. Kalichapar.	Under dispute.
276.	Newton Chickli, P.O. Parasea.	Newton Chickli Collieries (Private) Limited, P.O. Parasea.
277.	North Chandamata, P.O. Parasea.	Pench Valley Coal Company Limited, Hongkong House, 31, Dalhousie Square, Calcutta-1.
278.	Rakhikol, P.O. Rakhikol.	S. C. Kambata (Private) Limited, Maharshi Karve Road, Bombay-20.
279.	Rawanwara, P.O. Parasea.	Amalgamated Coalfields Limited, P.O. Parasea, Chhindwara.
280.	Rawanwara Khas, P.O. Parasea.	Oriental Coal Company Limited, 25, Brabourne Road, Calcutta-1.
281.	Sial Ghogri, P.O. Junnerdeo.	Sial Ghogri Group, Nelson Square, Nagpur.
282.	Sukri, P.O. Parasea.	The Jamai Majri Coal Company Limited, P.O. Parasea, Chhindwara.
<i>Raigarh Coalfield</i>		
283.	Baroud, P.O. Ghorghoda.	P. R. Gupta and Others, P.O. and District Raigarh (M.P.).
284.	Domnara, P.O. Kharsia.	K. N. Poddar, North Ambaghari Road, Nagpur.
<i>Sohagpur and Johilla Coalfield</i>		
285.	Amlai, P.O. Dhanpuri.	Rewa Coalfields Limited, 4, Bankshall Street, Calcutta-1.
286.	Bhadra, P.O. Kotma.	Rewa Mining Company Limited, P.O. Kotma.
287.	Birsingpur, P.O. Birsingpur Pali.	Johilla Coalfields Limited, P.O. Birsingpur Pali, District Sahdol.
288.	Burhar No. 1, P.O. Dhanpuri.	Rewa Coalfields Limited, 4, Bankshall Street, Calcutta-1.
289.	Burhar No. 3, P.O. Dhanpuri.	Rewa Coalfields Limited, 4, Bankshall Street, Calcutta-1.
290.	Kotma, P.O. Kotma Colliery.	Associated Cement Company Limited, 121, Maharshi Karve Road, Bombay-20.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
291.	Nowrazabad, P.O. Nowrazabad.	Associated Cement Company Limited, 121, Maharshi Karve Road, Bombay-20.
292.	Rungta, P.O. Rungta Colliery.	Mahabir Prasad Rungta and Partners, P.O. Rungta Colliery, District Sahdol.
ORISSA		
<i>Ib Valley Coalfield</i>		
293.	Hingir Rampur, P.O. Rampur Colliery, District Sambalpur.	Hingir Rampur Coal Company Limited, Post Box No. 109, Home Street, Fort, Bombay.
294.	Ib River, P.O. Brajrajnagar, District Sambalpur.	Chandmal Indrakumar Karnani, 3, Synagogue Street, Calcutta-1.
295.	Orient, P.O. Brajrajnagar, District Sambalpur.	Western Bengal Coalfields Limited, Admn. Office—Moira Colliery, District Burdwan.
MAHARASHTRA		
<i>Kamptee Coalfield</i>		
296.	Kamptee, P.O. Kamptee.	Oriental Coal Company Limited, C/o 25, Brabourne Road, Calcutta-1.
<i>Wardha Valley Coalfields</i>		
297.	Ballarpur, P.O. Ballarpur.	Ballarpur Collieries Company, Post Box No. 11, Biseswar House, Lajpat Rai Marg, Nagpur.
298.	Chanda Rayatwari, P.O. Chanda.	R. B. Seth and Sri Ram Durga Prasad, P.O. Tumsar, District Bhandara.
299.	Ghughus, P.O. Maneckpur.	Ballarpur Collieries Company, Post Box No. 11, Biseswar House, Nagpur.
300.	Hindusthan Lalpeth, P.O. Chanda.	Perfect Pottery Company Limited, Hanumantal, Jubbulpore (M.P.).
301.	New Majri, P.O. Shivaji Nagar.	Shetia Mining and Manufacturing Corporation, 4, Bakul Bagan Road, Calcutta-25.
302.	Sasti, P.O. Ballarpur.	Ballarpur Collieries Company Limited, Temple Road, Post Box No. 11, Nagpur.
WEST BENGAL		
<i>Kasta Coalfield</i>		
303.	Tewari's Beldangakhas, P.O. Churulia.	Messrs. S. C. Tewari and Others, P.O. Parsundi, District Birbhum.
304.	Jorekuri, P.O. Churulia.	Jorekuri Coal Company Private Limited, Post Box No. 55, Dhanbad.
305.	Kasta Bengal, P.O. Churulia.	Kasta Coalfields Limited, 3, Synagogue Street, Calcutta-1.
306.	Palasthali, P.O. Churulia.	Palasthali Coal Concern (Private) Limited, 53, Mechua Bazar Road, Chinsura, District Hooghly.
307.	Parlapur, P.O. Kalipahari.	Sri Shewsiamal Agarwala, P.O. Saithia, District Birbhum.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
<i>Raneegunj Coalfield</i>		
<i>Dishergarh</i>		
308.	Barmondia 3 and 4 Pits, P.O. Kanayapur.	New Beerbhoom Coal Company Limited, 8, Clive Row, Calcutta-1.
309.	Bhamuria, P.O. Bhamuria, District Purulia.	Naturia Coal Company Private Limited, P.O. Bhamuria, District Purulia.
310.	Burradhemu, P.O. Sitarampur, West Bengal.	North Dhemu Coal Company Limited, 135, Canning Street, Calcutta-1.
311.	Chinakuri No. 1 and 2 Pits, P.O. Sunderchak.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
312.	Chinakuri No. 3 Pit, P.O. Sunderchak, Burdwan.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
313.	Deoli (Mondal's), P.O. Dishergarh.	B. N. Mondal and Company, P.O. Dishergarh, District Burdwan.
314.	Dhemu Main, P.O. Sitarampur, West Bengal.	Dhemu Main Collieries and Industries Limited, 36, Chowringhee Road, Calcutta-16.
315.	Hirakhun, P.O. Neturiya.	Durga Devi Singhania, P.O. Neturiya, District Purulia, West Bengal.
316.	Manoharbahl, P.O. Asansol.	Chandramal Indrakumar (Private) Limited, 3, Synagogue Street, Calcutta-1
317.	Parbelia, P.O. Neturiya.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
318.	Patmohana, P.O. Patmohana (Sitarampur).	Messrs. Patmohana and Bharat Chak Collieries Private Limited, P.O. Sitarampur, District Burdwan.
319.	Poidih, P.O. Sunderchak.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
320.	Ramjibanpur Nag's, P.O. Sitarampur.	Ramjibanpur Coal Company Limited, 4, Mandevilla Gardens, Calcutta-19.
321.	Ranipur, P.O. Dishergarh, Burdwan.	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.
322.	Sanctoria, P.O. Dishergarh.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
323.	Seetalpur, P.O. Dishergarh.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
324.	Sodepur 9 and 10 Pits, P.O. Sunderchak.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
325.	South Joyramdanga, P.O. Asansol.	Dishergarh Coal Company Limited, 3, Synagogue Street, Calcutta-1.
<i>Kajora</i>		
326.	Babisole, P.O. Ondal.	Bharat Mining Corporation Limited, 91, Stephen House, 5th Floor, Calcutta-1.
327.	Belbaid, P.O. Toposi.	Belbaid Collieries Limited, P.O. Raneegunj, Burdwan.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
328.	Chowki Danga, P.O. Toposi.	Birbhum Mining (Private) Limited, 7, Monoharpukur Road, Calcutta.
329.	East Jambad, P.O. Kajoram.	Amalgamated Jambad Syndicate (Private) Limited, 33, Bipabi Rashbehari Bose Road, Calcutta-1.
330.	East Kajora, P.O. Ondal.	Swadeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta-1.
331.	Jambad Selected, P.O. Kajoram.	Devji Gelabhai and Others, P.O. Kajoram, Burdwan.
332.	Jaipuria Kajora, P.O. Ondal.	Swadeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta-1.
333.	Mukherjee Jote Janaki, P.O. Toposi.	C. R. Mukherjee, Netaji Suonas Road, Raneegunj, Burdwan.
334.	Jote Janaki Khas, P.O. Toposi.	Banerjee Sanatan, P.O. Toposi, Burdwan.
335.	Kajora and Western Kajora P.O. Kajoram.	K. C. Palchoudhury, P.O. Kajoram, Burdwan.
336.	Prosonno Dutta's Kajora, P.O. Kajoram.	P. C. Dutta and Sons, 71A, Netaji Subhas Road, Calcutta-1.
337.	Kajora (Guzdar), P.O. Kajoram.	The Guzdar Kajora Coal Mines Limited, P.O. Kajoram.
338.	Kajora Selected, P.O. Ranigunj.	Kajora Selected Colliery Company Limited 135, Canning Street, Calcutta-1.
339.	Khas Kajora, P.O. Kajoram.	Khas Kajora Coal Company Limited, 18, Netaji Subhas Road, Calcutta-1.
340.	Khas Searsole, P.O. Searsole Rajbari.	Kumar K. N. Maliah, P.O. Searsole Rajbari.
341.	Krishnanagar, P.O. Toposi.	Parasia Collieries Limited, 25, Netaji Subhas Road, Calcutta-1.
342.	Kunustoria, P.O. Toposi.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
343.	Lachipur, P.O. Kajoram.	Katras Jhareeah Coal Company, 8, Clive Row, Calcutta-1.
344.	Lower Kenda, P.O. Kajoram.	Khas Kenda Colliery (Private) Limited, 135, Canning Street, Calcutta-1.
345.	Madhujore, P.O. Kajoram.	Madhujore Coal Company Private Limited, 135, Canning Street, Calcutta-1.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
346.	Mahabir, P.O. Ranigunj.	Mahabir Collieries Limited, 178, Mahatma Gandhi Road, Calcutta.
347.	Moira, P.O. Moira Colliery, Ondal.	Western Bengal Coalfields Limited, 9/1, R. N. Mukherjee Road, Calcutta-1.
348.	New Kenda, P.O. Toposi.	New Birbhum Coal Company Limited, 8, Clive Row, Calcutta-1.
349.	North Jambad, P.O. Kajoram.	North Jambad Coal Company, P.O. Kajoram, Burdwan.
350.	North Searsole, P.O. Searsole Rajbari.	Searsole Mining Industries (Private) Limited, P.O. Searsole Rajbari, Burdwan.
351.	Parascole, P.O. Kajoram.	Parascole Coal Company, 18, Netaji Subhas Road, Calcutta-1.
352.	Parasia, P.O. Kajoram.	Parasia Collieries Company, 25, Netaji Subhas Road, Calcutta-1.
353.	Proper Kajora, P.O. Kajoram.	Sri Nimbarak, Proper Kajora Coal Company (Private) Limited, 135, Biplabi Rashbehari Bose Road, Calcutta-1.
354.	Pure Bansra, P.O. Ranigunj.	Pure Kustore Colliery Company Limited, 8, Lyons Range, Calcutta-1.
355.	Pure Jambad, P.O. Kajoram.	Pure Jambad Collieries (Private) Limited, 135, Canning Street, Calcutta-1.
356.	Pure Kajora, P.O. Kajoram.	East Barakar Coal Company (Private) Limited, 18, Netaji Subhas Road, Calcutta-1.
357.	Pure Kenda, P.O. Ukhra.	Pure Kenda Coal Company, P.O. Ukhra, Burdwan.
358.	Pure Searsole, P.O. Searsole Rajbari.	Kumari Rani H. Devi, P.O. Searsole Rajbari, Burdwan.
359.	Real Jambad, P.O. Bahula.	Oriental Coal Company (Private) Limited, 25, Brabourne Road, Calcutta-1.
360.	Real Kajora, P.O. Kajoram.	Real Kajora Colliery Trust, 24, Strand Road, Calcutta-1.
361.	Searsole, P.O. Ranigunj.	Searsole Coal Company Limited, 22, Chittaranjan Avenue, Calcutta-13.
362.	Singaran, P.O. Toposi.	Singaran Coal Syndicate Limited, 237/P/1A, Maniktalla Main Road, Calcutta.
363.	Sitaldasji Selected, P.O. Searsole Rajbari.	Sitaldasji Selected Colliery, P.O. Searsole Rajbari, District Burdwan.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
364.	South Jambad, P.O. Kajoram.	South Jambad Coal Company (Private) Limited, 33, Canning Street, Calcutta-1.
365.	South Parasia, P.O. Kajoram.	South Parasia Collieries (Private) Limited, 25, Netaji Subhas Road, Calcutta-1.
366.	Toposi, P.O. Toposi.	Associated Nandi Collieries Limited, 18, Netaji Subhas Road, Calcutta-1.
367.	Western Kajora, P.O. Kajoram.	Western Kajora Collieries (Private) Limited, 178, Mahatma Gandhi Road, Calcutta.
<i>Pandaveswar</i>		
368.	Ajoy Bank, P.O. Nutandanga.	Ajoy Coal Company (Private) Limited, 34A, Sardar Sankar Road, Calcutta-29.
369.	Bankola, P.O. Ukhra.	Burrakar Coal Company Limited, Chartered Bank Buildings, Calcutta-1.
370.	Central and Lower Jambad, P.O. Bahula.	East Bahula Collieries Company (Private) Limited, 18, Netaji Subhas Road, Calcutta-1.
371.	Chora Pits, { (1. Chora—10 pit P.O. Bahula. } 2. Chora—7 and 9 pits.)	Chora Coal Company, 3, Synagogue Street, Calcutta-1.
372.	Darula, P.O. Pandaveswar.	East Satgram Coal Company Limited, 135, Canning Street, Calcutta-1.
373.	East Sitalpur, P.O. Ukhra.	East Barrakar Coal Company (Private) Limited, P.O. Ukhra.
374.	Goenka Kajora, P.O. Kajoram.	Goenka Coal Company, S. B. Goenka, P.O. Ukhra, District Burdwan.
375.	Gurugopinath, P.O. Ukhra.	Gnananda Industries (Private) Limited, P.O. Ukhra, District Burdwan.
376.	Haripur, P.O. Bahula.	Selected Barabani Coal Company Private Limited, 18, Netaji Subhas Road, Calcutta-1.
377.	Jambad Kajora, P.O. Siduli.	Jambad Kajora Colliery Company (Private) Limited, P.O. Siduli, District Burdwan.
378.	Kottadih, P.O. Kottadih.	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta.
379.	Kumardihi, P.O. Ukhra.	Kumardihi Coal Company, P.O. Ukhra, District Burdwan.
380.	Kumarkhala, P.O. Bahula.	Kumarkhala Collieries Company, P.O. Bahula.
381.	Nag's Kajora Jambad, P.O. Ukhra.	Shrimati Ashalata Nag and Others, 4, Mandevilla Gardens, Calcutta.
382.	North Chora, P.O. Bahula.	Sri B. M. Dutta, North Chora Colliery Company, P.O. Bahula, District Burdwan.
383.	Pansuli, P.O. Nutandanga.	Krishna Valley Selected Coal Company, P.O. Nutandanga.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
384.	Pure Samla, P.O. Nutandanga.	Pure Samla Coal Company (Private) Limited, Sun Distributors and Mining Company Limited, 14, Netaji Subhas Road, Calcutta-1.
385.	Pure Sitalpur, P.O. Ukhra.	Pure Sitalpur Coal Concern Limited, 23-B, Netaji Subhas Road, Calcutta.
386.	Samla Baidyanathpur, P.O. Pandaveswar.	Ashoke Minerals and Company, P.O. Pandaveswar, District Burdwan.
387.	Samla Chhatrisanda, P.O. Pandaveswar.	Swedeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta-1.
388.	Samla Dalurband, P.O. Pandaveswar.	Samla Dalurband Coal Company (Private) Limited, P.O. Jharia, District Dhanbad.
389.	Samla Manderbani, P.O. Pandaveswar.	Western Bengal Coalfields Limited, 9/1, R. N. Mukherjee Road, Calcutta-1.
390.	Samla Kendra, P.O. Pandaveswar.	Swedeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta.
391.	Samla Pandaveswar, P.O. Pandaveswar.	Swedeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta.
392.	Samla Ramnagar, P.O. Pandaveswar.	Swedeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta.
393.	Sarpi Kajora, P.O. Ukhra.	Sarpi Kajora Coal Mines (Private) Limited, 33, Canning Street, Calcutta-1.
394.	Selected Kajora Jambad, P.O. Bahula.	Selected Kajora Jambad Collieries, P.O. Ukhra.
395.	Selected Samla, P.O. Pandaveswar.	Selected Dahurband Coal Company (Private) Limited, 137, Cotton Street, Calcutta-7.
396.	Siduli, P.O. Ukhra.	Siduli Colliery Company, P.O. Ukhra, District Burdwan.
397.	Sitalpur, P.O. Siduli.	Sitalpur Coal Company (Private) Limited, P.O. Siduli, District Burdwan.
398.	South Adjai, P.O. Gogla.	Gopal Collieries Limited, 174, Mahatma Gandhi Road, Calcutta.
399.	Sunkarpur, P.O. Ukhra.	Ukhra Minerals (Private) Limited, P.O. Ukhra, District Burdwan.
400.	Victory Group, P.O. Nutandanga.	Coal Products (Private) Limited, 3, Bankshall Street, Calcutta-1.
401.	Visheshari Khandra, P.O. Ukhra.	N. H. Ojha and Company, Gillanders House, 18, Netaji Subhas Road, Calcutta.
Satgram		
402.	Ardhagram Khas, P.O. Ardhagram.	Messrs. R. K. Agarwalla and Sons (Private) Limited, Lalbazar, P.O. Jharia, District Dhanbad.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
403.	Central Satgram, P.O. Jaykaynagar.	Harsookdas Balkissendas, 22, Burtolla Street, Calcutta-7.
404.	Chalbalpur, P.O. Jaykaynagar.	K. L. Selected Coal Concern, P.O. Jaykaynagar.
405.	Chapui Khas, P.O. Kalapahari.	Sahu Minerals Properties Limited, A-3, Prithviraj Road, Jaipur.
406.	Damoda, P.O. Ranigunj.	Damodar Coal Company Private Limited, P.O. Ranigunj, District Burdwan.
407.	East Jamehari, P.O. Ranigunj.	Harsookdas Balkissendas, 22, Burtolla Street, Calcutta-7.
408.	East Nimcha, P.O. Jaykaynagar.	East Laikdih Colliery Company Limited, P.O. Jaykaynagar, District Burdwan.
409.	East Satgram, P.O. Jaykaynagar.	East Satgram Coal Company (Private) Limited, 135, Canning Street, Calcutta-1.
410.	Jaykaynagar, P.O. Jaykaynagar.	Aluminium Corporation of India Limited, P.O. Jaykaynagar, District Burdwan.
411.	Khas Chalbalpur, P.O. Jaykaynagar.	Rani H. Devi and Rani K. Devi, Searsole Rajbari, District Burdwan, West Bengal.
412.	Mithapur, P.O. Searsole Rajbari.	Nirmal Kumar Geaulechha, 7/2, Babulal Lane, Calcutta-7.
413.	Modern Satgram, P.O. Ranigunj.	West Bengal Mining Company, P.O. Ranigunj.
414.	New Jameharikhas, P.O. Jaykaynagar.	New Jameharikhas Colliery (Private) Limited, P.O. Searsole Rajbari, District Burdwan.
415.	New Satgram, P.O. Devchandnagar.	Shethia Mining and Manufacturing Com- pany Limited, 4, Bakul Bagan Road, "Monoharmahal", Calcutta-25.
416.	Nimcha, P.O. Ranigunj.	Nimcha Coal Company (Private) Limited, 1/1, Rowland Road, Calcutta-20.
417.	North Brook, P.O. Jaykaynagar.	Bimal Kanti Roy, P.O. Jaykaynagar.
418.	Ratibati, P.O. Kalipahari.	West Bengal Mining Company, P.O. Kalipahari, District Burdwan.
419.	Satgram (Nageswar), P.O. Searsole Rajbari.	Nageswar Coal Company, Kargali Colliery, P.O. Bermao, District Hazaribagh.
420.	Selected Searsole, P.O. Ranigunj.	Puranmal, Jagannath, P.O. Ranigunj.
421.	Sri Amritnagar Selected, P.O. Ranigunj.	Srinivas and Sons, Ranigunj.
	Sripur	
422.	Adjoy Second, Charanpur. (Merged with Girimint Colliery since 1-6-1970.)	Bengal Coal Company Limited, 8 Clive Row, Calcutta-1.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
423.	Banksimulia, 7 and 8 Pits, P.O. Charanpur.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
424.	Bhanora, P.O. Charanpur.	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.
425.	Bhanora South, P.O. Charanpur, (Merged with Bhanora Colliery.)	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.
426.	Bright's Rana, P.O. Charanpur.	D. Bright and Company (Private) Limited, P.O. Charanpur, District Burdwan.
427.	Central Jamuria, P.O. Nandi.	B. D. Gorach, Nuruddin Road, P.O. Asansol, District Burdwan.
428.	Damra, P.O. Kalipahari.	Katrass Jherriah Coal Company, 8, Clive Row, Calcutta-1.
429.	East Baraboni, P.O. Charanpur.	East Baraboni Coal Company (Private) Limited, 4, Mandevilla Gardens, Calcutta-19.
430.	East Jamuria, P.O. Toposi.	East Jamuria Coal Company (Private) Limited, P.O. Toposi, District Burdwan.
431.	Ghusick, P.O. Kalipahari.	Coal and Mineral Syndicate, 36, Strand Road, Calcutta-1.
432.	Ghusick, P.O. Kalipahari.	Ghusick and Muslia Collieries Limited, P.O. Kalipahari, District Burdwan.
433.	Girimint, P.O. Charanpur.	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.
434.	Jamuria A and B Pits, P.O. Nandi.	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.
435.	Kalipahari, P.O. Kalipahari.	Ghusick and Muslia Collieries Limited, P.O. Kalipahari, District Burdwan.
436.	Kuardih, P.O. Kalipahari.	Kuardih Coal Company (Private) Limited, 41, Chowringhee Road, Calcutta-16.
437.	Muslia, P.O. Kalipahari.	Ghusick and Muslia Collieries Limited, P.O. Kalipahari, District Burdwan.
438.	New Ghusick, Kalipahari.	West Ghusick Coal Company Limited, 10, Netaji Subhas Road, Calcutta-1.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
439.	North Charanpur, P.O. Charanpur.	B. N. Ganguly, Ushagram, P.O. Asansol, Burdwan.
440.	North Ghusick, P.O. Majihara.	Shri Ganesh Coal Company, P.O. Majihara, Burdwan.
441.	Radhamadhabpur, P.O. Kalipahari.	Ghusick and Muslia Collieries Limited, P.O. Kalipahari, Burdwan.
442.	Rana No. 6 Pit, P.O. Kalipahari.	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta-1.
443.	Seebpore, P.O. Charanpur.	Katras Jharia Coal Company Limited, 8, Clive Row, Calcutta.
444.	Sripur Incline, P.O. Kalipahari.	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta-1.
445.	Sripur, 1, 2 and 3 Pits, Kalipahari.	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta-1.
446.	Sripur, 4, 5 and 6 Pits, Kalipahari.	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta-1.
<i>Salanpur</i>		
447.	Benodi Katta, P.O. Samdi.	Jiwanlall Collieries Private Limited, P.O. Samdi.
448.	Bhagran, P.O. Salanpur.	The South Bhagran Coal Company, P.O. Salanpur, Burdwan.
449.	Bon-Jemihari, P.O. Salanpur.	Bon-Jemihari Anthracite Coal Company, P.O. Salanpur, Burdwan.
450.	Chaptoria, P.O. Salanpur.	East Chaptoria Coal Company Private Limited, 22, Canning Street, Calcutta-1.
451.	Dabor, P.O. Samdi.	H. Roy and T. Roy, Dabor Colliery Private Limited, P.O. Samdi, Burdwan.
452.	Damagoria Amdiha, P.O. Samdi.	Damagoria Amdiha, P.O. Salanpur.
453.	Desharmohan, P.O. Churulia.	C.L. Poddar and Others, P.O. Churulia.
454.	East Ramnagar, P.O. Salanpur.	D. R. Sabhlok through constituted Attor- ney, B. L. Satnalika, P.O. Salanpur, Burdwan.
455.	Gourangdih, P.O. Panuria.	Gourangdih Colliery Company Limited, P.O. Panuria, District Burdwan.

Sl. No.	Name and address of mine	Name and address of owner
(1)	(2)	(3)
456.	Gourangdih Begunia, P.O. Jamgram.	Jamgram Coal Company Private Limited, P.O. Jamgram, District Burdwan.
457.	Khas Baraboni, P.O. Raghunath Chak.	A. K. Collieries Company, 34-A, Sardar Sankar Road, Calcutta-29.
458.	Khas Mohanpur, P.O. Samdi.	Late Ramgoti Hazra, P.O. Kajoragram, Burdwan.
459.	Mohanpur, P.O. Samdi.	Messrs. S. N. Chaudhuri and Company, Kartar Niwas, Burnpur Road, P.O. Asansol.
460.	New Damagoria, P.O. Salanpur.	New Damagoria Coal Company (Private) Limited, P.O. Salanpur, Burdwan.
461.	North East Salanpur, P.O. Samdi.	A. R. Acharyya, P.O. Heamatpur, Burdwan.
462.	North West Salanpur, P.O. Samdi.	A. N. Mukherjee and Others, P.O. Samdi, Burdwan.
463.	Samdi Sangramgarh, P.O. Samdi.	B. Hazra and Company, P.O. Samdi.
464.	West Baraboni, P.O. Raghunath Chak	Modern Coal Trading Company (Private) Limited, P.O. Raghunath Chak, Burdwan.

THE MANIPUR APPROPRIATION (VOTE ON ACCOUNT)
ACT, 1973

No. 16 OF 1973

[1st April, 1973]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Manipur for the services of a part of the financial year 1973-74.

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

Short title. 1. This Act may be called the Manipur Appropriation (Vote on Account) Act, 1973.

**With-
drawal of
Rs. 16,25,
40,000
from and
out of
the Conso-
lidated
Fund
of the
State of
Manipur
for the
financial
year 1973-
74.** 2. From and out of the Consolidated Fund of the State of Manipur there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of sixteen crores, twenty-five lakhs and forty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74.

Appropriation. 3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Manipur 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	Land Revenue	6,67,000	..	6,67,000
2	State Excise	67,000	..	67,000
3	Taxes on Vehicles	44,000	..	44,000
4	Sales Tax	63,000	..	63,000
5	Other Taxes and Duties	2,000	..	2,000
6	Stamps	10,000	..	10,000
7	Registration	31,000	..	31,000
	<i>Interest on Debt and Other Obli- gations</i>	..	54,77,000	54,77,000
8	Parliament, State and Union Terri- tories Legislature	3,53,000	14,000	3,67,000
9	General Administration	36,45,000	2,09,000	38,54,000
10	Administration of Justice	1,39,000	61,000	2,00,000
11	Jails	2,33,000	..	2,33,000
12	Police	1,18,29,000	4,000	1,18,33,000
13	Civil Supplies	2,16,000	..	2,16,000
14	Education	1,85,05,000	..	1,85,05,000
15	Medical	36,67,000	..	36,67,000
16	Public Health	15,44,000	..	15,44,000
17	Family Planning	3,68,000	..	3,68,000
18	Agriculture and Fisheries	26,14,000	..	26,14,000
19	Animal Husbandry	10,78,000	..	10,78,000
20	Co-operation	5,17,000	..	5,17,000
21	Industries	15,59,000	..	15,59,000
22	Community Development	34,80,000	..	34,80,000
23	Labour	1,42,000	..	1,42,000
24	Statistics	2,70,000	..	2,70,000
25	Irrigation	8,07,000	..	8,07,000
26	Electricity	38,00,000	..	38,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Par- liament	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
27	Public Works (Original Works and Repairs)	31,67,000	..	31,67,000
28	Public Works (Establishment)	51,15,000	51,000	51,66,000
29	Road Transport	26,67,000	..	26,67,000
30	Famine	80,66,000	..	80,66,000
31	Pension and Other Retirement Benefits	3,60,000	..	3,60,000
32	Stationery and Printing	3,33,000	..	3,33,000
33	Forest	10,30,000	..	10,30,000
34	Miscellaneous	29,60,000	..	29,60,000
35	Capital Outlay on Public Health	28,00,000	..	28,00,000
36	Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works	50,00,000	..	50,00,000
37	Capital Outlay on Flood Control	6,67,000	..	6,67,000
38	Capital Outlay on Electricity	48,33,000	..	48,33,000
39	Capital Outlay on Roads	78,33,000	..	78,33,000
40	Capital Outlay on Buildings	92,32,000	..	92,32,000
41	Capital Outlay on Road Transport	2,67,000	..	2,67,000
42	Capital Outlay on State Trading	3,37,37,000	..	3,37,37,000
	<i>Appropriation—Repayment of Loans</i>	..	83,34,000	83,34,000
43	Capital Outlay on Industrial and Economic Development	18,66,000	..	18,66,000
44	Loans and Advances	28,07,000	..	28,07,000
	TOTAL	14,83,90,000	1,41,50,000	16,25,40,000

THE CAPITAL OF PUNJAB (DEVELOPMENT AND REGULATION) (CHANDIGARH AMENDMENT) ACT, 1973

No. 17 of 1973

[9th April, 1973]

An Act further to amend the Capital of Punjab (Development and Regulation) Act, 1952, as in force in the Union territory of Chandigarh.

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

1. (1) This Act may be called the Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973.

(2) It shall be deemed to have come into force on the 1st day of November, 1966 except section 7 which shall come into force at once.

Punjab Act XXVII of 1952.

~~2. In section 3 of the Capital of Punjab (Development and Regulation) Act, 1952, as in force in the Union territory of Chandigarh (hereinafter referred to as the principal Act),—~~

(i) in sub-section (1), for the words "The Central Government may", the words "Subject to the provisions of this section, the Central Government may" shall be substituted;

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

"(3) Notwithstanding anything contained in any other law for the time being in force, until the entire consideration money together with interest or any other amount, if any, due to the

Short title and commencement.

Amendment of section 3.

4 ss. 2 to 6 repealed by Act 38 of 1978, S. 2 & Sch. I.

Central Government on account of the transfer of any site or building, or both, under sub-section (1) is paid, such site or building, or both, as the case may be, shall continue to belong to the Central Government.”.

Substitution of new sections for section 8.

3. For section 8 of the principal Act, the following sections shall be substituted, namely:—

Imposition of penalty and mode of recovery of arrears.

“8. (1) Where any transferee makes any default in the payment of any rent due in respect of any lease of any site or building, or both, as the case may be, under section 3, or where any transferee or occupier makes any default in the payment of any fee or tax levied under section 7, the Estate Officer may direct that in addition to the amount of arrears, a sum not exceeding that amount shall be recovered from the transferee or occupier, as the case may be, by way of penalty:

Provided that no such direction shall be made unless the person affected thereby has been given a reasonable opportunity of being heard in the matter.

(2) Where any person makes any default in the payment of any amount, being the arrears and penalty directed to be paid under sub-section (1), such amount may be recovered from the transferee or occupier, as the case may be, in the same manner as an arrear of land revenue.

Resumption and forfeiture for breach of conditions of transfer.

8A. (1) If any transferee has failed to pay the consideration money or any instalment thereof on account of the sale of any site or building, or both, under section 3, or has committed a breach of any other conditions of such sale, the Estate Officer may, by notice in writing, call upon the transferee to show cause why an order of resumption of the site or building, or both, as the case may be, and forfeiture of the whole or any part of the money, if any, paid in respect thereof (which in no case shall exceed ten per cent. of the total amount of the consideration money, interest and other dues payable in respect of the sale of the site or building, or both) should not be made.

(2) After considering the cause, if any, shown by the transferee in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded in writing, make an order resuming the site or building, or both, as the case may be, so sold and directing the forfeiture as provided in sub-section (1) of the whole or any part of the money paid in respect of such sale.”.

Omission of section 9.

4. Section 9 of the principal Act shall be omitted.

5. In sub-section (1) of section 10 of the principal Act, for the words and figures "sections 8 and 9", the words, figures and letter "section 8 or section 8A" shall be substituted.

Amendment of section 10.

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

Substitution of new section for section 19.

"19. No court shall have jurisdiction to entertain any suit or proceeding in respect of the recovery of any arrears or penalty under section 8 or in respect of the resumption of any site or building, or both, as the case may be, under section 8A or the forfeiture of any money under that section, or in respect of any order made by the Central Government or any other authority in the exercise of any power conferred by or under this Act."

Bar of jurisdiction.

7. Notwithstanding any judgment, decree or order of any court, anything done or any action taken (including any notice issued, any order made for resumption of any site or building, or both, as the case may be, or any such resumption effected, or any order made for the forfeiture of any money or any money forfeited, or any order made for the recovery of any arrears or any arrears recovered, or any penalty imposed or recovered) or purported to have been done or taken under the principal Act shall, in so far as it is consistent with the provisions of the principal Act as amended by this Act, be deemed to be as valid and effective as if such thing or action was done or taken under the principal Act as amended by this Act, and accordingly no suit or other legal proceeding shall be maintained or continued in any court,—

Validation.

(i) for the recovery of any site or building, or both, as the case may be, which has or have been resumed; or

(ii) for the cancellation of any order made for the resumption of any site or building, or both, as the case may be; or

(iii) for the recovery of any money forfeited; or

(iv) for the cancellation of any order made for the forfeiture of any money; or

(v) for the refund of any arrears recovered; or

(vi) for the cancellation of any order made for the recovery of any arrears; or

(vii) for the refund of any penalty recovered; or

(viii) for the cancellation of any order imposing any penalty.

THE DELHI SCHOOL EDUCATION ACT, 1973

ARRANGEMENT OF SECTIONS

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THE DELHI SCHOOL EDUCATION ACT, 1973

No. 18 of 1973

[9th April, 1973.]

An Act to provide for better organisation and development of school education in the Union territory of Delhi and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

Short
title,
extent
and
com-
mence-
ment

1. (1) This Act may be called the Delhi School Education Act, 1973.

(2) It extends to the whole of the Union territory of Delhi.

(3) It shall come into force on such date as the Administrator may, by notification, appoint and different dates¹ may be appointed for different provisions of this Act, and any reference to the commencement of this Act in relation to any provision thereof shall be construed as a reference to the date on which that provision comes into force.

Defini-
tions.

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

(a) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;

¹ 28-4-73: All provisions except Chapters II to V (both inclusive), sections 16, 17, 18, 22 and 27, *vide* Notification of the Delhi Administration in the Education Deptt. No. F. 5/15/72-Education dated 28-4-1973.

² 31-12-1973: Chapters II to V (both inclusive), sections, 16, 17, 18, 22 and 27, *vide* Notification No. F. 5/15/72-Education (i), dated 31-12-1973, Delhi Gazette, Extraordinary, Pt. IV, dated 31-12-1973,

- (b) "Advisory Board" means the Board referred to in section 22;
- (c) "aid" means any aid granted to a recognised school by the Central Government, Administrator, a local authority or any other authority designated by the Central Government, Administrator or a local authority;
- (d) "aided school" means a recognised private school which is receiving aid in the form of maintenance grant from the Central Government, Administrator or a local authority or any other authority designated by the Central Government, Administrator or a local authority;
- (e) "appropriate authority" means,—
- (i) in the case of a school recognised or to be recognised by an authority designated or sponsored by the Central Government, that authority;
 - (ii) in the case of a school recognised or to be recognised by the Delhi Administration, the Administrator or any other officer authorised by him in this behalf;
 - (iii) in the case of a school recognised or to be recognised by the Municipal Corporation of Delhi, that Corporation;
 - (iv) in the case of any other school, the Administrator or any other officer authorised by him in this behalf;
- (f) "Delhi" means the Union territory of Delhi;
- (g) "Director" means the Director of Education, Delhi, and includes any other officer authorised by him to perform all or any of the functions of the Director under this Act;
- (h) "employee" means a teacher and includes every other employee working in a recognised school;
- (i) "existing employee" means an employee of an existing school who is employed in such school immediately before the commencement of this Act, and includes an employee who was employed in such school for a period of not less than twelve months immediately preceding the 2nd day of September, 1972;
- (j) "existing school" means a recognised private school which is in existence at the commencement of this Act;
- (k) "Head of school" means the principal academic officer, by whatever name called, of a recognised school;
- (l) "local authority" means,—
- (i) in relation to an area within the local limits of the Municipal Corporation of Delhi, that Corporation;
 - (ii) in relation to an area within the local limits of the New Delhi Municipal Committee, that Committee;
 - (iii) in relation to an area within the local limits of the Delhi Cantonment Board, that Board;

(m) "manager", in relation to a school, means the person, by whatever name called, who is entrusted, either on the date on which this Act comes into force or, as the case may be, under a scheme of management made under section 5, with the management of the affairs of that school;

(n) "managing committee" means the body of individuals who are entrusted with the management of any recognised private school;

(o) "minority school" means a school established and administered by a minority having the right to do so under clause (1) of article 30 of the Constitution;

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

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

(r) "private school" means a school which is not run by the Central Government, Administrator, a local authority or any other authority designated or sponsored by the Central Government, Administrator or a local authority;

(s) "public examination" means an examination conducted by the Central Board of Secondary Education, Council for Indian School Certificate Examinations or any other Board which may hereafter be established for the purpose, and recognised by the Administrator or any other officer authorised by him in this behalf;

(t) "recognised school" means a school recognised by the appropriate authority;

(u) "school" includes a pre-primary, primary, middle and higher secondary school, and also includes any other institution which imparts education or training below the degree level, but does not include an institution which imparts technical education;

(v) "school property" means all movable and immovable property belonging to, or in the possession of, the school and all other rights and interests in, or arising out of, such property, and includes land, building and its appurtenances, playgrounds, hostels, furniture, books, apparatus, maps, equipment, utensils, cash, reserve fund investments and bank balances;

(w) "teacher" includes the Head of a school;

(x) "unaided minority school" means a recognised minority school which does not receive any aid.

CHAPTER II

ESTABLISHMENT, RECOGNITION, MANAGEMENT OF, AND AID TO, SCHOOLS

3. (1) The Administrator may regulate education in all the schools in Delhi in accordance with the provisions of this Act and the rules made thereunder.

Power of
Adminis-
trator to
regulate
education
in schools.

(2) The Administrator may establish and maintain any school in Delhi or may permit any person or local authority to establish and maintain any school in Delhi, subject to compliance with the provisions of this Act and the rules made thereunder.

(3) On and from the commencement of this Act and subject to the provisions of clause (1) of article 30 of the Constitution, the establishment of a new school or the opening of a higher class or the closing down of an existing class in any existing school in Delhi shall be subject to the provisions of this Act and the rules made thereunder and any school or higher class established or opened otherwise than in accordance with the provisions of this Act shall not be recognised by the appropriate authority.

4. (1) The appropriate authority may, on an application made to it in the prescribed form and in the prescribed manner, recognise any private school:

Recogni-
tion of
schools.

Provided that no school shall be recognised unless—

(a) it has adequate funds to ensure its financial stability and regular payment of salary and allowances to its employees;

(b) it has a duly approved scheme of management as required by section 5;

(c) it has suitable or adequate accommodation and sanitary facilities having regard, among other factors, to the number, age and sex of the pupils attending it;

(d) it provides for approved courses of study and efficient instruction;

(e) it has teachers with prescribed qualifications; and

(f) it has the prescribed facilities for physical education, library service, laboratory work, workshop practice or co-curricular activities.

(2) Every application for recognition of a school shall be entertained and considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of four months from the date of the receipt of the application; and where recognition is not granted, the reasons for not granting such recognition shall also be communicated to the applicant within the said period.

(3) Where recognition to a school is refused, any person aggrieved by such refusal may, within thirty days from the date of communication to him, of such refusal, appeal against such refusal, in the prescribed manner, to the prescribed authority and the decision of the prescribed authority thereon shall be final:

Provided that the prescribed authority may, if it is satisfied that the appellants was prevented by sufficient cause from preferring the appeal within the said period of thirty days, extend, for reasons to be recorded by it in writing, the said period by a further period of sixty days.

(4) Where the managing committee of a school obtains recognition by fraud, misrepresentation or suppression of material particulars, or where, after obtaining recognition, the school fails to continue to comply with any of the conditions specified in the proviso to sub-section (1), the authority granting the recognition may, after giving the managing committee of the school a reasonable opportunity of showing cause against the proposed action, withdraw the recognition granted to such school under sub-section (1).

(5) The recognition granted under sub-section (1) shall not, by itself, entitle any school to receive aid.

(6) Every existing school shall be deemed to have been recognised under this section and shall be subject to the provisions of this Act and the rules made thereunder:

Provided that where any such school does not satisfy any of the conditions specified in the proviso to sub-section (1), the prescribed authority may require the school to satisfy such conditions and such other conditions as may be prescribed, within a specified period and if any such condition is not satisfied, recognition may be withdrawn from such school.

(7) Every school, whose recognition is withdrawn under sub-section (4) or sub-section (6), may appeal to the prescribed authority, who shall dispose of the appeal within six months from the date of presentation of the appeal in such manner as may be prescribed, and if the appeal is not disposed of within that period, the order for the withdrawal of recognition shall, on the expiry of the said period of six months, stand cancelled.

(8) On hearing an appeal preferred under sub-section (3) or sub-section (7), the prescribed authority may, after giving the appellant a reasonable opportunity of being heard, confirm, modify or reverse the order appealed against.

Scheme
of
manage-
ment.

5. (1) Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the managing committee of every recognised school shall make, in accordance with the rules made under this Act and with the previous approval of the appropriate authority, a scheme of management for such school:

Provided that in the case of a recognised private school which does not receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed:

Provided further that so much of this sub-section as relates to the previous approval of the appropriate authority, shall not apply to a scheme of management for an unaided minority school.

(2) A scheme may be made, in like manner, to add to, vary or modify any scheme made under sub-section (1).

Aid to
recognised
schools.

6. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf and subject to such conditions as may be prescribed, pay to the Administrator, for distribution of aid to recognised private schools, not being primary schools recognised by a local authority, such sums of money as that Government may consider necessary:

Provided that no existing school receiving, immediately before the commencement of this Act, aid shall be eligible for the continuance of such aid unless it complies, within such period as may be specified by the Director, with the conditions specified in the proviso to sub-section (1) of section 4.

(2) The authority competent to grant the aid may stop, reduce or suspend aid for violation of any of the conditions prescribed in this behalf.

(3) The aid may cover such part of the expenditure of the school as may be prescribed.

(4) No payment, out of the aid given for salary, allowances and provident fund of employees of the school, shall be made for any other purpose.

(5) No aid shall be given to a school the management of which has been taken over under section 20.

(6) No unrecognised school shall be eligible to receive any aid or any benefit made available to private schools by the Administrator or any agency of the Administrator.

CHAPTER III

SCHOOL PROPERTY

7. (1) The management of every aided school shall furnish to the appropriate authority, initially, at the time of grant of aid and thereafter annually, a statement containing a list of school property together with such particulars as may be prescribed.

School
property.

(2) Notwithstanding anything contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school, not being the property specified in the rules, shall be made except with the previous permission of the appropriate authority:

Provided that where the appropriate authority omits or fails to dispose of the application for such permission within sixty days from the date of receipt of the application in this behalf, the permission shall, on the expiry of the said period of sixty days, be deemed to have been granted.

(3) Any person aggrieved by the grant or refusal of permission under sub-section (2) may prefer, in such form and within such time as may be prescribed, appeal to the Administrator against such grant or refusal of permission and the decision of the Administrator thereon shall be final.

(4) Any transaction made in contravention of the provisions of sub-section (2), or, as the case may be, decision of the Administrator, shall be void.

CHAPTER IV

TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES OF RECOGNISED PRIVATE SCHOOLS

Terms and conditions of service of employees of recognised private schools

8. (1) The Administrator may make rules regulating the minimum qualifications for recruitment, and the conditions of service, of employees of recognised private schools:

Provided that neither the salary nor the rights in respect of leave of absence, age of retirement and pension of an employee in the employment of an existing school at the commencement of this Act shall be varied to the disadvantage of such employee:

Provided further that every such employee shall be entitled to opt for terms and conditions of service as they were applicable to him immediately before the commencement of this Act.

(2) Subject to any rule that may be made in this behalf, no employee of a recognised private school shall be dismissed, removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the Director.

(3) Any employee of a recognised private school who is dismissed, removed or reduced in rank may, within three months from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the Tribunal constituted under section 11.

(4) Where the managing committee of a recognised private school intends to suspend any of its employees, such intention shall be communicated to the Director and no such suspension shall be made except with the prior approval of the Director:

Provided that the managing committee may suspend an employee with immediate effect and without the prior approval of the Director if it is satisfied that such immediate suspension is necessary by reason of the gross misconduct, within the meaning of the Code of Conduct prescribed under section 9, of the employee:

Provided further that no such immediate suspension shall remain in force for more than a period of fifteen days from the date of suspension unless it has been communicated to the Director and approved by him before the expiry of the said period.

(5) Where the intention to suspend, or the immediate suspension of, an employee is communicated to the Director, he may, if he is satisfied that there are adequate and reasonable grounds for such suspension, accord his approval to such suspension.

Employees to be governed by a Code of Conduct.

9. Every employee of a recognised school shall be governed by such Code of Conduct as may be prescribed and on the violation of any provision of such Code of Conduct, the employee shall be liable to such disciplinary action as may be prescribed.

Salaries of employees.

10. (1) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of

a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority:

Provided that where the scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of any recognised private school are less than those of the employees of the corresponding status in the schools run by the appropriate authority, the appropriate authority shall direct, in writing, the managing committee of such school to bring the same up to the level of those of the employees of the corresponding status in schools run by the appropriate authority:

Provided further that the failure to comply with such direction shall be deemed to be non-compliance with the conditions for continuing recognition of an existing school and the provisions of section 4 shall apply accordingly.

(2) The managing committee of every aided school shall deposit, every month, its share towards pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits with the Administrator and the Administrator shall disburse, or cause to be disbursed, within the first week of every month, the salaries and allowances to the employees of the aided schools.

11. (1) The Administrator shall, by notification, constitute a Tribunal, to be known as the "Delhi School Tribunal", consisting of one person:

Tribunal

Provided that no person shall be so appointed unless he has held office as a District Judge or any equivalent judicial office.

(2) If any vacancy, other than a temporary absence, occurs in the office of the presiding officer of the Tribunal, the Administrator shall appoint another person, in accordance with the provisions of this section, to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The Administrator shall make available to the Tribunal such staff as may be necessary in the discharge of its functions under this Act.

(4) All expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of India.

(5) The Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it shall hold its sittings

(6) The Tribunal shall for the purpose of disposal of an appeal preferred under this Act have the same powers as are vested in a court of appeal by the Code of Civil Procedure, 1908 and shall also have the power to stay the operation of the order appealed against on such terms as it may think fit.

5 of 1908.

12. Nothing contained in this Chapter shall apply to an unaided minority school.

**Chapter
not to
apply to
unaided
minority
school**

CHAPTER V

PROVISIONS APPLICABLE TO UNAIDED MINORITY SCHOOLS

Power to prescribe minimum qualifications for recruitment.

13. The Administrator may make rules regulating the minimum qualifications for, and method of, recruitment of employees of unaided minority schools:

Provided that no qualification shall be varied to the disadvantage of an existing employee of an unaided minority school.

Power to prescribe Code of Conduct.

14. Every employee of an unaided minority school shall be governed by such Code of Conduct as may be prescribed.

Contract of service.

15. (1) The managing committee of every unaided minority school shall enter into a written contract of service with every employee of such school:

Provided that if, at the commencement of this Act, there is no written contract of service in relation to any existing employee of an unaided minority school, the managing committee of such school shall enter into such contract within a period of three months from such commencement:

Provided further that no contract referred to in the foregoing proviso shall vary to the disadvantage of any existing employee the term of any contract subsisting at the commencement of this Act between him and the school.

(2) A copy of every contract of service referred to in sub-section (1) shall be forwarded by the managing committee of the concerned unaided minority school to the Administrator who shall, on receipt of such copy, register it in such manner as may be prescribed.

(3) Every contract of service referred to in sub-section (1) shall provide for the following matters, namely:—

(a) the terms and conditions of service of the employee, including the scale of pay and other allowances to which he shall be entitled;

(b) the leave of absence, age of retirement, pension and gratuity, or, contributory provident fund in lieu of pension and gratuity, and medical and other benefits to which the employee shall be entitled;

(c) the penalties which may be imposed on the employee for the violation of any Code of Conduct or the breach of any term of the contract entered into by him;

(d) the manner in which disciplinary proceedings in relation to the employee shall be conducted and the procedure which shall be followed before any employee is dismissed, removed from service or reduced in rank;

(e) arbitration of any dispute arising out of any breach of contract between the employee and the managing committee with regard to—

(i) the scales of pay and other allowances,

(ii) leave of absence, age of retirement, pension, gratuity, provident fund, medical and other benefits,

(iii) any disciplinary action leading to the dismissal or removal from service or reduction in rank of the employee;

(f) any other matter which, in the opinion of the managing committee, ought to be, or may be, specified in such contract.

CHAPTER VI

ADMISSION TO SCHOOLS AND FEES

16. (1) A child who has not attained the age of five years, shall not be admitted to class I, or an equivalent class or any class higher than class I, in a recognised school.

Admission to recognised schools.

(2) A student seeking admission for the first time in a recognised school in a class higher than class I shall not be admitted to that class if his age reduced by the number of years of normal school study between that class and class I or an equivalent class, falls short of five years.

(3) Admission to a recognised school or to any class thereof shall be regulated by rules made in this behalf.

17. (1) No aided school shall levy any fee or collect any other charge or receive any other payment except those specified by the Director.

Fees and other charges.

(2) Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or creating such funds.

(3) The manager of every recognised school shall, before the commencement of each academic session, file with the Director a full statement of the fees to be levied by such school during the ensuing academic session, and except with the prior approval of the Director, no such school shall charge, during that academic session, any fee in excess of the fee specified by its manager in the said statement.

18. (1) In every aided school, there shall be a fund, to be called the "School Fund", and there shall be credited thereto—

School Fund.

(a) any aid granted by the Administrator,

(b) income accruing to the school by way of fees, charges or other payments, and

(c) any other contributions, endowments and the like.

(2) The School Fund and all other funds, including the Pupils' Fund, established with the approval of the Administrator, shall be accounted for and operated in accordance with the rules made under this Act.

(3) In every recognised unaided school, there shall be a fund, to be called the "Recognised Unaided School Fund", and there shall be credited thereto income accruing to the school by way of—

(a) fees,

(b) any charges and payments which may be realised by the school for other specific purposes, and

(c) any other contributions, endowments, gifts and the like,

(4) (a) Income derived by unaided schools by way of fees shall be utilised only for such educational purposes as may be prescribed; and

(b) charges and payments realised and all other contributions, endowments and gifts received by the school shall be utilised only for the specific purpose for which they were realised or received.

(5) The managing committee of every recognised private school shall file every year with the Director such duly audited financial and other returns as may be prescribed, and every such return shall be audited by such authority as may be prescribed.

Affilia-
tions.

19. (1) For the purpose of any public examination every recognised higher secondary school shall be affiliated to one or more of the Boards or Council conducting such examination and shall fulfil the conditions specified by the Board or Council in this behalf.

(2) The students of recognised higher secondary schools shall be prepared for, and presented to, the public examinations or such other form of evaluation held or made for the students of such schools.

(3) The students of every recognised middle school shall be prepared for, and presented to, such public examination as may be held by the Directorate of Education, Delhi, for the students of such schools.

(4) Every student of a recognised primary school shall be prepared for, and presented to, the public examination held by a local authority competent to hold such examination for the students of such schools.

CHAPTER VII

TAKING OVER THE MANAGEMENT OF SCHOOLS

Taking
over the
manage-
ment of
schools.

20. (1) Whenever the Administrator is satisfied that the managing committee or manager of any school, whether recognised or not, has neglected to perform any of the duties imposed on it by or under this Act or any rule made thereunder and that it is expedient in the interests of school education to take over the management of such school, he may, after giving the managing committee or the manager of such school, a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years:

Provided that where the management of a school has been taken over for a period of three years or less, the Administrator may, if he is of opinion that in order to secure proper management of the school it is expedient that such management should continue to be in force after the expiry of the said limited period, he may, from time to time, issue directions for the continuance of such management for such period not exceeding one year at a time as he may think fit, so, however, that the total period for which such management is taken over shall not, in any case, exceed five years.

(2) Whenever the management of any school is taken over under sub-section (1), every person in charge of the management of such school immediately before its management is taken over, shall deliver possession of the school property to the Administrator or any officer authorised by him in this behalf.

(3) After taking over the management of any school under this section, the Administrator may arrange to manage the school through

the Director or any other person authorised by the Director in this behalf (hereinafter referred to as the "authorised officer").

(4) Where the management of any school has been taken over under sub-section (1), the managing committee or manager of such school may, within three months from the date of taking over, appeal to the Administrator, who may after considering the representation made by the managing committee or the manager, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Administrator, as he may deem fit.

(5) Where the management of a school has been taken over under this section, the Administrator shall pay such rent as may be payable for the building of the school to the person entitled to receive it as was being paid by the managing committee or the manager immediately before the management of such school was taken over.

(6) During such period as any school remains under the management of the authorised officer—

(a) the service conditions, as approved by the Administrator, of the employees of the school who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage;

(b) all educational facilities which the school had been affording immediately before such management was taken over, shall continue to be afforded;

(c) the School Fund, the Pupils' Fund and the Management Fund and any other existing fund shall continue to be available to the authorised officer for being spent for the purposes of the school; and

(d) no resolution passed at any meeting of the managing committee of such school shall be given effect to unless approved by the Administrator.

21. Nothing contained in section 20 shall apply to any minority school.

CHAPTER VIII

MISCELLANEOUS

22. (1) There shall be an Advisory Board for school education, to be called the "Delhi School Education Advisory Board" for the purpose of advising the Administrator on matters of policy relating to education in Delhi.

(2) The Advisory Board shall be constituted by the Administrator and shall consist of a Chairman and fourteen other members, to be nominated by the Administrator.

(3) The Advisory Board constituted under sub-section (2) shall include—

(a) Heads of recognised private schools;

(b) representatives of the organisations of teachers of the recognised private schools;

Section 20
not to
apply to
minority
schools.

Delhi
Schools
Educa-
tion
Advisory
Board.

(c) managers of the recognised private schools;

(d) representatives of parents or guardians of students of recognised private schools; and

(e) eminent educationists.

(4) The Advisory Board shall regulate its own procedure.

(5) The terms of office of every member of the Board and travelling and other allowances payable to a member of the Board shall be such as may be prescribed.

Delegation of powers.

23. (1) The Administrator may delegate all or any of his powers, duties and functions under this Act to the Director or any other officer.

(2) Every person to whom any power is delegated under sub-section (1), may exercise that power in the same manner and with the same effect as if such power had been conferred on him directly by this Act and not by way of delegation.

Inspection of schools.

24. (1) Every recognised school shall be inspected at least once in each financial year in such manner as may be prescribed.

(2) The Director may also arrange special inspection of any school on such aspects of its working as may, from time to time, be considered necessary by him.

(3) The Director may give directions to the manager requiring the manager to rectify any defect or deficiency found at the time of inspection or otherwise in the working of the school.

(4) If the manager fails to comply with any direction given under sub-section (3), the Director may, after considering the explanation or report, if any, given or made by the manager, take such action as he may think fit, including—

(a) stoppage of aid,

(b) withdrawal of recognition, or

(c) except in the case of a minority school, taking over of the school under section 20.

Of nature of law of 1956.

Jurisdiction of civil courts barred.

25. No civil court shall have jurisdiction in respect of any matter in relation to which the Administrator or the Director or any other person authorised by the Administrator or Director or any other officer or authority appointed or specified by or under this Act, is empowered by or under this Act to exercise any power, and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

Protection of action taken in good faith.

26. No suit, prosecution or other legal proceeding shall lie against the Administrator, Director or any other person authorised by the Administrator or Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

Liability of manager to punishment.

27. If the manager of any recognised private school—

(a) omits or fails, without any reasonable excuse, to carry out any orders made by the Tribunal, or

(b) presents any student for any public examination without complying with the provisions of section 19, or

(c) omits or fails to deliver any school property to the Administrator or any officer authorised by him under sub-section (2) of section 20,

he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

28. (1) The Administrator may, with the previous approval of the Central Government, and subject to the condition of previous publication, by notification, make rules to carry out the provisions of this Act.

Power to
make
rules.

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

(a) the manner in which education may be regulated by the Administrator in Delhi;

(b) the conditions which every existing school shall be required to comply;

(c) establishment of a new school or the opening of a higher class or the closing down of an existing class in an existing school;

(d) the form and manner in which an application for recognition of a school shall be made;

(e) the facilities to be provided by a school to obtain recognition;

(f) the manner in which, and the authority to which, an appeal against the refusal or withdrawal of recognition shall be made;

(g) the minimum qualifications for, and method of recruitment, and the terms and conditions of service of employees;

(h) the authorities to be specified for the purposes of the different provisions of this Act;

(i) the particulars which a scheme of management shall contain, and the manner in which such scheme shall be made;

(j) variations and modifications which may be made in the scheme of management for a recognised school which does not receive any aid;

(k) the conditions under which aid may be granted to recognised schools, and on the violation of which aid may be stopped, reduced or suspended;

(l) the part of the expenditure of a recognised school which is to be covered by aid;

(m) particulars of school property which should be furnished to the appropriate authority;

(n) the form in which, and the time within which, an appeal shall be preferred to the Administrator against an order made in relation to the transfer, mortgage or lien of any school property;

(o) the Code of Conduct for the employees and the disciplinary action to be taken for the violation thereof;

(p) the benefits which should be granted to the employees of recognised private schools;

(q) admissions to a recognised school;

(r) fees and other charges which may be collected by an aided school;

(s) the manner of inspection of recognised schools;

(t) the term of office, travelling and other allowances payable to the members of the Advisory Board;

(u) financial and other returns to be filed by the managing committee of recognised private schools, and the authority by which such returns shall be audited;

(v) educational purposes for which the income derived by way of fees by recognised unaided schools shall be spent;

(w) manner of accounting and operation of school funds and other funds of a recognised private school;

(x) fees, not exceeding one rupee, for preferring any appeal under this Act;

(y) any other matter which is to be, or may be, prescribed under this Act.

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

Power
to re-
move
difficul-
ties.

29. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

THE APPROPRIATION (No. 2) ACT, 1973

No. 19 OF 1973

[5th May, 1973]

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 1973-74.

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

1. This Act may be called the Appropriation (No. 2) Act, 1973.

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 [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Vote on Account) Act, 1973] to the sum of twenty thousand, one hundred and twenty-three crores, ninety lakhs and ninety-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74 in respect of the services specified in column 2 of the Schedule.

Issue of
Rs. 2,01,23
90,97,000
out of the
Consoli-
dated
Fund of
India for
the year
1973-74.

4 of 1973.

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 on relation to the said year.

Appro-
pria-
tion.

THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parlia- ment	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Department of Agri- culture Revenue	1,46,26,000	..	1,46,26,000
2	Agriculture Revenue	84,95,88,000	..	84,95,88,000
	Capital	286,87,60,000	62,02,10,000	348,89,70,000
3	Fisheries Revenue	3,16,01,000	..	3,16,01,000
	Capital	90,30,000	2,00,000	92,30,000
4	Animal Husbandry and Dairy Develop- ment Revenue	3,33,96,000	..	3,33,96,000
	Capital	14,55,43,000	16,50,000	14,71,93,000
5	Forest Revenue	5,81,31,000	..	5,81,31,000
	Capital	5,00,000	1,95,00,000	2,00,00,000
6	Payments to Indian Council of Agricul- tural Research Revenue	34,15,13,000	..	34,15,13,000
7	Department of Food Revenue	161,14,76,000	..	161,14,76,000
8	Department of Com- munity Develop- ment Capital	8,93,11,000	81,74,000	9,74,85,000
	Revenue	56,29,42,000	..	56,29,42,000
9	Department of Co- operation Capital	1,000	..	1,000
	Revenue	3,34,80,000	..	3,34,80,000
10	Department of Fo- reign Trade Capital	36,60,56,000	84,00,000	37,44,56,000
	Revenue	4,96,39,000	..	4,96,39,000
11	Foreign Trade Revenue	139,85,98,000	..	139,85,98,000
	Capital	42,00,00,000	..	42,00,00,000
12	Export Oriented Industries Revenue	8,77,56,000	..	8,77,56,000
	Capital	8,13,64,000	75,00,000	8,88,64,000
13	Department of Inter- nal Trade Revenue	16,29,71,000	..	16,29,71,000
	Capital	8,45,20,000	7,50,000	8,52,70,000
14	Ministry of Com- munications Revenue	76,08,000	..	76,08,000
	Capital	1,93,00,000	..	1,93,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
15	Overseas Communications Service			
	Revenue	5,96,55,000	..	5,96,55,000
	Capital	1,86,80,000	20,000	1,87,00,000
16	Posts and Telegraphs—Working Expenses	319,30,36,000	50,000	319,30,86,000
17	Posts and Telegraphs—Dividend to General Revenues, Appropriations to Reserve Funds and Repayment of Loans from General Revenues	68,98,61,000	..	68,98,61,000
18	Capital Outlay on Posts and Telegraphs (Not met from Revenue)	106,67,00,000	..	106,67,00,000
19	Ministry of Defence	1,28,08,000	..	1,28,08,000
	Capital	24,02,33,000	..	24,02,33,000
20	Defence Services—Army	1029,17,00,000	9,00,000	1029,26,00,000
21	Defence Services—Navy	87,41,00,000	40,000	87,41,40,000
22	Defence Services—Air Force	330,86,00,000	1,50,000	330,87,50,000
23	Defence Services—Pensions, etc.	60,40,00,000	10,000	60,40,10,000
24	Defence Capital Outlay	196,06,00,000	30,00,000	196,36,00,000
25	Department of Education	2,65,78,000	..	2,65,78,000
26	Education	117,58,73,000	..	117,58,73,000
	Capital	1,06,19,000	4,49,52,000	5,55,71,000
27	Department of Social Welfare	26,51,43,000	..	26,51,43,000
	Capital	5,00,000	5,00,000	10,00,000
28	Ministry of External Affairs	82,29,32,000	5,000	82,29,37,000
	Capital	1,80,00,000	..	1,80,00,000
29	Ministry of Finance	20,98,12,000	..	20,98,12,000
30	Customs	13,10,87,000	44,000	13,11,31,000
31	Union Excise Duties	23,49,05,000	70,000	23,49,75,000
32	Taxes on Income, etc.	23,89,10,000	2,06,000	23,91,16,000
33	Stamps	5,58,21,000	..	5,58,21,000
	Capital	78,76,000	..	78,76,000
34	Audit	44,60,00,000	67,50,000	45,27,50,000

1 No. of Vote	2 Services and purposes		3		
			Sums not exceeding		
			Voted by Parlia- ment	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.	
35	Currency, Coinage and Mint	Revenue	20,90,24,000	..	20,90,24,000
		Capital	25,91,88,000	..	25,91,88,000
36	Pensions	Revenue	14,20,09,000	25,32,000	14,45,41,000
		Capital	7,12,18,000	4,80,000	7,16,98,000
37	Opium and Alkaloid Factories	Revenue	11,65,32,000	1,000	11,65,33,000
		Capital	57,18,000	..	57,18,000
38	Transfers to State and Union Territory Governments	Revenue	349,03,11,000	746,71,08,000	1095,74,19,000
		Capital	..	1192,71,00,000	1192,71,00,000
	CHARGED—Interest Payments	Revenue	..	834,86,75,000	834,86,75,000
39	Other expenditure of the Ministry of Finance	Revenue	287,00,33,000	4,33,000	287,04,66,000
		Capital	65,73,74,000	..	65,73,74,000
40	Loans to Govern- ment Servants, etc.	Capital	33,46,85,000	..	33,46,85,000
		CHARGED—Repay- ment of Debt	Capital	..	10820,56,00,000	10820,56,00,000
41	Ministry of Health and Family Plan- ning	Revenue	1,46,65,000	..	1,46,65,000
42	Medical and Public Health	Revenue	47,42,58,000	..	47,42,58,000
		Capital	23,53,98,000	37,62,000	23,91,60,000
43	Family Planning	Revenue	54,44,25,000	..	54,44,25,000
		Capital	4,78,40,000	..	4,78,40,000
44	Ministry of Heavy Industry	Revenue	12,60,000	..	12,60,000
45	Heavy Industries	Revenue	5,42,67,000	..	5,42,67,000
		Capital	51,70,65,000	..	51,70,65,000
46	Ministry of Home Affairs	Revenue	1,73,63,000	..	1,73,63,000
47	Cabinet	Revenue	1,00,21,000	..	1,00,21,000
48	Department of Person- nel and Adminis- trative Reforms	Revenue	4,97,02,000	..	4,97,02,000
		Capital	..	25,00,000	25,00,000
49	Police	Revenue	122,78,96,000	..	122,78,96,000
		Capital	2,52,50,000	10,50,00,000	13,02,50,000
50	Census	Revenue	3,47,79,000	..	3,47,79,000

1 No. of Vote	2 Services and purposes		3		
			Sums not exceeding		
			Voted by Parlia- ment	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.	
51	Other expenditure of the Ministry of Home Affairs	Revenue	67,28,92,000	14,61,66,000	81,90,58,000
		Capital	12,99,13,000	2,67,00,000	15,66,13,000
52	Delhi	Revenue	78,25,20,000	41,16,000	78,66,36,000
		Capital	34,79,89,000	2,62,90,000	[37,42,79,000
53	Chandigarh	Revenue	9,61,09,000	38,42,000	9,99,51,000
		Capital	3,81,89,000	4,00,000	3,85,89,000
54	Andaman and Nico- bar Islands	Revenue	13,83,49,000	5,000	13,83,54,000
		Capital	5,04,38,000	..	5,04,38,000
55	Arunachal Pradesh	Revenue	17,40,79,000	..	17,40,79,000
		Capital	6,47,62,000	..	6,47,62,000
56	Dadra and Nagar Haveli	Revenue	75,56,000	..	75,56,000
		Capital	40,64,000	..	40,64,000
57	Laccadive, Minicoy and Amindivi Islands	Revenue	2,26,69,000	..	2,26,69,000
		Capital	46,77,000	..	46,77,000
58	Ministry of Indus- trial Development	Revenue	1,94,18,000	..	1,94,18,000
59	Industries	Revenue	15,13,61,000	25,00,000	15,38,61,000
		Capital	29,01,52,000	10,41,60,000	39,43,12,000
60	Ministry of Infor- mation and Broad- casting	Revenue	39,04,000	..	39,04,000
61	Information and Publicity	Revenue	10,42,36,000	..	10,42,36,000
		Capital	1,06,50,000	..	1,06,50,000
62	Broadcasting	Revenue	18,02,80,000	..	18,02,80,000
		Capital	14,65,40,000	..	14,65,40,000
63	Ministry of Irriga- tion and Power	Revenue	9,95,21,000	..	9,95,21,000
64	Irrigation and Flood Control Schemes	Revenue	15,53,77,000	..	15,53,77,000
		Capital	8,41,60,000	1,60,00,000	10,01,60,000
65	Power Schemes	Revenue	5,89,34,000	..	5,89,34,000
		Capital	67,58,48,000	13,49,75,000	81,08,23,000
66	Department of Labour and Employment	Revenue	1,35,27,000	..	1,35,27,000
67	Labour and Employ- ment	Revenue	28,95,33,000	5,000	28,95,38,000
		Capital	1,79,51,000	..	1,79,51,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
68	Department of Reha- bilitation Revenue	20,58,52,000	1,22,000	20,59,74,000
	Capital	9,40,09,000	5,70,97,000	15,11,06,000
69	Ministry of Law, Justice and Company Affairs Revenue	7,70,84,000	..	7,70,84,000
70	Administration of Justice Revenue	2,63,000	44,63,000	47,26,000
71	Ministry of Petro- leum and Chemicals Revenue	62,41,000	..	62,41,000
	Capital	146,03,07,000	..	146,03,07,000
72	Ministry of Planning Revenue	6,08,000	..	6,08,000
73	Statistics Revenue	5,64,96,000	..	5,64,96,000
74	Planning Commission Revenue	2,02,83,000	..	2,02,83,000
75	Ministry of Shipping and Transport Revenue	1,67,12,000	..	1,67,12,000
76	Roads Revenue	65,49,98,000	10,000	65,50,08,000
	Capital	104,96,56,000	12,78,50,000	117,75,06,000
77	Ports, Lighthouses and Shipping Revenue	15,85,75,000	5,000	15,85,80,000
	Capital	123,35,70,000	77,67,000	124,13,37,000
78	Road and Inland Water Transport Revenue	2,97,49,000	..	2,97,49,000
	Capital	4,04,30,000	70,54,000	4,74,84,000
79	Department of Steel Revenue	12,72,10,000	..	12,72,10,000
	Capital	175,18,75,000	5,00,00,000	180,18,75,000
80	Department of Mines Revenue	19,99,65,000	18,000	19,99,83,000
	Capital	103,45,16,000	..	103,45,16,000
81	Geological Survey Revenue	14,36,10,000	..	14,36,10,000
82	Ministry of Tourism and Civil Aviation Revenue	30,39,000	..	30,39,000
83	Meteorology Revenue	6,80,65,000	..	6,80,65,000
	Capital	55,17,000	..	55,17,000
84	Aviation Revenue	14,99,21,000	..	14,99,21,000
	Capital	20,22,50,000	3,50,000	20,26,00,000
85	Tourism Revenue	3,03,76,000	..	3,03,76,000
	Capital	6,05,00,000	..	6,05,00,000
86	Ministry of Works and Housing Revenue	43,37,94,000	..	43,37,94,000
	Capital	2,54,35,000	36,00,000	2,90,35,000

I No. of Vote	2 Services and purposes		3 Sums not exceeding		
			Voted by Parlia- ment	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
87	Public Works	Revenue	53,59,33,000	38,41,000	53,97,74,000
		Capital	19,98,54,000	32,00,000	20,30,54,000
88	Stationery and Printing	Revenue	17,90,82,000	7,03,000	17,91,85,000
89	Department of Atomic Energy	Revenue	33,49,000	..	33,49,000
90	Atomic Energy Re- search and Dev- elopment	Revenue	30,43,82,000	..	30,43,82,000
		Capital	26,10,60,000	..	26,10,60,000
91	Nuclear Power Schemes	Revenue	24,29,76,000	..	24,29,76,000
		Capital	28,99,90,000	..	28,99,90,000
92	Department of Culture	Revenue	6,71,21,000	..	6,71,21,000
93	Archaeology	Revenue	2,61,70,000	..	2,61,70,000
94	Department of Electronics	Revenue	5,81,72,000	..	5,81,72,000
		Capital	64,90,000	..	64,90,000
95	Department of Science and Technology	Revenue	3,83,22,000	..	3,83,22,000
		Capital	20,48,000	..	20,48,000
96	Survey of India	Revenue	9,65,62,000	..	9,65,62,000
97	Grants to Council of Scientific and Industrial Research	Revenue	24,23,49,000	..	24,23,49,000
98	Department of Space	Revenue	12,04,82,000	..	12,04,82,000
		Capital	3,04,40,000	..	3,04,40,000
99	Department of Supply	Revenue	2,90,01,000	..	2,90,01,000
100	Supplies and Disposals	Revenue	4,86,95,000	..	4,86,95,000
101	Lok Sabha	Revenue	3,00,36,000	1,04,000	3,01,34,000
102	Rajya Sabha	Revenue	1,18,57,000	90,000	1,19,47,000
103	Department of Parlia- mentary Affairs	Revenue	14,64,000	..	14,64,000
	CHARGED—Staff, Household and Allowances of the President	Revenue	..	50,69,000	50,69,000
104	Secretariat of the Vice-President	Revenue	3,90,000	..	3,90,000
	CHARGED—Union Public Service Commission	Revenue	..	1,21,83,000	1,21,83,000
	TOTAL		6370,47,49,000	1,27,53,43,57,000	20123,90,97,000

THE ORISSA STATE LEGISLATURE (DELEGATION OF POWERS) ACT, 1973

No. 20 OF 1973

[10th May, 1973.]

An Act to confer on the President the power of the Legislature of the State of Orissa to make laws.

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

Short title.

1. This Act may be called the Orissa State Legislature (Delegation of Powers) Act, 1973.

Definition.

2. In this Act, "Proclamation" means the Proclamation issued on the 3rd day of March, 1973, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 155(E) 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 Orissa 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 thirty members of the House of the People nominated by the Speaker and fifteen 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 FINANCE ACT, 1973

ARRANGEMENT OF SECTIONS

SECTIONS

CHAPTER I

PRELIMINARY

1. Short title and commencement.

CHAPTER II

RATES OF INCOME-TAX

2. Income-tax.

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

THE FINANCE ACT, 1973

No. 21 of 1973

[11th May, 1973]

An Act to give effect to the financial proposals of the Central Government for the financial year 1973-74.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Finance Act, 1973.

(2) Save as otherwise provided in this Act, sections 2 to 23 shall be deemed to have come into force on the 1st day of April, 1973.

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 Income-assessment year commencing on the 1st day of April, 1973, income-tax shall be charged at the rates specified in Part I of the First Schedule and shall be increased,—

(a) in the cases to which Paragraphs A, B and D of that Part apply, by a surcharge for purposes of the Union;

(b) in the cases to which Paragraph C of that Part applies, by a surcharge for purposes of the Union and a special surcharge for purposes of the Union; and

(c) in the cases to which Paragraphs E and F of that Part apply, by a surcharge,

calculated in each case in the manner provided therein.

(2) In making any assessment for the assessment year commencing on the 1st day of April, 1973, 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 or section 164 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 or that section, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter or section, as the case may be.

43 of 1961.

(4) In cases in which tax has to be deducted under sections 193, 194, 194A, 194B, 194D 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) Subject to the provisions of sub-section (6), 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:

Provided that in respect of any income chargeable to tax under section 164 of the Income-tax Act at the rate of sixty-five per cent., "advance tax" shall be computed at that rate.

(6) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any net agricultural income, in addition to total income, and the total income exceeds five thousand rupees, then, in calculating income-tax under the first proviso to sub-section (5) of section 132 of the Income-tax Act or in charging

income-tax under sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or in computing the "advance tax" payable under Chapter XVII-C of the said Act, at the rate or rates in force,—

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

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

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

(ii) the net agricultural income shall be increased by a sum of five thousand rupees and the amount of income-tax or "advance tax" shall be determined in respect of the net agricultural income as so increased at the rates specified in Sub-Paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if the net agricultural income as so increased were the total income;

(iii) the amount by which income-tax or, as the case may be, "advance tax" determined in accordance with sub-clause (i) exceeds the amount of income-tax or "advance tax" determined in accordance with sub-clause (ii) shall be the income-tax or "advance tax" in respect of the total income:

Provided that in cases where Sub-Paragraph I of the said Paragraph A applies,—

(A) where the aggregate income referred to in sub-clause (i) exceeds fifteen thousand rupees but does not exceed fifteen thousand one hundred and eighty rupees, the provisions of that Sub-Paragraph relating to surcharge on income-tax shall, for the purposes of determining the amount of income-tax or "advance tax" under sub-clause (ii), apply subject to the modifications that such surcharge shall be calculated at the rate arrived at by dividing the amount of surcharge on income-tax calculated in respect of the aggregate income by the amount of income-tax (excluding surcharge) calculated in respect of the aggregate income and that the provisions of the proviso at the end of that Sub-Paragraph shall not apply;

(B) where the aggregate income referred to in sub-clause (i) exceeds fifteen thousand one hundred and eighty rupees, the provisions of that Sub-Paragraph relating to

surcharge on income-tax shall, for the purposes of determining the amount of income-tax or "advance tax" under sub-clause (ii), apply subject to the modifications that such surcharge shall be calculated at the rate of fifteen per cent. and that the provisions of the proviso at the end of that Sub-Paragraph shall not apply.

(7) 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, 1973, 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) "insurance commission" means any remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revival of policies of insurance);

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

(f) "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;

(g) 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 II

DIRECT TAXES

Income-tax

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

(a) in clause (37A), in sub-clause (ii), after the figures and letter "194B", the figures and letter "194D" shall be inserted;

Amend-
ment of
section 2.

(b) in clause (42A), for the portion beginning with the words "short-term capital asset" means a capital asset' and ending with the words "notwithstanding that such capital asset has been held by the assessee for not more than twenty-four months immediately preceding the date of its transfer.", the following shall be substituted with effect from the 1st day of April, 1974, namely:—

"short-term capital asset" means a capital asset held by an assessee for not more than sixty months immediately preceding the date of its transfer.

4. In section 28 of the Income-tax Act, in clause (ii), after sub-clause (c), the following sub-clause shall be inserted, and shall be deemed to have been inserted, with effect from the 1st day of April, 1972, namely:—

Amend-
ment of
section 28.

"(d) any person, for or in connection with the vesting in the Government, or in any corporation owned or controlled by the Government, under any law for the time being in force, of the management of any property or business;"

5. In section 35B of the Income-tax Act, in sub-section (1),—

Amend-
ment of
section
35B.

(a) the *Explanation* shall be numbered, and shall be deemed to have been numbered, as *Explanation 1*, with effect from the 1st day of April, 1968; and

(b) after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, and shall be deemed to have been inserted, with effect from the 1st day of April, 1968, namely:—

"*Explanation 2.*—For the purposes of sub-clause (iii) and sub-clause (viii) of clause (b), expenditure incurred by an assessee engaged in the business of—

(i) operation of any ship or other vessel, aircraft or vehicle, or

(ii) carriage of, or making arrangements for carriage of, passengers, livestock, mail or goods,

on or in relation to such operation or carriage or arrangements for carriage (including in each case expenditure incurred on the provision of any benefit, amenity or facility to the crew, passengers or livestock) shall not be regarded as expenditure incurred by the assessee on the supply outside India of services or facilities."

16 of 1972. 6. In section 45 of the Income-tax Act (as amended by section 8 of the Finance Act, 1972), for the words, figures and letters "sections 53, 54, 54B and 54C", the words, figures and letters "sections 53, 54, 54B, 54C and 54D" shall be substituted with effect from the 1st day of April, 1974.

Amend-
ment of
section 45.

Insertion of new section 54D.

7. After section 54C (inserted by section 9 of the Finance Act, 1972) of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 1974, namely:—

Capital gain on compulsory acquisition of lands and buildings not to be charged in certain cases.

“54D. Where the capital gain arises from the transfer by way of compulsory acquisition under any law of a capital asset, being land or building or any right in land or building, forming part of an industrial undertaking belonging to the assessee which, in the two years immediately preceding the date on which the transfer took place, was being used by the assessee for the purposes of the business of the said undertaking, and the assessee has within a period of three years after that date purchased any other land or building or any right in any other land or building or constructed any other building for the purposes of shifting or re-establishing the said undertaking or setting up another industrial undertaking, then, instead of the capital gain being charged to income-tax as the income of the previous year in which the transfer took place, it shall be dealt with in accordance with the following provisions of this section, that is to say,—

(i) if the amount of the capital gain is greater than the cost of the land, building or right so purchased or the building so constructed (such land, building or right being hereafter in this section referred to as the new asset), the difference between the amount of the capital gain and the cost of the new asset shall be charged under section 45 as the income of the previous year; and for the purpose of computing in respect of the new asset any capital gain arising from its transfer within a period of three years of its purchase or construction, as the case may be, the cost shall be *nil*; or

(ii) if the amount of the capital gain is equal to or less than the cost of the new asset, the capital gain shall not be charged under section 45; and for the purpose of computing in respect of the new asset any capital gain arising from its transfer within a period of three years of its purchase or construction, as the case may be, the cost shall be reduced by the amount of the capital gain.”

Amendment of section 80C.

8. In section 80C of the Income-tax Act, with effect from the 1st day of April, 1974,—

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

“(1) In computing the total income of an assessee, there shall be deducted, in accordance with and subject to the provisions of this section, an amount calculated, with reference to the aggregate of the sums specified in sub-section (2), at the following rates, namely:—

(a) where such aggregate does not exceed Rs. 2,000

The whole of such aggregate;

(b) where such aggregate exceeds Rs. 2,000 but does not exceed Rs. 5,000

Rs. 2,000 plus 50 per cent. of the amount by which such aggregate exceeds Rs. 2,000;

(c) where such aggregate exceeds Rs. 5,000 Rs. 3,500 plus 40 per cent. of the amount by which such aggregate exceeds Rs. 5,000.”;

(b) in sub-section (2),—

(i) for sub-clause (ii) of clause (a), the following sub-clause shall be substituted, namely:—

“(ii) to effect or to keep in force a contract for a deferred annuity on the life of the assessee or on the life of the wife or husband or any child of the assessee:

Provided that such contract does not contain a provision for the exercise by the insured of an option to receive a cash payment in lieu of the payment of the annuity;”;

(ii) in clause (g), for item (2) of sub-clause (i), the following item shall be substituted, namely:—

“(2) to effect or to keep in force a contract for a deferred annuity on the life of any member of such association or body or any child of any of the members of such association or body:

Provided that such contract does not contain a provision for the exercise by the insured of an option to receive a cash payment in lieu of the payment of the annuity; or”.

9. In section 80G of the Income-tax Act, with effect from the 1st day of April, 1974,—

Amend-
ment of
section
80G.

(a) in sub-section (5),—

(i) in clause (i), after the words, brackets, figures and letter “or clause (22A)”, the words, brackets and figures “or clause (23)” shall be inserted;

(ii) in clause (v), after the words “or affiliated to any University established by law”, the following words, brackets and figures shall be inserted, namely:—

“, or is an institution approved by the Central Government for the purposes of clause (23) of section 10,”;

(b) after *Explanation 3* below sub-section (5), the following *Explanation* shall be inserted, namely:—

“*Explanation 4.*—For the purposes of this section, an association approved by the Central Government for the purposes of clause (23) of section 10 shall also be deemed to be an institution, and, every association or institution approved by the Central Government for the purposes of the said clause shall be deemed to be an institution established in India for a charitable purpose.”.

10. In section 80J of the Income-tax Act, clause (c) of sub-section (6) shall be omitted with effect from the 1st day of April, 1974.

Amend-
ment of
section 80J.

Amendment
of section
80S.

11. In section 80S of the Income-tax Act, for the words, brackets and figures "provisions of clause (ii) of section 28," the words, brackets, letters and figures "provisions of sub-clause (a) or sub-clause (b) or sub-clause (c) of clause (ii) of section 28," shall be substituted, and shall be deemed to have been substituted, with effect from the 1st day of April, 1972.

Amendment
of section
104.

12. In section 104 of the Income-tax Act, with effect from the 1st day of April, 1974,—

(a) in sub-section (1), after the words "the amount of dividends actually distributed, if any", the words ", within the said period of twelve months" shall be inserted;

(b) in sub-section (2), in clauses (i) and (ii), after the words "the payment of a dividend or a larger dividend than that declared", the words, brackets and figure "within the period of twelve months referred to in sub-section (1)" shall be inserted.

Amendment
of section
105.

13. In section 105 of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1974,—

(a) in clause (i), after the words "has distributed", the words, brackets and figures ", within the period of twelve months referred to in sub-section (1) of section 104," shall be inserted;

(b) in clause (ii), after the words "whose distribution", the words, brackets and figures ", within the period of twelve months referred to in sub-section (1) of section 104," shall be inserted;

(c) in clause (iii), after the words "has distributed", the words, brackets and figures ", within the period of twelve months referred to in sub-section (1) of section 104," shall be inserted;

(d) the following *Explanation* shall be inserted at the end, namely:—

Explanation.—For the purposes of clause (iv) of this sub-section, "the sum distributed as dividends" means,—

(a) where in relation to the assessment made under section 143 or section 144, any further distribution of dividends was made by the company in pursuance of a notice under this sub-section, the aggregate of the following sums, namely:—

(i) the sum distributed as dividends within the period of twelve months referred to in sub-section (1) of section 104, and

(ii) the sum distributed as dividends within the period of three months from the receipt of the said notice;

(b) where an order under section 107A has been made by the Board in relation to the assessment made under section 143 or section 144, the sum distributed as dividends within the period determined by the Board under the provisions of sub-section (4) of section 107A;

(c) in any other case, the sum distributed as dividends within the period of twelve months referred to in sub-section (1) of section 104.

14. In section 112A of the Income-tax Act, in clause (b), for the words, brackets and figures "clause (ii) of section 28", the words, brackets, letters and figures "sub-clause (a) or sub-clause (b) or sub-clause (c) of clause (ii) of section 28" shall be substituted, and shall be deemed to have been substituted, with effect from the 1st day of April, 1972.

Amendment of section 112A.

15. In section 155 of the Income-tax Act,—

Amendment of section 155.

(a) after sub-section (8), the following sub-section shall be inserted, and shall be deemed to have been inserted, with effect from the 1st day of April, 1970, namely:—

"(9) Where in the assessment for any year, a capital gain arising from the transfer of any such capital asset as is referred to in section 54B is charged to tax and within a period of two years after the date of the transfer the assessee purchases any other land for being used for agricultural purposes, the Income-tax Officer shall amend the order of assessment so as to exclude the amount of the capital gain not chargeable to tax under the provisions of section 54B and the provisions of section 154 shall, so far as may be, apply thereto, the period of four years specified in sub-section (7) of that section being reckoned from the date of the assessment.";

(b) after sub-section (9) as so inserted, the following sub-section shall be inserted, with effect from the 1st day of April, 1974, namely:—

"(10) Where in the assessment for any year, a capital gain arising from the transfer by way of compulsory acquisition of any such capital asset as is referred to in section 54D is charged to tax and within a period of three years after the date of the transfer, the assessee purchases any other land or building or any right in any other land or building or constructs any other building for the purposes of shifting or re-establishing the industrial undertaking referred to in that section or setting up another industrial undertaking, the Income-tax Officer shall amend the order of assessment so as to exclude the amount of the capital gain not chargeable to tax under the provisions of section 54D, and the provisions of section 154 shall, so far as may be, apply thereto, the period of four years specified in sub-section (7) of that section being reckoned from the date of the assessment."

16. In section 194C of the Income-tax Act,—

Amendment of section 194C.

(a) in sub-section (1),—

(i) in clause (d), for the word "company," the words "company; or" shall be substituted;

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

"(e) any co-operative society,";

(b) in sub-section (3),—

(i) in clause (ii), for the word and figures “June, 1972.”, the words and figures “June, 1972; or” shall be substituted;

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

“(iii) any sum credited or paid before the 1st day of June, 1973, in pursuance of a contract between the contractor and a co-operative society or in pursuance of a contract between such contractor and the sub-contractor in relation to any work (including supply of labour for carrying out any work) undertaken by the contractor for the co-operative society.”.

Insertion
of new
section
194D.

Insurance
commis-
sion.

17. After section 194C of the Income-tax Act, the following section shall be inserted, namely:—

“194D. Any person responsible for paying to a resident any income by way of remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revival of policies of insurance) shall, at the time of credit of such income to the account of the payee or at the time of payment thereof in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, deduct income-tax thereon at the rates in force:

Provided that no deduction shall be made under this section from any such income credited or paid before the 1st day of June, 1973.”.

Amend-
ment of
section
197.

18. In section 197 of the Income-tax Act, in clause (a) of sub-section (1), after the figures and letter “194B”, the figures and letter “194D” shall be inserted.

Amend-
ment of
sections
198, 199,
200, 202,
203, 204,
205, 209
and 215.

19. In sections 198, 199, 200, 202, 203, 204 and 205, in sub-clause (iii) of clause (a) of section 209, and in sub-section (5) of section 215, of the Income-tax Act, after the word, figures and letter “section 194C”, the word, figures and letter “, section 194D” shall be inserted.

Wealth-tax

Amend-
ment of
Act 27
of 1957

20. In the Schedule to the Wealth-tax Act, 1957, in Paragraph A of Part I, with effect from the 1st day of April, 1974,—

(a) in item (1), for the words “In the case of every individual or Hindu undivided family—”, the words, brackets, figure and letter “In the case of every individual or Hindu undivided family, not being a Hindu undivided family to which item (1A) of this Paragraph applies—” shall be substituted;

(b) after item (1), the following item shall be inserted, namely:—

“(1A) In the case of every Hindu undivided family which has at least one member whose net wealth assessable for the assessment year exceeds Rs. 1,00,000—

Rate of tax

- (a) where the net wealth does not exceed Rs. 5,00,000 2 per cent. of the net wealth;
- (b) where the net wealth exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 Rs. 10,000 plus 3 per cent. of the amount by which the net wealth exceeds Rs. 5,00,000;
- (c) where the net wealth exceeds Rs. 10,00,000 Rs. 25,000 plus 8 per cent. of the amount by which the net wealth exceeds Rs. 10,00,000:

Provided that for the purposes of this item,—

(i) no wealth-tax shall be payable where the wealth does not exceed Rs. 2,00,000;

(ii) the wealth-tax payable shall, in no case, exceed 10 per cent. of the amount by which the net wealth exceeds Rs. 2,00,000.”.

Gift-tax

21. In section 5 of the Gift-tax Act, 1958, in clause (v) of sub-section (1), after the words “fund established”, the words “or deemed to be established” shall be inserted with effect from the 1st day of April, 1974.

Amendment of Act 18 of 1958.

Surtax

22. In the Companies (Profits) Surtax Act, 1964, with effect from the 1st day of April, 1974,—

Amendment of Act 7 of 1958.

(a) in the First Schedule, in clause (i) of rule 3, for the words “its debentures”, the words, brackets, and figures “the debentures referred to in clause (iv),” shall be substituted;

(b) in the Second Schedule,—

(i) in rule 1, for clause (iv), the following clause shall be substituted, namely:—

“(iv) the debentures, if any, issued by it to the public:

Provided that according to the terms and conditions of issue of such debentures, they are not redeemable before the expiry of a period of seven years from the date of issue thereof; and”;

(ii) in rule 3, for the words, brackets and figures “issue of debentures or borrowing of any moneys referred to in clause (v) of rule 1 or is reduced by any amount on account of reduction of paid-up share capital or redemption of any debentures”, the words, brackets and figures “issue of the debentures referred to

in clause (iv), or borrowing of any moneys referred to in clause (v), of rule 1 or is reduced by any amount on account of reduction of paid-up share capital or redemption of such debentures" shall be substituted.

MISCELLANEOUS

Credit Guarantee Corporation of India Limited to be exempt for a certain period from liability to pay income-tax and surtax.

23. Notwithstanding anything contained in the Income-tax Act or the Companies (Profits) Surtax Act, 1964, the Credit Guarantee Corporation of India Limited (a company formed and registered under the Companies Act, 1956) shall not be liable to pay any tax, under either of the two Acts first-mentioned, on its income, profits or gains for the previous year relevant to the assessment year commencing on the 1st day of April, 1972 and for the four previous years next following that previous year.

7 of 1964.

1 of 1956.

[six previous years] / [seven previous years]

Handwritten notes: 73, 74, 75, 76, 77

CHAPTER IV

INDIRECT TAXES

Amendment of Act 32 of 1934.

24. The Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act) shall be amended in the manner specified in the Second Schedule.

Auxiliary duties of customs.

25. (1) In the case of goods mentioned in the First Schedule to the Tariff Act, or in that Schedule as amended from time to time, there shall be levied and collected as an auxiliary duty of customs an amount equal to twenty 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.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1974, 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 auxiliary duties of customs referred to in sub-section (1) shall be in addition to any duties of customs chargeable on such goods under the Customs Act, 1962, or any other law for the time being in force.

52 of 1962.

(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 auxiliary duties 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, as the case may be.

52 of 1962

4 Subs. by Act 29 of 1977, s. 35 (w.e.f. 1-4-1977).
2 Subs. by Act 21 of 1979, s. 45 (w.e.f. 1.4.1979).

26. In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures "1973", the figures "1974" shall be substituted.

Amend-
ment of
Act 1 of
1949.

27. The Central Excises and Salt Act, 1944 (hereinafter referred to as the Central Excises Act) shall be amended in the manner specified in the Third Schedule.

Amend-
ment of
Act 1 of
1944.

28. (1) In the case of goods mentioned in the First Schedule to the Central Excises Act, or in that Schedule as amended from time to time, there shall be levied and collected as an auxiliary duty of excise an amount equal to twenty per cent. of the value of the goods as determined in accordance with the provisions of section 4 of the Central Excises Act.

Auxiliary
duties of
excise.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1974, 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.

(3) The auxiliary duties of excise referred to in sub-section (1) shall be in addition to any duties of excise chargeable on such goods under the Central Excises Act or any other law for the time being in force.

(4) The auxiliary duties of excise referred to in sub-section (1) shall be levied for the purposes of the Union and the proceeds thereof shall not be distributed among the States.

(5) 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 auxiliary 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 as the case may be.

29. The Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the Additional Duties of Excise Act) shall be amended in the manner specified in the Fourth Schedule.

Amend-
ment of
Act 58 of
1957.

30. For the year beginning on the 1st day of April, 1973, no duty under the Central Excises Act or the Tariff Act shall be levied in respect of salt manufactured in, or imported into, India.

Disconti-
nuance
of salt
duty.

10 of 1897.

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 un-registered 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 | Nil; |
| (2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000 | 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. 500 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. 1,350 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. 2,500 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. 40,000 | 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. 40,000 but does not exceed Rs. 60,000 | Rs. 11,000 plus 60 per cent. of the amount by which the total income exceeds Rs. 40,000; |
| (9) where the total income exceeds Rs. 60,000 but does not exceed Rs. 80,000 | Rs. 23,000 plus 70 per cent. of the amount by which the total income exceeds Rs. 60,000; |
| (10) where the total income exceeds Rs. 80,000 but does not exceed Rs. 1,00,000. | Rs. 37,000 plus 75 per cent. of the amount by which the total income exceeds Rs. 80,000; |

- | | |
|---|--|
| (11) where the total income exceeds Rs. 1,00,000 but does not exceed Rs. 2,00,000 | Rs. 52,000 plus 80 per cent. of the amount by which the total income exceeds Rs. 1,00,000; |
| (12) where the total income exceeds Rs. 2,00,000 | Rs. 1,32,000 plus 85 per cent. of the amount by which the total income exceeds Rs. 2,00,000: |

Provided that for the purposes of this Paragraph, in the case of a Hindu undivided family which at any time during the previous year satisfies either of the following two conditions, namely:—

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

(b) 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,—

(i) no income-tax shall be payable on a total income not exceeding Rs. 7,000;

(ii) where the total income exceeds Rs. 7,000 but does not exceed Rs. 7,660, the income-tax payable thereon shall not exceed forty per cent. of the amount by which the total income exceeds Rs. 7,000.

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 following rates, namely:—

(a) in a case where the total income does not exceed Rs. 15,000 10 per cent.;

(b) in any other case 15 per cent.:

Provided that the amount of surcharge payable shall, in no case, exceed the aggregate of the following sums, namely:—

(i) an amount calculated at the rate of 10 per cent. on the amount of income-tax on an income of Rs. 15,000, if such income had been the total income (the income of Rs. 15,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the person concerned); and

(ii) 40 per cent. of the amount by which the total income exceeds Rs. 15,000.

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 fifteen 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 fifteen 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).

Explanation.—For the purposes of this Paragraph, “registered firm” includes an unregistered firm assessed as a registered firm under clause (b) of section 183 of the Income-tax Act.

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 fifteen per cent. of such income-tax.

Paragraph E

31 of 1956.

In the case of the Life Insurance Corporation of India established 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.

Surcharge on income-tax

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

Paragraph F

31 of 1956.

In the case of a company, other than the Life Insurance Corporation 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 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) eighty 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.

Surcharge on income-tax

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

PART II

Rates for deduction of tax at source in certain cases

In every case in which under the provisions of sections 193, 194, 194A, 194B, 194D and 195 of the Income-tax Act, tax is to be deducted at the rates in force, deduction shall be made from the income subject to 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 income by way of winnings from lotteries and crossword puzzles	30 per cent.	4.5 per cent.;
(iii) on income by way of insurance commission	10 per cent.	Nil;
(iv) on any other income (excluding interest payable on a tax-free security)	20 per cent.	3 per cent.;
(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 4.5 per cent. of the amount of the income,	
	Or	
	income-tax and surcharge on income-tax in respect of the income at the rates prescribed in Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income,	
	whichever is higher;	
(ii) on income by way of interest payable on a tax-free security	15 per cent.	2.25 per cent.

Income-tax		
	Rate of income-tax	Rate of surcharge
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.	1 per cent.;
(ii) on any other income (excluding interest payable on a tax-free security)	22 per cent.	1 per cent.;
(b) where the company is not a domestic company—		
(i) on income by way of dividends payable by any domestic company	24.5 per cent.	1.225 per cent.;
(ii) on 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.	2.5 per cent.;
(iii) on 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.	2.5 per cent.;
(iv) on income by way of interest payable on a tax-free security	44 per cent.	2.2 per cent.;
(v) on any other income	70 per cent.	3.5 per cent.

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" (not being "advance tax" in respect of any income chargeable to tax under section 164 of the Income-tax Act at the rate of sixty-five per cent.) shall be so calculated, charged, deducted or computed at the following rate or rates:—

Paragraph A

Sub-Paragraph I

In the case of every individual or Hindu undivided family or un-registered 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 Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 5,000	<i>Nil</i> ;
(2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000	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. 500 <i>plus</i> 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. 1,350 <i>plus</i> 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. 2,500 <i>plus</i> 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 <i>plus</i> 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. 40,000	Rs. 6,000 <i>plus</i> 50 per cent. of the amount by which the total income exceeds Rs. 30,000;
(8) where the total income exceeds Rs. 40,000 but does not exceed Rs. 60,000	Rs. 11,000 <i>plus</i> 60 per cent. of the amount by which the total income exceeds Rs. 40,000;
(9) where the total income exceeds Rs. 60,000 but does not exceed Rs. 80,000	Rs. 23,000 <i>plus</i> 70 per cent. of the amount by which the total income exceeds Rs. 60,000;

- | | |
|---|--|
| (10) where the total income exceeds Rs. 80,000 but does not exceed Rs. 1,00,000 | Rs. 37,000 plus 75 per cent. of the amount by which the total income exceeds Rs. 1,00,000; |
| (11) where the total income exceeds Rs. 1,00,000 but does not exceed Rs. 2,00,000 | Rs. 52,000 plus 80 per cent. of the amount by which the total income exceeds Rs. 1,00,000; |
| (12) where the total income exceeds Rs. 2,00,000 | Rs. 1,32,000 plus 85 per cent. of the amount by which the total income exceeds Rs. 2,00,000. |

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the following rates, namely:—

(a) in a case where the total income does not exceed Rs. 15,000 10 per cent.;

(b) in any other case 15 per cent.:

Provided that the amount of surcharge payable shall, in no case, exceed the aggregate of the following sums, namely:—

(i) an amount calculated at the rate of 10 per cent. on the amount of income-tax on an income of Rs. 15,000, if such income had been the total income (the income of Rs. 15,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the person concerned); and

(ii) 40 per cent. of the amount by which the total income exceeds Rs. 15,000.

Sub-Paragraph II

In the case of every Hindu undivided family, which has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1974 exceeds Rs. 5,000,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 5,000 | Nil; |
| (2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000 | 17 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. 850 plus 23 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. 2,000 plus 30 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. 3,500 plus 40 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. 5,500 plus 50 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. 40,000 | Rs. 8,000 plus 60 per cent. of the amount by which the total income exceeds Rs. 30,000; |
| (8) where the total income exceeds Rs. 40,000 but does not exceed Rs. 60,000 | Rs. 14,000 plus 70 per cent. of the amount by which the total income exceeds Rs. 40,000; |
| (9) where the total income exceeds Rs. 60,000 but does not exceed Rs. 80,000 | Rs. 28,000 plus 75 per cent. of the amount by which the total income exceeds Rs. 60,000; |
| (10) where the total income exceeds Rs. 80,000 but does not exceed Rs. 1,00,000 | Rs. 43,000 plus 80 per cent. of the amount by which the total income exceeds Rs. 80,000; |
| (11) where the total income exceeds Rs. 1,00,000 | Rs. 59,000 plus 85 per cent. of the amount by which the total income exceeds Rs. 1,00,000. |

Surcharge on income-tax

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

Explanation.—For the purposes of this Paragraph, “registered firm” includes an unregistered firm assessed as a registered firm under clause (b) of section 183 of the Income-tax Act.

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 fifteen per cent. of such income-tax.

Paragraph E

31 of 1956.

In the case of the Life Insurance Corporation of India established 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.

Surcharge on income-tax

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

Paragraph F

31 of 1956.

In the case of a company, other than the Life Insurance Corporation 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. 1,00,000 45 per cent of the total income;

(ii) in a case where the total income exceeds Rs. 1,00,000 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 60 per cent.; the total income as does not exceed Rs. 2,00,000

(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. 1,00,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company of its total income had been Rs. 1,00,000 (the income of Rs. 1,00,000 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) eighty per cent. of the amount by which its total income exceeds Rs. 1,00,000.

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.

Surcharge on income-tax

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

PART IV

[See section 2(7)(e)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

Rule 1.—Agricultural income of the nature referred to in sub-clause (a) of clause (1) of section 2 of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from other sources" and the provisions of sections 57 to 59 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of section 58 shall apply subject to the modification that the reference to section 40A therein shall be construed as not including a reference to sub-sections (3) and (4) of section 40A.

Rule 2.—Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (1) of section 2 of the Income-tax Act [other than income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c)] shall be computed as if it were income chargeable to income-tax under that Act under the head "Profits and gains of business or profession" and the provisions of sections 30, 31, 32, 34, 36, 37, 38, 40, 40A [other than sub-sections (3) and (4) thereof], 41, 43 and 43A of the Income-tax Act shall, so far as may be, apply accordingly.

Rule 3.—Agricultural income of the nature referred to in sub-clause (c) of clause (1) of section 2 of the Income-tax Act, being income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c), shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from house property" and the provisions of sections 23 to 27 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of the said section 23 shall apply subject to the modifications that the references to "total income" therein shall be construed as references to net agricultural income and that the words, figures and letter "and before making any deduction under Chapter VIA" shall be omitted.

Rule 4.—Notwithstanding anything contained in any other provisions of these rules, in a case where the assessee derives income from sale of tea grown and manufactured by him in India, such income shall be computed in accordance with rule 8 of the Income-tax Rules, 1962, and sixty per cent. of such income shall be regarded as the agricultural income of the assessee.

Rule 5.—Where the assessee is a partner of a registered firm or an unregistered firm assessed as a registered firm under clause (b) of section 183 of the Income-tax Act, which in the previous year has any agricultural income, or is a partner of an unregistered firm which has not been assessed as a registered firm under clause (b) of the said section 183 and which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding five thousand rupees but has any agricultural income, then, the agricultural income or loss of the firm shall be computed in accordance with these rules and his share in the agricultural income or loss of the firm shall be computed in the manner laid down in sub-section (1), sub-section (2) and sub-section (3) of section 67 of the Income-tax Act and the share so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 6.—Where the assessee is a member of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding five thousand rupees but has any agricultural income, then, the agricultural income or loss of the association or body shall be computed in accordance with these rules and the share of the assessee in the agricultural income or loss so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 7.—Where the result of the computation for any assessment year in respect of any source of agricultural income is a loss, such loss shall be set off against the income of the assessee, if any, for that assessment year from any other source of agricultural income:

Provided that where the assessee is a partner of an unregistered firm which has not been assessed as a registered firm under clause (b) of section 183 of the Income-tax Act or is a member of an association of persons or body of individuals and the share of the assessee in the agricultural income of the firm, association or body, as the case may be, is a loss, such loss shall not be set off against any income of the assessee from any other source of agricultural income.

Rule 8.—Any sum payable by the assessee on account of any tax levied by the State Government on the agricultural income shall be deducted in computing the agricultural income.

Rule 9.—Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be ignored and the net agricultural income shall be deemed to be *nil*.

Rule 10.—The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of section 288A relating to rounding off of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural income of the assessee as they apply in relation to the assessment of the total income.

Rule 11.—For the purposes of computing the net agricultural income of the assessee, the Income-tax Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

THE SECOND SCHEDULE

(See section 24)

PART I

In the First Schedule to the Tariff Act,—

(i) in Item No. 29, for the entry in the fourth column, the entry "Fifty paise per linear metre." shall be substituted;

(ii) in Item No. 72A, in the proviso to sub-item (i),—

(a) the words "in advance of their importation" shall be omitted;

(b) the words "and such contract or contracts has or have been so registered before any order is made by the proper officer of customs permitting the clearance for home consumption, or deposit in a warehouse of such items, components or raw materials" shall be inserted at the end.

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	
2		3	4	5	6	7

In the First Schedule to the Tariff Act, for Item No. 63(20A), the following Item shall be substituted, namely:—

63. ~~Stainless~~ Revenue 200 per cent. ~~valorem.~~
 (20A) steel plates, sheets and strips.

THE THIRD SCHEDULE

(See section 27)

PART I

In the First Schedule to the Central Excises Act,—

(i) in Item No. 2,—

(a) for the words "Ten per cent. *ad valorem*" in the third column against sub-item (2), the words "Twenty per cent. *ad valorem*" shall be substituted;

(b) the Explanation shall be numbered as "Explanation I" and after the Explanation, as so numbered, the following Explanation shall be inserted, namely:—

Explanation II.—For the purposes of (sub-item (2), "instant coffee" includes instant coffee containing any ingredient in addition to coffee.;

(ii) in Item No. 14, the following Explanation shall be inserted at the end, namely:—

Explanation.—This Item does not include carbon black.;

(iii) in Item No. 14B, for the entry in the second column, the following entry shall be substituted, namely:—

"CAUSTIC SODA AND CAUSTIC POTASH, WHETHER IN A SOLID FORM OR IN LYE.;"

(iv) in Item No. 14C, for the entry in the third column, the entry "Ten per cent. *ad valorem*." shall be substituted;

(v) in Item No. 14E, after sub-item (ii), the following sub-item shall be inserted, namely:—

"(iii) Shaving creams, whether or not containing soap or detergents.;"

(vi) in Item No. 16B, for the entry in the third column against sub-item (ii), the entry "Twenty-five per cent. *ad valorem*." shall be substituted;

(vii) in Item No. 18E, for the entries in the second column, the following entry shall be substituted, namely:—

"YARN, ALL SORTS, NOT ELSEWHERE SPECIFIED, IN OR IN RELATION TO THE MANUFACTURE OF WHICH ANY PROCESS IS ORDINARILY CARRIED ON WITH THE AID OF POWER.;"

(viii) in Item No. 22AA, for the entries in the second column, the following entry shall be substituted, namely:—

"TEXTILE FABRICS, NOT ELSEWHERE SPECIFIED.;"

(ix) in Item No. 33C, for the entry in the third column, the entry "Twenty-five per cent. *ad valorem*." shall be substituted;(x) in Item No. 34A, for the entry in the third column, the entry "Twenty per cent. *ad valorem*." shall be substituted;

PART II

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)

In the First Schedule to the Central Excises Act,—

(i) in Item No. 4, under “II Manufactured tobacco—”, after sub-item (3), the following sub-item shall be inserted, namely:—

“(4) Smoking mixtures for pipes and cigarettes. Two hundred per cent. *ad valorem.*”;

(ii) for Item No. 15, the following Item shall be substituted, namely:—

15 SOAP—

“Soap” means all varieties of the product known commercially as soap.

(1) Soap, household and laundry Ten per cent. *ad valorem.*

(2) Other sorts Twenty per cent. *ad valorem.*”;

(iii) in Item No. 19, after sub-item I(1), the following shall be inserted, namely:—

“(1A) Cotton fabrics other than those falling under (1), containing 30 per cent, or more by weight of fibre, or yarn, or both, of non-cellulosic origin. Fifteen per cent. *ad valorem.*

(iv) the following Items shall be inserted at the end, namely:

‘62. TOOL TIPS, IN ANY FORM OR SIZE, UNMOUNTED, OF SINTERED CARBIDES OF METALS SUCH AS TUNGSTEN, MOLYBDENUM AND VANADIUM. Twenty per cent. *ad valorem.*”;

Item No	Description of goods	Rate of duty
(1)	(2)	(3)

63	WIRE ROPES—	Ten per cent. <i>ad valorem.</i>
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“Wire ropes” means ropes having a number of wire strands of iron or steel helically laid about an axis, but does not include electric cables.

64	CARBON BLACK (INCLUDING LAMP BLACK AND ACETYLENE BLACK).	Ten per cent. <i>ad valorem.</i>
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65	RUBBER PROCESSING CHEMICALS, THE FOLLOWING NAMELY:—	Ten per cent. <i>ad valorem</i> ”;
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- (1) Accelerators
- (2) Antioxidants

THE FOURTH SCHEDULE

(See section 29)

Item No. in the First Schedule to the Central Excises and Salt Act, 1944	Description of goods	Rate of additional duty
(1)	(2)	(3)

In the First Schedule to the Additional Duties of Excise Act,—

(i) in Item No. 4, under "II. Manufactured tobacco—", after sub-item (3), the following sub-item shall be inserted, namely:—

"(4) Smoking mixtures for pipes and cigarettes. One hundred per cent. *ad valorem*."

(ii) in Item No. 19, after sub-item I(1), the following shall be inserted, namely:—

"(IA) Cotton fabrics other than those falling under (1), containing 30 per cent. or more by weight, of fibre, or yarn, or both, of non-cellulosic origin. Two and a half per cent. *ad valorem*."

[Faint, illegible text and bleed-through from the reverse side of the page, including some numbers and words.]

Amended to suit

Rep. by Act... 38 of 1978, S. 2 + Sch. I

**THE CENTRAL EXCISES AND SALT (AMENDMENT)
ACT, 1973**

NO. 22 OF 1973

[19th May, 1973]

An Act further to amend the Central Excises and Salt Act, 1944.

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

Short title and commencement.

1. (1) This Act may be called the Central Excises and Salt (Amendment) Act, 1973.

(2) Section 2 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and the remaining provisions of this Act shall come into force at once.

Substitution of new section for section 4.

2. For section 4 of the Central Excises and Salt Act, 1944 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

1 of 1944

4-10-1975; - Vide Motif. No. G. S. R. 439 (E), dt. 8-8-1975.

4. (1) Where under this Act, the duty of excise is chargeable on any excisable goods with reference to value, such value shall, subject to the other provisions of this section, be deemed to be—

Valuation of excisable goods for purposes of charging of duty of excise.

(a) the normal price thereof, that is to say, the price at which such goods are ordinarily sold by the assessee to a buyer in the course of wholesale trade for delivery at the time and place of removal, where the buyer is not a related person and the price is the sole consideration for the sale;

Provided that—

(i) where, in accordance with the normal practice of the wholesale trade in such goods, such goods are sold by the assessee at different prices to different classes of buyers (not being related persons) each such price shall, subject to the existence of the other circumstances specified in clause (a), be deemed to be the normal price of such goods in relation to each such class of buyers;

(ii) where such goods are sold by the assessee in the course of wholesale trade for delivery at the time and place of removal at a price fixed under any law for the time being in force or at a price, being the maximum, fixed under any such law, then, notwithstanding anything contained in clause (iii) of this proviso, the price or the maximum price, as the case may be, so fixed, shall, in relation to the goods so sold, be deemed to be the normal price thereof;

(iii) where the assessee so arranges that the goods are generally not sold by him in the course of wholesale trade except to or through a related person, the normal price of the goods sold by the assessee to or through such related person shall be deemed to be the price at which they are ordinarily sold by the related person in the course of wholesale trade at the time of removal, to dealers (not being related persons) or where such goods are not sold to such dealers, to dealers (being related persons) who sell such goods in retail;

(b) where the normal price of such goods is not ascertainable for the reason that such goods are not sold or for any other reason, the nearest ascertainable equivalent thereof determined in such manner as may be prescribed.

(2) Where, in relation to any excisable goods the price thereof for delivery at the place of removal is not known and the value thereof is determined with reference to the price for delivery at a place other than the place of removal, the cost of transportation from the place of removal to the place of delivery shall be excluded from such price.

(3) The provisions of this section shall not apply in respect of any excisable goods for which a tariff value has been fixed under subsection (2) of section 3.

REPEALED

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(4) For the purposes of this section,—

(a) "assessee" means the person who is liable to pay the duty of excise under this Act and includes his agent;

(b) "place of removal" means—

(i) a factory or any other place or premises of production or manufacture of the excisable goods; or

(ii) a warehouse or any other place or premises wherein the excisable goods have been permitted to be deposited without payment of duty,

from where such goods are removed;

(c) "related person" means a person who is so associated with the assessee that they have interest, directly or indirectly, in the business of each other and includes a holding company, a subsidiary company, a relative and a distributor of the assessee, and any sub-distributor of such distributor.

Explanation.—In this clause "holding company", "subsidiary company" and "relative" have the same meanings as in the Companies Act, 1956;

1 of 1956

(d) "value", in relation to any excisable goods,—

(i) where the goods are delivered at the time of removal in a packed condition, includes the cost of such packing except the cost of the packing which is of a durable nature and is returnable by the buyer to the assessee.

Explanation.—In this sub-clause "packing" means the wrapper, container, bobbin, pirn, spool, reel or warp beam or any other thing in which or on which the excisable goods are wrapped, contained or wound;

(ii) does not include the amount of the duty of excise, sales tax and other taxes, if any, payable on such goods and, subject to such rules as may be made, the trade discount (such discount not being refundable on any account whatsoever) allowed in accordance with the normal practice of the wholesale trade at the time of removal in respect of such goods sold or contracted for sale;

(e) "wholesale trade" means sales to dealers, industrial consumers, Government, local authorities and other buyers, who or which purchase their requirements otherwise than in retail.

Amendment of section 37.

3. In sub-section (2) of section 37 of the principal Act, the existing clause (i) shall be re-lettered as clause (ib) thereof and before that clause as so re-lettered, the following clauses shall be inserted, namely:—

"(i) provide for determining under section 4 the nearest ascertainable equivalent of the normal price;

(ia) having regard to the normal practice of the wholesale trade, define or specify the kinds of trade discount to be excluded from the value under section 4 including the circumstances in which and the conditions subject to which such discount is to be so excluded;"

4. For section 38 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 38.

"38. (1) All rules made and notifications issued under this Act shall be published in the Official Gazette.

Publication of rules and notifications and laying of rules before Parliament.

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

5. For section 40 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 40.

"40. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of the Central Government or a State Government for anything which is done, or intended to be done, in good faith, in pursuance of this Act or any rule made thereunder.

Protection of action taken under the Act.

(2) No proceeding, other than a suit, shall be commenced against the Central Government or any officer of the Central Government or a State Government for anything done or purported to have been done in pursuance of this Act or any rule made thereunder, without giving the Central Government or such officer a month's previous notice in writing of the intended proceeding and of the cause thereof or after the expiration of three months from the accrual of such cause."

THE MANIPUR STATE LEGISLATURE (DELEGATION OF POWERS) ACT, 1973

No. 23 OF 1973

[19th May, 1973]

An Act to confer on the President the power of the Legislature of the State of Manipur to make laws.

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

Short title.

1. This Act may be called the Manipur State Legislature (Delegation of Powers) Act, 1973.

Definition.

2. In this Act, "Proclamation" means the Proclamation issued on the 28th day of March, 1973, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 181 (E) 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 Manipur 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 ten members of the House of the People nominated by the Speaker and five 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 NORTH-EASTERN HILL UNIVERSITY ACT, 1973

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
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4. Objects.
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8. Visitor.
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11. The Chancellor.
12. The Vice-Chancellor.
13. The Pro-Vice-Chancellors.
14. Deans of Schools.
15. The Registrar.
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17. Other officers.
18. Authorities of the University.
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20. The Executive Council.
21. The Academic Council.
22. Other authorities of the University.
23. Planning Board.
24. Power to make Statutes.
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26. Ordinances.
27. Regulations.
28. Annual report.
29. Annual accounts.
30. Conditions of service of employees.
31. Procedure of appeal and arbitration in disciplinary cases against students.
32. Right to appeal.
33. Provident and pension funds.
34. Disputes as to constitution of University authorities and bodies.
35. Constitution of Committees.
36. Filling of casual vacancies.
37. Proceedings of University authorities or bodies not invalidated by vacancies.
38. Protection of action taken in good faith.
39. Mode of proof of University record.
40. Power to remove difficulties.
41. Transitional provisions.
42. Completion of courses of students in Colleges or Institutions affiliated to the University.

THE SCHEDULE.

THE NORTH-EASTERN HILL UNIVERSITY ACT, 1973

No. 24 OF 1973

[26th May, 1973]

An Act to establish and incorporate a teaching and affiliating University for the hill areas of the North-Eastern region.

WHEREAS it is expedient to establish and incorporate a teaching and affiliating University for the benefit of the people of the hill areas of the North-Eastern region and to develop the intellectual, academic and cultural background of the said people;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution, resolutions have been passed by the Legislatures of the States of Meghalaya and Nagaland to the effect that the setting up of a Central University for the hill areas of the North-Eastern region shall be regulated by Parliament by law;

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

Short
title,
extent and
commence-
ment.

1. (1) This Act may be called the North-Eastern Hill University Act, 1973.

(2) It extends to the States of Meghalaya and Nagaland and the Union territories of Arunachal Pradesh and Mizoram.

(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, and in all Statutes made hereunder, unless the context otherwise requires,—

(a) "Academic Council" means the Academic Council of the University;

(b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c) "Board of Studies" means the Board of Studies of the University;

(d) "Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" mean, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;

(e) "College" means a College maintained by, or admitted to the privileges of, the University;

(f) "Court" means the Court of the University;

(g) "Department" means a Department of Studies, and includes a Centre of Studies;

(h) "employee" means any person appointed by the University, and includes teachers and other staff of the University;

(i) "Executive Council" means the Executive Council of the University;

(j) "Hall" means a unit of residence or of corporate life for the students of the University, College or Institution, provided, maintained or recognised by the University;

(k) "Institution" means an academic Institution, not being a College, maintained by, or admitted to the privileges of, the University;

(l) "North-Eastern region" means the North-Eastern region of India comprising the States of Meghalaya and Nagaland and the Union territories of Arunachal Pradesh and Mizoram;

(m) "Principal" means the Head of a College or an Institution, and includes where there is no Principal, the person for the time being duly appointed to act as Principal, and, in the absence of the Principal or the acting Principal, a Vice-Principal duly appointed as such;

(n) "recognised teachers" means such persons as are recognised by the University for the purpose of imparting instruction in a College or an Institution admitted to the privileges of the University;

(o) "School" means a School of Studies of the University;

(p) "Statutes", "Ordinances" and "Regulations", mean, respectively, the Statutes, Ordinances and Regulations of the University for the time being in force;

(q) "teachers of the University" means Professors, Readers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any College or Institution maintained by the University and are designated as teachers by the Ordinances;

(r) "University" means the North-Eastern Hill University.

The Uni-
versity.

3. (1) There shall be established a University by the name of "North-Eastern Hill University".

(2) The headquarters of the University shall be at Shillong and it shall have campuses in the States of Meghalaya and Nagaland; it may also establish campuses at such other places within its jurisdiction as it may deem fit.

(3) The first Chancellor and the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "North-Eastern Hill University".

(4) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

Objects.

4. The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit; to pay special attention to the improvement of the social and economic conditions and welfare of the people of the hill areas of the North-Eastern region and, in particular, their intellectual, academic and cultural advancement.

Powers of
the Uni-
versity.

5. The University shall have the following powers, namely:—

(1) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(2) to take such academic steps as would contribute to the improvement of the economic conditions and welfare of the people of the hill areas of the North-Eastern region;

(3) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees and other academic distinctions on the basis of examinations, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(4) to organise and to undertake extra-mural studies and extension services;

(5) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(6) to provide instruction, including correspondence and such other courses, to such persons as are not members of the University, as it may determine;

(7) to institute principalships, professorships, readerships, lecturerships, and other teaching or academic posts required by the University and to appoint persons to such principalships, professorships, readerships, lecturerships or other posts;

(8) to recognise persons for imparting instruction in any College or Institution admitted to the privileges of the University;

(9) to appoint persons working in any other University or organisation as teachers of the University for a specified period;

(10) to create administrative, ministerial and other posts and to make appointments thereto;

(11) to co-operate or collaborate with any other University or authority in such manner and for such purposes as the University may determine;

(12) to establish such campuses, centres, specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(13) to institute and award fellowships, scholarships, studentships, medals and prizes;

(14) to establish and maintain Colleges, Institutions and Halls;

(15) to admit to its privileges Colleges and Institutions not maintained by the University; to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes; and to recognise Halls not maintained by the University and to withdraw any such recognition;

(16) to declare a College, an Institution or a Department as an autonomous College or an Institution or a Department, as the case may be;

(17) to determine standards for admission into the University, which may include examination, evaluation or any other method of testing;

(18) to demand and receive payment of fees and other charges;

(19) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(20) to make special arrangements in respect of women students as the University may consider desirable;

(21) to regulate and enforce discipline among the employees and students of the University and take such disciplinary measures in this regard as may be deemed necessary;

(22) to make arrangements for promoting the health and general welfare of the employees;

(23) to acquire, hold, manage and dispose of property, movable or immovable, including trust and endowment properties for the purposes of the University;

(24) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(25) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

6. (1) The jurisdiction of the University shall extend to the States of Meghalaya and Nagaland and the Union territories of Arunachal Pradesh and Mizoram.

Jurisdiction.

(2) No College or Institution situated within the local limits of the jurisdiction of the University shall be compulsorily affiliated to the University, and affiliation shall be granted by the University only to such

Colleges or Institutions as may agree to accept the Statutes and Ordinances.

(3) Any College or Institution admitted to the privileges of the University shall cease to be associated with, or be admitted to the privileges of, any other University.

(4) No College or Institution situated within the local limits of the jurisdiction of the University, but not admitted to its privileges, shall be associated with, or be admitted to the privileges of, any other University except with the previous approval of the Government of the State in which, or the Administrator of the Union territory in which, such College or Institution is situate.

Univer-
sity open
to all
classes,
castes
and
creed.

7. The University shall be open to persons of either sex and of whatever race, creed, caste, or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted therein, as a teacher or student, or to hold any office therein, or to graduate thereat:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for admission of students of the weaker sections of the people in the North-Eastern region and, in particular, of the Scheduled Castes and the Scheduled Tribes.

Visitor.

8. (1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any College or Institution maintained by the University or admitted to its privileges; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions.

(3) The Visitor shall, in every case, give notice of his intention to cause an inspection or inquiry to be made,—

(a) to the University, if such inspection or inquiry is to be made in respect of the University, College or Institution maintained by it, or

(b) to the management of the College or Institution, if the inspection or inquiry is to be made in respect of a College or an Institution admitted to the privileges of the University,

and the University or the management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(4) After considering the representations, if any, made by the University or the management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where any inspection or inquiry has been caused to be made by the Visitor, the University or the management, as the case may be, shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(6) The Visitor may, if the inspection or inquiry is made in respect of the University or any College or Institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may be pleased to offer upon the action to be taken thereon.

(7) The Visitor may, if the inspection or inquiry is made in respect of any College or Institution admitted to the privileges of the University, address the management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(8) The Executive Council or the management, as the case may be, shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(9) Where the Executive Council or the management does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council or management, issue such directions as he may think fit and the Executive Council or management, as the case may be, shall comply with such directions.

(10) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Status or Ordinances:

Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(11) The Visitor shall have such other powers as may be prescribed by the Statutes.

9. The Governor of the States of Meghalaya and Nagaland shall be the Chief Rector of the University.

Chief Rector.

10. The following shall be the officers of the University:—

Officers of the University

- (1) The Chancellor;
- (2) The Vice-Chancellor;
- (3) The Pro-Vice-Chancellors;
- (4) The Deans of Schools;
- (5) The Registrar;
- (6) The Finance Officer; and
- (7) Such other officers as may be declared by the Statutes to be officers of the University.

11. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

The Chancellor.

(2) The Chancellor shall, by virtue of his office, be the Head of the University.

(3) The Chancellor shall, if present, preside at the convocations of the University held for conferring degrees.

12. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

The Vice-Chancellor.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this subsection shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes or Ordinances.

The Pro-
Vice-
Chan-
cellors.

13. Every Pro-Vice-Chancellor shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Deans of
Schools.

14. Every Dean of a School shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The
Regis-
trar.

15. (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed by the Statutes.

The
Finance
Officer.

16. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other
officers.

17. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

Authori-
ties of the
Univer-
sity.

18. The following shall be the authorities of the University:—

- (1) The Court;
- (2) The Executive Council;
- (3) The Academic Council;
- (4) The Board of Schools; and
- (5) Such other authorities as may be declared by the Statutes to be authorities of the University.

The Court.

19. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed by the Statutes.

20. (1) The Executive Council shall be the principal executive body of the University.

The Executive Council.

(2) The constitution of the Executive Council, the term of office of its members and its powers and duties shall be prescribed by the Statutes.

21. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

The Academic Council.

(2) The constitution of the Academic Council, the term of office of its members and its powers and duties shall be prescribed by the Statutes.

22. The constitution, powers and functions of the Boards of Schools and of such other authorities as may be declared by the Statutes to be authorities of the University, shall be prescribed by the Statutes.

Other authorities of the University.

23. (1) There shall be constituted a Planning Board of the University which shall advise generally on the planning and development of the University and keep under review the standard of education and research in the University.

Planning Board.

(2) The Planning Board shall consist of—

(a) the Vice-Chancellor, who shall be the Chairman, and

(b) not more than eight persons of high academic standing who shall be appointed in such manner as may be prescribed by the Statutes.

(3) The Visitor may determine a date with effect from which the Planning Board shall stand dissolved.

24. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Power to make Statutes.

(a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;

(b) the election and continuance in office of the members of the said authorities and bodies, the filling of vacancies of members, and all other matters relative to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers of the University and other academic staff and their emoluments;

(e) the appointment of teachers and other academic staff working in any other University or organisation for a specified period for undertaking a joint project;

(f) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing seniority of service of employees;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the establishment and recognition of Students' Union or associations of teachers, academic staff or other employees;

(k) the participation of students in the affairs of the University;

(l) the conferment of honorary degrees;

(m) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(n) the institution of fellowships, scholarships, studentships, medals and prizes;

(o) the maintenance of discipline among the students;

(p) the establishment and abolition of Schools, Departments, Halls, Colleges and Institutions;

(q) the conditions under which Colleges and Institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(r) the delegation of powers vested in the authorities or officers of the University; and

(s) all other matters which by this Act are to be, or may be, provided by the Statutes.

25. (1) The first Statutes are those set out in the Schedule.

Statutes
how
made.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in subsection (1):

Provided that the Executive Council shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority

of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the approval of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

26. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(f) the conditions of award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students of the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of Centres of Studies, Boards of Studies, Special Centres, specialised laboratories and other Committees;

(l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

(o) the management of Colleges and Institutions established by the University;

(p) the supervision and management of Colleges and Institutions admitted to the privileges of the University; and

(q) all other matters which by this Act or the Statutes may be provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations.

27. The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

Annual report.

28. (1) The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

(2) The Court shall submit the annual report to the Visitor along with its comments, if any.

Annual accounts.

29. (1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall once at least every year and at intervals of not more than fifteen months be audited by the Comptroller and Auditor-General of India.

(2) The annual accounts when audited shall be published in the Gazette of India and a copy of the accounts together with the report of the Comptroller and Auditor-General shall be submitted to the Court and the Visitor along with the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

Conditions of service of employees.

30. (1) Every employee shall be appointed under a written contract which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of a contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the

Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor. The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within 2 of 1940. the meaning of the Arbitration Act, 1940.

31. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

Proce-
dure of
appeal
and
arbitra-
tion in
discipli-
nary cases
against
students.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-section (2) of section 30 shall, as far as may be, apply to a reference made under this sub-section.

32. Every employee or student of the University or of a College or Institution shall, notwithstanding anything contained in this Act, have a right to appeal, within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of the Principal or the management of any college or Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

Right to
appeal.

33. (1) The University shall constitute for the benefit of its employees such pension or provident fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

Provident
and
pension
funds.

19 of 1925. (2) Where such provident or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund, as if it were a Government provident fund.

34. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Disputes
as to
constitu-
tion of
Univer-
sity
authori-
ties and
bodies.

35. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.

Constitu-
tion of
Com-
mittees.

36. All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Filling of casual vacancies.

37. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of University authorities of bodies not invalidated by vacancies.

38. No suit or other legal proceedings shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or Ordinances.

Protection of action taken in good faith.

39. A copy of any receipt, application, notice, order, proceeding, resolution of any authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding or resolution, documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force.

Mode of proof of University record.

1 of 1872

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

Power to remove difficulties.

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

41. Notwithstanding anything contained in this Act and the Statutes—

Transitional provisions.

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor and each of the said officers shall hold office for a term of five years;

(b) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more than thirty members and eleven members respectively, who shall be nominated by the Visitor and shall hold office for a term of three years;

(d) the first Academic Council shall be constituted on the expiry of a period of six months from the commencement of this Act and during the said period of six months, the powers of the Academic Council shall be performed by the Planning Board constituted under section 23;

(e) the first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Visitor and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

42. Notwithstanding anything contained in this Act, or in the Statutes or the Ordinances, any student of a College or Institution, who, immediately before the admission of such College or Institution to the privileges of the North-Eastern Hill University, was studying for a degree, diploma or certificate of the Gauhati University, shall be permitted by the North-Eastern Hill University to complete his course for that degree, diploma or certificate, as the case may be, and the North-Eastern Hill University and such College or Institution shall provide for the instruction and examination of such student in accordance with the syllabus of studies of the Gauhati University.

Completion of courses of students in Colleges or Institutions affiliated to the University.

THE SCHEDULE

[See section 25(1)]

THE STATUTES OF THE UNIVERSITY

1. (1) The Vice-Chancellor shall be a whole-time salaried officer of the University.

The Vice-Chancellor.

(2) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for not more than another term:

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office:

Provided further that the Visitor may direct that a Vice-Chancellor, whose term of office has expired, shall continue in office for such period, not exceeding a total period of one year, as may be specified in the direction.

(3) Notwithstanding anything contained in clause (2), a person appointed as Vice-Chancellor shall, if he completes the age of sixty-five years during the term of his office or any extension thereof, retire from office.

(4) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be as follows:—

(i) There shall be paid to the Vice-Chancellor a salary of two thousand and five hundred rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

(ii) The Vice-Chancellor shall not be entitled to the benefits of the University Provident Fund:

Provided that where an employee of—

(a) the University or College or Institution maintained by, or affiliated to, it; or

(b) any other University or College or Institution maintained by, or affiliated to, that University,

is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the provident fund to which he is a subscriber, and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

(iii) The Vice-Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Executive Council.

(iv) The Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service.

(v) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise, to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he is entitled to leave under sub-clause (iv).

(5) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties owing to absence, illness or any other cause, the Pro-Vice-Chancellor or if there is more than one Pro-Vice-Chancellor, the senior-most Pro-Vice-Chancellor, shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be:

Provided that if a Pro-Vice-Chancellor is not available, the senior-most Professor shall perform the duties of the Vice-Chancellor.

Powers
and duties
of the
Vice Chan-
cellor.

2. (1) The Vice-Chancellor shall be *ex-officio* Chairman of the Court, the Executive Council, the Academic Council and the Finance Committee, and shall, in the absence of the Chancellor, preside at the Convocations of the University held for conferring degrees. The Vice-Chancellor shall be entitled to be present at, and to address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(2) It shall be the duty of the Vice-Chancellor to see that this Act, these Statutes, the Ordinances and the Regulations are duly observed, and he shall have all powers necessary to ensure such observance.

(3) The Vice-Chancellor shall have the power to convene or cause to be convened meetings of the Court, the Executive Council, the Academic Council and the Finance Committee.

Pro-Vice-
Chancellor

3. (1) Every Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendations of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council:

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, appoint a Professor to discharge the duties of a Pro-Vice-Chancellor in addition to his own duties as a Professor.

(2) The term of office of a Pro-Vice-Chancellor shall be such as may be decided by the Executive Council, but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-Chancellor, whichever is earlier, and he shall be eligible for re-appointment:

Provided that a Pro-Vice-Chancellor shall retire on attaining the age of sixty-five years.

(3) The emoluments and other terms and conditions of service of a Pro-Vice-Chancellor shall be such as may be prescribed by the Ordinances.

(4) A Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf, from time to time, and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

4. (1) The Registrar shall be a whole-time salaried officer of the Registrar. University.

(2) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty years:

Provided further that a Registrar shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year whichever is earlier.

(3) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and academic staff, as may be specified in the orders of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(5) The Registrar shall be *ex-officio* Secretary of the Executive Council, the Academic Council and the Boards of Schools, but shall not be deemed to be a member of any of these authorities. He shall be *ex-officio* Member-Secretary of the Court.

(6) It shall be the duty of the Registrar,--

(a) to be the custodian of the records, the common seal and such

other property of the University as the Executive Council shall commit to his charge;

(b) to issue all notices convening meetings of the Court, the Executive Council, the Academic Council, the Boards of Schools, the Boards of Studies, the Boards of Examiners and of any Committees appointed by the authorities of the University;

(c) to keep the minutes of all the meetings of the Court, the Executive Council, the Academic Council, the Boards of Schools and of any Committees appointed by the authorities of the University;

(d) to conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(e) to arrange for and superintend the examinations of the University in accordance with the manner prescribed by the Ordinances;

(f) to supply to the Visitor, copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(g) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(h) to perform such other duties as may be specified in these Statutes, the Ordinances or the Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

Finance
Officer.

5. (1) The Finance Officer shall be a whole-time salaried officer of the University.

(2) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Ordinances:

Provided that a Finance Officer shall retire on attaining the age of sixty years:

Provided further that the Finance Officer shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year whichever is earlier.

(3) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance Officer shall be *ex-officio* Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.

(5) The Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by these Statutes or the Ordinances:

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding ten thousand rupees without the previous approval of the Executive Council.

(6) Subject to the control of the Executive Council, the Finance Officer shall—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices, Special Centres, specialised laboratories, Colleges and Institutions maintained by the University;

(g) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for from any office, Centre, laboratory, College or Institution maintained by the University, any information or returns that he may consider necessary for the performance of his duties.

(7) The receipt of the Finance Officer or of the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

6. (1) Every Dean of a School of Studies shall be appointed by the Vice-Chancellor from among the Professors in the School for a period of three years and he shall be eligible for re-appointment:

Deans of
Schools of
Studies.

Provided that a Dean on attaining the age of sixty years shall cease to hold office as such:

Provided further that if at any time there is no Professor in a School, the Vice-Chancellor, or a Pro-Vice-Chancellor if authorised by the Vice-Chancellor in this behalf, shall exercise the powers of the Dean of the School.

(2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Dean shall be the Head of the School and shall be responsible for the conduct and maintenance of the standards of teaching and research in the School. The Dean shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or Committees of the School, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

7. (1) In the case of Departments which have more than one Professor, the Head of the Department shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor from among the Professors.

Heads of
Departments.

(2) In the case of Departments where there is only one Professor, the Executive Council shall have the option to appoint, on the recommendation of the Vice-Chancellor, either the Professor or a Reader as the Head of the Department:

Provided that it shall be open to a Professor or Reader to decline the offer of appointment as the Head of the Department.

(3) A person appointed as the Head of the Department shall hold office as such for a period of three years and shall be eligible for re-appointment.

(4) A Head of a Department may resign his office at any time during his tenure of office.

(5) A Head of a Department shall perform such functions as may be prescribed by the Ordinances.

Deans of
Students'
Welfare.

8. (1) Every Dean of Students' Welfare shall be appointed from amongst the teachers of the University, not below the rank of a Reader, by the Executive Council on the recommendation of the Vice-Chancellor.

(2) Every Dean appointed under clause (1) shall be a whole-time officer and shall hold office for a term of three years and shall be eligible for re-appointment:

Provided that the Executive Council may, if it is considered necessary, appoint, on the recommendation of the Vice-Chancellor, a teacher, not below the rank of a Reader, to discharge the duties of the Dean of Students' Welfare in addition to his duties as such teacher, and in such a case, the Executive Council may sanction a suitable allowance to be paid to him.

(3) A person who is appointed as a Dean of Students' Welfare shall continue to hold his lien on his substantive post and shall be eligible to all the benefits that would have otherwise accrued to him, but for his appointment as the Dean of Students' Welfare.

(4) When the office of a Dean of Students' Welfare is vacant or when the Dean of Students' Welfare is, by reason of illness or absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The duties and powers of a Dean of Students' Welfare shall be prescribed by the Ordinances.

Proctors.

9. (1) Every Proctor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

(2) Every Proctor shall hold office for a term of two years and shall be eligible for re-appointment.

Libra-
rians.

10. (1) Every Librarian shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and he shall be a whole-time officer of the University.

(2) Every Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

Meetings
of the
Court.

11. (1) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

(2) At an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet, as audited, and the financial estimates for the next year shall be presented.

(3) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

(4) Twelve members of the Court shall form a quorum for a meeting of the Court.

(5) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor, or, if there is no Vice-Chancellor, by a Pro-Vice-Chancellor, or if there is no Pro-Vice-Chancellor, by the Registrar.

12. Five members of the Executive Council shall form a quorum for a meeting of the Executive Council.

Quorum
for
meetings
of the
Execu-
tive
Council.

13. (1) The Executive Council shall have the management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

Powers
and
functions
of Exe-
cutive
Council.

(2) Subject to the provisions of this Act, these Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and academic posts, to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Readers, Lecturers, and other academic staff and Principals of Colleges and Institutions maintained by the University:

Provided that no action shall be taken by the Executive Council in respect of the number, qualifications and the emoluments of teachers and academic staff otherwise than after consideration of the recommendations of the Academic Council;

(ii) to appoint such Professors, Readers, Lecturers and other academic staff, as may be necessary, and Principals of Colleges and Institutions maintained by the University on the recommendation of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to create administrative, ministerial and other necessary posts and to make appointments thereto in the manner prescribed by the Ordinances;

(iv) to grant leave of absence to any officer of the University, other than the Chancellor and the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(v) to regulate and enforce discipline among employees in accordance with these Statutes and the Ordinances:

(vi) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose, to appoint such agents as it may think fit;

(vii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendations of the Finance Committee;

(viii) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities as it shall, from time to time, think fit, or in the purchase of immovable property in India, with the like powers of varying such investments from time to time;

(ix) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(x) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xi) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xii) to entertain, adjudicate upon, and, if thought fit, to redress any grievances of the employees and students of the University, who may, for any reason feel aggrieved;

(xiii) to appoint examiners and moderators and, if necessary to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(xiv) to select a common seal for the University and provide for the custody and use of such seal;

(xv) to make such special arrangements as may be necessary for the residence and discipline of women students;

(xvi) to delegate any of its powers to the Vice-Chancellor, the Pro-Vice-Chancellors, the Registrar or the Finance Officer or such other employee or authority of the University or to a Committee appointed by it as it may deem fit;

(xvii) to institute fellowships, scholarships, studentships, medals and prizes; and

(xviii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, or these Statutes.

Quorum
for
meetings
of the
Academic
Council.

14. Nine members of the Academic Council shall form a quorum for a meeting of the Academic Council.

Powers
of the
Academic
Council.

15. Subject to this Act, these Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of

instruction, co-operative teaching among Colleges and Institutions, evaluation of research or improvements in academic standards;

(b) to bring about inter-School co-ordination, to establish or appoint Committees or Boards, for taking up projects on an inter-School basis;

(c) to consider matters of general academic interest either on its own initiative or on a reference by a School or the Executive Council and to take appropriate action thereon; and

(d) to frame such regulations and rules consistent with these Statutes and the Ordinances regarding the academic functioning of the University, discipline, residences, admissions, award of fellowships and studentships, fee concessions, corporate life and attendance.

16. (1) The members of the Planning Board shall be appointed by the Visitor and shall hold office for such period as he may determine. The Planning Board

(2) The Planning Board shall, in addition to all other powers vested in it by this Act, have the right to advise the Executive Council and the Academic Council on any academic matter.

(3) On the date determined by the Visitor under sub-section (3) of section 23, this Statute shall cease to have effect.

17. (1) The University shall have such Schools of Studies as may be specified by the Ordinances. Schools of Studies and Departments.

(2) Every School shall have a School Board. The members of the first School Board shall be nominated by the Executive Council and shall hold office for a period of three years.

(3) The powers and functions of a School Board shall be prescribed by the Ordinances.

(4) The conduct of the meetings of a School Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(5) (a) Each School shall consist of such Departments as may be assigned to it by the Ordinances.

(b) No Department shall be established or abolished except by these Statutes:

Provided that the Executive Council may, on the recommendation of the Academic Council, establish Centres of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

(c) Each Department shall consist of the following members, namely:—

(i) teachers of the Department;

(ii) persons conducting research in the Department;

- (iii) Dean of the School or Deans of the Schools concerned;
- (iv) honorary Professors, if any, attached to the Department; and
- (v) such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

Boards
of
Studies.

18. (1) Each Department shall have two Boards of Studies, one for Post-graduate Studies and the other for Under-graduate Studies.

(2) The constitution of a Board of Post-graduate Studies and the term of office of its members shall be prescribed by the Ordinances.

(3) The functions of a Board of Post-graduate Studies shall be to approve subjects for research for various degrees and other requirements of research degrees and to recommend to the concerned School Board in the manner prescribed by the Ordinances:—

(a) courses of studies and appointment of examiners for post-graduate courses, but excluding research degrees;

(b) appointment of supervisors of research; and

(c) measures for the improvement of the standard of post-graduate teaching and research;

Provided that the above functions of a Board of Post-graduate Studies shall, during the period of three years immediately after the commencement of this Act, be performed by the Department.

(4) The constitution and functions of a Board of Under-graduate Studies and the term of office of its members shall be prescribed by the Ordinances.

Finance
Commit-
tee.

19. (1) The Finance Committee shall consist of the following members, namely:—

(i) The Vice-Chancellor;

(ii) A Pro-Vice-Chancellor appointed by the Executive Council;

(iii) Three persons nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and

(iv) Three persons nominated by the Visitor.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than *ex-officio* members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least twice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(7) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

Selection
Com-
mittees.

20. (1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor,

Reader, Lecturer, Librarian and Principals of Colleges and Institutions maintained by the University.

(2) The Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of the Vice-Chancellor, a Pro-Vice-Chancellor appointed by the Executive Council, a nominee of the Visitor and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

1	2
Professor	<p>(i) The Head of the Department concerned, if he is a Professor.</p> <p>(ii) One Professor to be nominated by the Vice-Chancellor.</p> <p>(iii) Three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of or interest in the subject with which the Professor will be concerned.</p>
Reader/ Lecturer	<p>(i) The Head of the Department concerned.</p> <p>(ii) One Professor to be nominated by the Vice-Chancellor.</p> <p>(iii) Two persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of or interest in the subject with which the Reader or Lecturer will be concerned.</p>
Librarian	<p>(i) Two persons not in the service of the University, who have special knowledge of the subject of Library Science/Library Administration to be nominated by the Executive Council.</p> <p>(ii) One person, not in the service of the University, nominated by the Executive Council.</p>
Principal of College or Institu- tion main- tained by the Uni- versity	<p>Three persons not in the service of the University of whom two shall be nominated by the Executive Council and one by the Academic Council for their special knowledge of or interest in a subject in which instruction is being provided by the College or Institution.</p>

NOTE 1.—Where the appointment is being made for an inter-disciplinary project, the Head of the project shall be deemed to be the Head of the Department concerned.

NOTE 2.—The Professor to be nominated shall be a Professor concerned with the speciality for which the selection is being made and that the Vice-Chancellor shall consult the Head of the Department and the Dean of School before nominating the Professor.

(3) The Vice-Chancellor, or in his absence, the senior-most Pro-Vice-Chancellor, shall preside at the meetings of a Selection Committee.

(4) The meetings of a Selection Committee shall be convened by the Vice-Chancellor or in his absence, by the senior-most Pro-Vice-Chancellor.

(5) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(6) If the Executive Council is unable to accept the recommendations made by a Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(7) Appointments to temporary posts shall be made in the manner indicated below:—

(i) If the temporary vacancy is for a duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis by a local Selection Committee referred to in sub-clause (ii) for a period not exceeding six months.

(ii) If the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the School concerned, the Head of the Department and a nominee of the Vice-Chancellor.

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor.

Provided further that in case of sudden casual vacancies of teaching posts caused by death or any other reason, the Dean may, in consultation with the Head of the Department concerned, make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment.

(iii) No teacher appointed temporarily shall, if he is not recommended by a regular Selection Committee for appointment under these Statutes, be continued in service on such temporary employment, unless he is subsequently selected by a local Selection Committee or a regular Selection Committee, for a temporary or permanent appointment, as the case may be.

Special
mode of
appoint-
ment.

21. (1) Notwithstanding anything contained in Statute 20, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Reader or any other academic post in the University, as the case may be, on such terms and conditions as it deems fit, and on the person agreeing to do so, appoint him to the post.

(2) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

22. The Executive Council may appoint a person selected in accordance with the procedure laid down in Statute 20 for a fixed tenure on such terms and conditions as it deems fit.

Appointment for a fixed tenure.

23. (1) The qualifications of recognised teachers shall be such as may be prescribed by the Ordinances.

Recognised teachers.

(2) All applications for the recognition of teachers shall be made in such manner as may be laid down in the Ordinances.

(3) No teacher shall be recognised as a teacher except on the recommendation of a Selection Committee constituted for the purpose in the manner laid down in the Ordinances.

(4) The period of recognition of a teacher shall be determined by Ordinances made in that behalf.

(5) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw recognition from a teacher:

Provided that no such resolution shall be passed until a notice in writing has been given to the person concerned calling upon him to show cause, within such time as may be specified in the notice, why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

(6) Any person aggrieved by an order of withdrawal under clause (5) may, within three months from the date of communication to him of such order, appeal to the Executive Council which may pass such orders thereon as it thinks fit.

24. Any authority of the University may appoint as many standing or special committees as it may deem fit, and may appoint to such committees persons who are not members of such authority. Any such committee may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing it.

Committees.

25. (1) All the teachers of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service as specified in these Statutes, the Ordinances and the Regulations.

Terms and conditions of service of University teachers.

(2) Every teacher of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances. A copy of the contract shall be deposited with the Registrar.

26. (1) Whenever, in accordance with these Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and, in accordance with such other principles as the Executive Council may, from time to time, prescribe.

Seniority lists.

(2) It shall be the duty of the Registrar to prepare and maintain, in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

Removal
of
teachers.

27. (1) Where there is an allegation of misconduct against a teacher, or a member of the academic staff, the Vice-Chancellor may, if he thinks fit, by order in writing, place the teacher under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Executive Council shall be entitled to remove a teacher or a member of the academic staff on the ground of misconduct.

(3) Save as aforesaid, the Executive Council shall not be entitled to remove a teacher or a member of the academic staff except for good cause and after giving three months' notice in writing or on payment of three months' salary in lieu of notice.

(4) No teacher or a member of the academic staff shall be removed under clause (2) or under clause (3) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher or a member of the academic staff shall require a two-thirds majority of the members of the Executive Council present and voting.

(6) The removal of a teacher or a member of the academic staff shall take effect from the date on which the order of removal is made:

Provided that where a teacher or a member of the academic staff is under suspension at the time of his removal, the removal shall take effect from the date on which he was placed under suspension.

(7) Notwithstanding anything contained in these Statutes, a teacher or a member of the academic staff may resign by giving three months' notice in writing to the Executive Council or on payment of three months' salary in lieu thereof.

Removal
of em-
ployees
other
than
teachers
of the
Univer-
sity.

28. (1) Notwithstanding anything contained in the terms of his contract of service or of his appointment, an employee, other than a teacher or a member of the academic staff, may be removed by the authority which is competent to appoint the employee—

(a) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(b) if he is an undischarged insolvent;

(c) if he has been convicted by a court of law of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months;

(d) if he is otherwise guilty of misconduct:

Provided that no employee shall be removed from his office unless a resolution to that effect is passed by the Executive Council by a majority of two-thirds of its members present and voting.

(2) No employee shall be removed under clause (1) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(3) Where the removal of such employee is for a reason other than that specified in sub-clause (c) or sub-clause (d) of clause (1), he shall be given three months' notice in writing or paid three months' salary in lieu of such notice.

(4) Notwithstanding anything contained in these Statutes, an employee, not being a teacher or a member of the academic staff, shall be entitled to resign,—

(i) if he is a permanent employee, only after giving three month's notice in writing to the appointing authority or paying to the University three months' salary in lieu thereof;

(ii) if he is not a permanent employee, only after giving one months' notice in writing to the appointing authority or paying to the University one month's salary in lieu thereof:

Provided that such resignation shall take effect from the date on which the resignation is accepted by the appointing authority.

29. (1) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Honorary degrees.

Provided that in case of emergency, the Executive Council may, on its own, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

30. The Executive Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Withdrawal of degrees, etc.

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

Maintenance of discipline among students of the University.

31. (1) All powers relating to discipline and disciplinary action in relation to students of the University shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may delegate all or any of his powers as he deems proper to a Proctor and to such other officers as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in the exercise of his powers, by order, direct that any student or students be expelled, or rusticated, for a specified period, or be not admitted to a course or courses of study in a College, Institution or Department of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, College, Institution or a Department for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(4) The Principals of Colleges, Institutions, Heads of Special Centres, Deans of Schools of Studies and Heads of teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Institutions, Special Centres, Schools and teaching Departments in the University as may be necessary for the proper conduct of such Colleges, Institutions, Special Centres, Schools and teaching in the Departments.

(5) Without prejudice to the powers of the Vice-Chancellor, the Principals and other persons specified in clause (4), detailed rules of discipline and proper conduct shall be made by the University. The Principals of Colleges, Institutions, Heads of Special Centres, Deans of Schools of Studies and Heads of teaching Departments in the University may also make the supplementary rules as they deem necessary for the aforesaid purposes. Every student shall be supplied with a copy of the rules made by the University and a copy of the supplementary rules shall be supplied to the students concerned.

(6) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

Maintenance of discipline among students of College, etc.

32. All powers relating to discipline and disciplinary action in relation to students of a College or an Institution, not maintained by the University, shall vest in the Principal of the College or Institution, as the case may be, in accordance with the procedure prescribed by the Ordinances.

Admission of College, etc., to the privileges of the University.

33. (1) Colleges and other Institutions situated within the jurisdiction of the University may be admitted to such privileges of the University as the Executive Council may decide on the following conditions, namely:—

(i) Every such College or Institution shall have a regularly constituted Governing Body, consisting of not more than fifteen persons approved by the Executive Council and including, among others, two teachers of the University to be nominated by the Executive Council

and three representatives of the teaching staff of whom the Principal of the College or Institution shall be one. The procedure for appointment of members of the Governing Body and other matters affecting the management of a College or an Institution shall be prescribed by the Ordinances:

Provided that the said condition shall not apply in the case of Colleges and Institutions maintained by Government which shall, however, have an Advisory Committee consisting of not more than fifteen persons which shall consist of, among others, three teachers including the Principal of the College or Institution, and two teachers of the University nominated by the Executive Council.

(ii) Every such College or Institution shall satisfy the Executive Council on the following matters, namely:—

(a) the suitability and adequacy of its accommodation and equipment for teaching;

(b) the qualifications and adequacy of its teaching staff and the conditions of their service;

(c) the arrangements for the residence, welfare, discipline and supervision of students;

(d) the adequacy of financial provision made for the continued maintenance of the College or Institution; and

(e) such other matters as are essential for the maintenance of the standards of University education.

(iii) No College or Institution shall be admitted to any privileges of the University except on the recommendation of the Academic Council made after considering the report of a Committee of Inspection appointed for the purpose by the Academic Council.

(iv) Colleges and Institutions desirous of admission to any privileges of the University shall be required to intimate their intention to do so in writing so as to reach the Registrar not later than the 15th August, preceding the year from which permission applied for is to have effect.

(v) A College or an Institution shall not, without the previous permission of the Executive Council and the Academic Council, suspend instruction in any subject or course of study which it is authorised to teach and teaches.

(2) Appointment to the teaching staff and Principals of Colleges or Institutions admitted to the privileges of the University shall be made in the manner prescribed by the Ordinances:

Provided that nothing in this clause shall apply to Colleges and Institutions maintained by Government.

(3) The service conditions of the administrative and other non-academic staff of every College or Institution referred to in clause (2) shall be such as may be laid down in the Ordinances:

Provided that nothing in this clause shall apply to Colleges and Institutions maintained by Government.

(4) Every College or Institution admitted to the privileges of the University shall be inspected at least once in every two academic years by a Committee appointed by the Academic Council, and the report of that Committee shall be submitted to the Academic Council, which shall forward the same to the Executive Council with such recommendations as it may deem fit to make. The Executive Council, after considering the report and the recommendations, if any, of the Academic Council, shall forward a copy of the report to the Governing Body of the College or Institution with such remarks, if any, as it may deem fit, for suitable action.

(5) The Executive Council may, after consulting the Academic Council, withdraw any privileges granted to a College or Institution, at any time it considers that the College or Institution does not satisfy any of the conditions on the fulfilment of which the College or Institution was admitted to such privileges.

Provided that before any privileges are so withdrawn, the Governing Body of the College or Institution concerned shall be given an opportunity to represent to the Executive Council why such action should not be taken.

(6) Subject to the conditions set forth in clause (1), the Ordinances may prescribe—

(i) such other conditions as may be considered necessary;

(ii) the procedure for the admission of Colleges and Institutions to the privileges of the University and for the withdrawal of those privileges.

Convoca-
tions.

34. Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

Acting
Chair-
man of
meetings.

35. Where no provision is made for a President or Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

Resigna-
tion.

36. Any member, other than an *ex-officio* member of the Court, the Executive Council, the Academic Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Disquali-
fications

37. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University—

(a) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(b) if he is an undischarged insolvent;

(c) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of the Visitor and his decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

38. Notwithstanding anything contained in these Statutes, no person who is not ordinarily resident in India shall be eligible to be an officer of the University or a member of any authority of the University.

Residence condition for membership and office.

39. Notwithstanding anything contained in these Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

Membership of authorities by virtue of membership of other bodies.

40. (1) There shall be an Alumni Association for the University.

Alumni Association.

(2) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.

(3) No member of the Alumni Association shall be entitled to vote or stand for election unless he has been a member of the Association for at least one year prior to the date of the election and is a graduate of the University of at least five years' standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

41. (1) The first Ordinances made under sub-section (2) of section 26 may be amended, repealed or added to at any time by the Executive Council in the manner specified below.

Ordinances how made.

(2) No Ordinance in respect of the matters enumerated in section 26, other than those enumerated in clause (n) of sub-section (1) thereof, shall be made by the Executive Council unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is re-affirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinance made by the Executive Council shall come into effect immediately.

(6) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption. The Visitor shall have the power to direct the University within four weeks of the receipt of the Ordinance to suspend the operation of any such Ordinance and he shall, as soon as possible, inform the Executive Council about his objection to the proposed Ordinance. The Visitor may,

after receiving the comments of the University, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

Regulations

42. (1) The authorities of the University may make Regulations consistent with this Act, and these Statutes and the Ordinances:—

(a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(b) providing for all matters which are required by this Act, these Statutes or the Ordinances to be prescribed by Regulations;

(c) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by this Act, these Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings, and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify, of any Regulation made under this Statute or the annulment of any such Regulation.

Delegation of powers

43. Subject to the provisions of this Act and these Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

THE CINEMATOGRAPH (AMENDMENT) ACT, 1973

No. 25 of 1973

[28th May, 1973]

An Act further to amend the Cinematograph Act, 1952.

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

1. This Act may be called the Cinematograph (Amendment) Act, 1973. Short title.

37 of 1952.

~~2. In the Cinematograph Act, 1952 (hereinafter referred to as the principal Act), in section 1,—~~ Amendment of section 1. (4xxx)

~~(i) in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted;~~

~~(ii) to sub-section (3), the following proviso shall be added, namely:—~~

~~"Provided that Parts I and II shall come into force in the State of Jammu and Kashmir only on such date after the commencement of the Cinematograph (Amendment) Act, 1973, as the Central Government may, by notification in the Official Gazette, appoint."~~

3. In part I of the principal Act, after section 2, the following section shall be inserted, namely:— Insertion of new section 2A.

"2A. Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State." Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir.

4. In section 8 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:— Amendment of section 8.

"(3) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each

4 ss. 2 to 4 repealed by Act 38 of 1978, s. 2 & Sch. I

house of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal
and
saving.

5. (1) On and from the date on which the provisions of Parts I and II of the principal Act come into force in the State of Jammu and Kashmir, the provisions of the Jammu and Kashmir Cinematograph Act, 1989, in so far as they relate to the sanctioning of cinematograph films for exhibition, shall stand repealed.

(2) The repeal by sub-section (1) of the provisions of the Jammu and Kashmir Cinematograph Act, 1989, in so far as they relate to the sanctioning of cinematograph films for exhibition, shall not affect—

(a) the previous operation of the provisions so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions so repealed; or

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

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said provisions had not been repealed.

Provided that anything done or any action taken (including any appointment made, notification issued or rule made) under the provisions so repealed shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act and now extended to the State of Jammu and Kashmir and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the principal Act as amended by this Act.

Jammu
and
Kashmir
Act 24
of 1989
(1933
A.D.)

THE COAL MINES (NATIONALISATION) ACT, 1973

ARRANGEMENT OF SECTIONS

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2. Definitions.

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ACQUISITION OF THE RIGHTS OF OWNERS OF COAL MINES

3. Acquisition of rights of owners in respect of coal mines.

4. Central Government to be the lessee of the State Government.

5. Power of Central Government to direct vesting of rights in a Government company.

6. Properties vested in the Central Government to be freed from mortgages, etc.

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THE SCHEDULE.

THE COAL MINES (NATIONALISATION) ACT, 1973

No. 26 OF 1973

[30th May, 1973]

An Act to provide for the acquisition and transfer of the right, title and interest of the owners in respect of the coal mines specified in the Schedule with a view to re-organising and reconstructing such coal mines so as to ensure the rational, co-ordinated and scientific development and utilisation of coal resources consistent with the growing requirements of the country, in order that the ownership and control of such resources are vested in the State and thereby so distributed as best to subserve the common good, and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Coal Mines (Nationalisation) Act, 1973.

Short title
and com-
mencement.

(2) The provisions of sections 30 and 31 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of May, 1973.

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

Definitions.

(a) "appointed day" means the 1st day of May, 1973;

(b) "coal mine" means a mine in which there exists one or more seams of coal;

(c) "company" means a company as defined in section 3 of the Companies Act, 1956, and includes a foreign company within the meaning of section 591 of that Act;

1 of 1956.

(d) "Commissioner" means the Commissioner of Payments appointed under section 17;

(e) "Custodian" means the Custodian appointed under sub-section (2) of section 11, to take over, or carry on, the management of a coal mine;

(f) "Government company" has the meaning assigned to it by section 617 of the Companies Act, 1956;

1 of 1956.

(g) "managing contractor" means the person, or body of persons, who, with the previous consent, in writing, of the State Government, has entered into an arrangement, contract or understanding, with the owner of a coal mine under which the operations of the coal mine are substantially controlled by such person or body of persons;

(h) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes—

(i) all borings and bore holes;

(ii) all shafts, whether in the course of being sunk or not;

(iii) all levels and inclined planes in the course of being driven;

(iv) all open cast workings;

(v) all conveyors or aerial ropeways provided for bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;

(vi) all lands, buildings, works, adits, levels, planes, machinery and equipments, instruments, stores, vehicles, railways, tramways and sidings in, or adjacent to, a mine and used for the purposes of the mine;

(vii) all workshops (including buildings, machinery, instruments, stores, equipment of such workshops and the lands on which such workshops stand) in, or adjacent to, a mine and used substantially for the purposes of the mine or a number of mines under the same management;

(viii) all coal belonging to the owner of the mine, whether in stock or in transit, and all coal under production in a mine;

(ix) all power stations in a mine or operated primarily for supplying electricity for the purpose of working the mine or a number of mines under the same management;

(x) all lands, buildings and equipments belonging to the owner of the mine, and in, adjacent to or situated on the surface of, the mine where the washing of coal obtained from the mine or manufacture, therefrom, of coke is carried on;

(xi) all lands and buildings [other than those referred to in sub-clause (x)], wherever situated, if solely used for the location of the management, sale or liaison offices, or for the residence of officers and staff, of the mine;

(xii) all other fixed assets, movable and immovable, belonging to the owner of a mine, wherever situated, and current assets, belonging to a mine, whether within its premises or outside, and also any money lawfully due to such owner in relation to the mine in respect of any period prior to the appointed day.

Explanation.—The expression “current assets” does not include dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coal mine;

(i) “Mineral Concession Rules” means the rules, for the time being in force, made under the Mines and Minerals (Regulation and Development) Act, 1957;

67 of 1957.

(j) “mining company” means a company owning a coal mine, and in relation to a foreign company within the meaning of section 591 of the Companies Act, 1956, the undertaking of that company in India;

1 of 1956.

(k) “notification” means a notification published in the Official Gazette;

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

(m) “specified date” means such date as the Central Government may, for the purpose of any provision of this Act, by notification, specify; and different dates may be specified for different provisions of this Act;

12 of 1952.

(n) words and expressions used herein and not defined but defined in the Coal Mines (Conservation, Safety and Development) Act, 1952, have the meanings, respectively, assigned to them in that Act;

12 of 1952.

35 of 1952.

(o) words and expressions used herein and not defined in this Act or in the Coal Mines (Conservation, Safety and Development) Act, 1952, but defined in the Mines Act, 1952, have the meanings, respectively, assigned to them in the Mines Act, 1952.

CHAPTER II

ACQUISITION OF THE RIGHTS OF OWNERS OF COAL MINES

3. (1) On the appointed day, the right, title and interest of the owners in relation to the coal mines specified in the Schedule shall stand transferred to, and shall vest absolutely in, the Central Government free from all incumbrances.

Acquisition of rights of owners in respect of coal mines.

(2) For the removal of doubts, it is hereby declared that if, after the appointed day, the existence of any other coal mine comes to the knowledge of the Central Government, the provisions of the Coal Mines (Taking Over of Management) Act, 1973, shall, until that mine is nationalised by an appropriate legislation, apply to such mine.

15 of 1973.

4. (1) Where the rights of an owner under any mining lease granted, or deemed to have been granted, in relation to a coal mine, by a State Government or any other person, vest in the Central Government under section 3, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government or such other person, as the case may be, in relation to such coal mine as if a mining lease in relation to such coal mine had been granted to the Central Government and the period of such lease shall be the entire period for which such lease could have been granted by the State Government or such

Central Government to be the lessee of the State Government.

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3
3
2
2

Ans. by Act 67 of 1976, s. 3 (w.e.f. 29-4-1976).
Subs. by Act 22 of 1978, s. 10 C w.e.f. 1.5.1973)

other person under the Mineral Concession Rules, and thereupon all the rights under such mining lease, including surface, underground and other rights granted to the lessee shall be deemed to have been transferred to, and vested in, the Central Government.

(2) On the expiry of the term of any lease, referred to in sub-section (1), such lease shall, if so desired by the Central Government, be renewed, on the same terms and conditions on which the lease was held, immediately before the appointed day, by the lessor, for the maximum period for which such lease can be renewed under the Mineral Concession Rules.

Power of Central Government to direct vesting of rights in a Government company.

5. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by an order in writing, that the right, title and interest of an owner in relation to a coal mine referred to in section 3, shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day), as may be specified in the direction.

(2) Where the right, title and interest of an owner in relation to a coal mine vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the lessee in relation to such coal mine as if a mining lease in relation to the coal mine had been granted to the Government company and the period of such lease shall be the entire period for which such lease could have been granted under the Mineral Concession Rules; and all the rights and liabilities of the Central Government in relation to such coal mine shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

(3) The provisions of sub-section (2) of section 4 shall apply to a lease which vests in a Government company as they apply to a lease vested in the Central Government and references therein to the "Central Government" shall be construed as references to the Government company.

Properties vested in the Central Government to be freed from mortgages, etc.

6. (1) All property which vests in the Central Government or in a Government company under this Chapter shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting it and any attachment, injunction or decree or order of any court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(2) Every mortgagee of any property which has vested under this Act in the Central Government or a Government company, and every person holding any charge, lien or other interest in or in relation to any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(3) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (1) or any other person holding any charge, lien or other interest in, or in relation to any, such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage-money or other dues, in whole or in part, out of the amount specified in relation to such property in the Schedule, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government or the Government company.

7. (1) Every liability of the owner, agent, manager or managing contractor of a coal mine, in respect of any period prior to the appointed day, shall be the liability of such owner, agent, manager or managing contractor, as the case may be, and shall be enforceable against him and not against the Central Government or the Government company.

Central Government or Government company not to be liable for prior liabilities.

(2) For the removal of doubts, it is hereby declared that—

(a) save as otherwise provided elsewhere in this Act, no claim for wages, bonus, royalty, rate, rent, taxes, provident fund, pension, gratuity or any other dues in relation to a coal mine in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to any coal mine passed after the appointed day, but in relation to any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government or the Government company,

(c) no liability for the contravention, before the appointed day, of any provision of law for the time being in force, shall be enforceable against the Central Government or the Government company.

CHAPTER III

PAYMENT OF AMOUNT

8. The owner of every coal mine or group of coal mines specified in the second column of the Schedule, shall be given by the Central Government, in cash and in the manner specified in Chapter VI, for the vesting in it, under section 3, of the right, title and interest of the owner in relation to such coal mine or group of coal mines, an amount equal to the amount specified against it in the corresponding entry in the fifth column of the Schedule.

Payment of amount to owners of coal mines.

9. (1) In consideration of the retrospective operation of the provisions of sections 3, 4 and 5, there shall be given by the Central Government, in cash, to the owner of every coal mine or group of coal mines specified in the Schedule, an amount equal to the amount which would have been, but for the provisions of the said sections 3, 4 and 5, payable to such owner under the Coal Mines (Taking Over of Management) Act, 1973, for the period commencing on the 1st day of May, 1973, and ending on the date on which this Act receives the assent of the President.

Payment of further amount.

15 of 1973.

(2) In addition to the amount referred to in sub-section (1), there shall be given by the Central Government, in cash, to the owner of every coal mine or group of coal mines specified in the Schedule, simple interest at the rate of four per cent. per annum on the amount specified against such owner in the corresponding entry in the fifth column of the Schedule for the period commencing on the date on which this Act receives the assent of the President and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

(3) The amounts referred to in sub-section (1) and sub-section (2) shall be in addition to the amount specified in the Schedule.

10. (1) Where, in pursuance of any decree, order or injunction of a court or otherwise, the Central Government or the Custodian appointed under the Coal Mines (Taking Over of Management) Act, 1973, was prevented from taking over the management of any coal mine, the owner of such coal mine shall render, within sixty days from the date on which management of the coal mine is delivered to

Income derived by the owners of coal mines after the

15 of 1973.

appointed
day to be
refunded
to the
Central
Govern-
ment.

the Central Government or Government company, as the case may be, accounts in relation to the period commencing on the date of commencement of the said Act and ending on the date of delivery of such management to the Central Government or the Government company, as the case may be, with regard to the—

- (a) assets and stores of the coal mine acquired or sold by him during the said period;
- (b) coal sold or despatched during the said period;
- (c) income derived by him from the coal mine during the said period.

(2) If, on examination of the accounts referred to in sub-section (1), any income is found to have been derived by the owner from the coal mine during the period referred to in that sub-section, such income shall be recoverable by the Central Government from the amount payable under section 8 to the owner of such coal mine, and, the debt due to the Central Government on this account shall rank as an unsecured debt.

(3) If no account is rendered by the owner of a coal mine within the period referred to in sub-section (1) or if the Central Government or the Government company has any reason to believe that the account rendered by such owner is incorrect or false in material particulars, the Central Government or the Government company may refer the matter to the Commissioner and thereupon the Commissioner shall determine the income derived by the owner from the coal mine during the period referred to in sub-section (1), and take steps to recover the said income from the amount payable to the owner of the coal mine under section 8, as if the debt due to the Central Government on this account were an unsecured debt.

(4) No mortgage, charge, lien or other incumbrance in relation to a coal mine or any asset thereof shall be binding on the Central Government or the Government company if such mortgage, charge, lien or other incumbrance was created, at any time during the period in which the Central Government or the Custodian was prevented, by any decree, order or injunction of a court or otherwise, from taking over the management of the said coal mine.

CHAPTER IV

MANAGEMENT, ETC., OF COAL MINES

Manage-
ment, etc.,
of coal
mines.

11. (1) The general superintendence, direction, control and management of the affairs and business of a coal mine, the right, title and interest of an owner in relation to which have vested in the Central Government under section 3, shall,—

(a) in the case of a coal mine in relation to which a direction has been made by the Central Government under sub-section (1) of section 5, vest in the Government company specified in such direction, or

(b) in the case of a coal mine in relation to which no such direction has been made by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as the owner of the coal mine is authorised to exercise and do.

(2) The Central Government may appoint an individual or a Government company as the Custodian of a coal mine in relation to which no direction has been made by it under sub-section (1) of section 5.

12. (1) On the vesting of the management of a coal mine in a Government company or on the appointment of a Custodian, all persons in charge of the management of such coal mine immediately before such vesting or appointment, shall be bound to deliver to the Government company or the Custodian, as the case may be, all assets, books of account, registers or other documents in their custody relating to the coal mine.

Duty of persons in charge of management of coal mines to deliver all assets, etc.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or Custodian as to its or his powers and duties and the Government company or Custodian may also, if it or he so desires, apply to the Central Government at any time for instructions as to the manner in which the management of the coal mine shall be conducted by it or him or in relation to any other matter arising in the course of such management.

(3) The Custodian shall receive from the funds of the coal mine, in relation to which he or it is the Custodian, such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

13. The Custodian of every coal mine shall maintain the accounts of such mine in such manner and under such conditions as may be prescribed.

Accounts and audit

CHAPTER V

PROVISIONS RELATING TO EMPLOYEES OF COAL MINES

14. (1) Every person who is a workman within the meaning of the Industrial Disputes Act, 1947, and has been, immediately before the appointed day, in the employment of a coal mine shall become, on and from the appointed day, an employee of the Central Government or, as the case may be, of the Government company in which the right, title and interest of such mine have vested under this Act, and shall hold office or service in the coal mine with the same rights to pension, gratuity and other matters as would have been admissible to him if the rights in relation to such coal mine had not been transferred to, and vested in, the Central Government or the Government company, as the case may be, and continue to do so unless and until his employment in such coal mine is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Central Government or the Government company.

Employment of certain employees to continue.

(2) The Central Government or the Government company in which the right, title and interest in relation to a coal mine have vested, may employ, on mutually acceptable terms and conditions, any person who is not a workman within the meaning of the Industrial Disputes Act, 1947, and who has been immediately before the appointed day, in the employment of a coal mine, and on such employment the said person shall become an employee of the Central Government or the Government company, as the case may be.

(3) Save as otherwise provided in sub-sections (1) and (2), the services of every person employed by the owner or occupier of a coal mine before the appointed day shall stand terminated on and from the specified date.

(4) 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 of a coal mine to any other mine shall not entitle such officer or 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.

14 of 1947.

14 of 1947.

1 of 1947.

(5) Where, under the terms of any contract of service or otherwise, any person whose services become terminated or whose services become transferred to the Central Government or a Government company by reason of the provisions of this Act is entitled to any payment by way of gratuity or retirement benefits or for any leave not availed of, or any other benefits, such person may enforce his claim against the owner of the coal mine but not against the Central Government or the Government company.

Provident and other funds.

15. (1) Where a coal mine has established a provident fund, superannuation welfare or other fund for the benefit of its employees, the monies relatable to the employees, whose services have become transferred by or under this Act to the Central Government or a Government company shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred, under sub-section (1), to the Central Government or a Government company shall be dealt with by that Government or company, as the case may be, in such manner as may be prescribed.

Superannuation fund, etc., to be distributed to employees whose employment becomes terminated under this Act.

16. Where the employment of an employee stands terminated by reason of sub-section (3) of section 14 and such employee is not employed by the owner of the coal mine in any of his other establishments, such owner shall pay to such employee the amount standing at his credit in the provident fund and also pay him the amounts due to him as superannuation, welfare and other benefits admissible to him as if the employee had superannuated or his service with the coal mine had terminated on the day immediately preceding the specified date.

CHAPTER VI

COMMISSIONER OF PAYMENTS

Commissioner of Payments to be appointed.

17. (1) For the purpose of disbursing the amounts payable to the owner of each coal mine or group of coal mines, the Central Government shall appoint such person as it may think fit to be the Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons to also exercise all or any of the powers exercisable by him under this Act, and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

Payment by the Central Government to the Commissioner.

18. (1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner for payment to the owner of a coal mine, an amount equal to the amount specified against the coal mine in the Schedule and shall also pay to the Commissioner such sums as may be due to the owner of a coal mine under section 9.

(2) In addition to the sum referred to in sub-section (1), the Central Government shall pay, in cash, to the Commissioner, such amount as may become due to the owner of a coal mine in relation to any period, after the appointed day, during which the management of the coal mine remains vested in the Central Government. the period

Sub. by Act 22 of 1978, S. 11

(3) A deposit account shall be opened by the Central Government, in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account in the Public Account of India, and thereafter the said deposit account shall be operated by the Commissioner.

(4) Separate records shall be maintained by the Commissioner in respect of each coal mine in relation to which payments have been made to him under this Act.

(5) Interest accruing on the amounts standing to the credit of the deposit account referred to in sub-section (3) shall enure to the benefit of the owners of coal mines.

(6) References in this section to the owner of a coal mine shall, in relation to a group of coal mines specified in the Schedule, be construed as references to the owner of that group of coal mines.

19. (1) The Central Government or the Government company, as the case may be, shall cause the books in relation to each coal mine, the management of which has vested in it under the Coal Mines (Taking Over of Management) Act, 1973, to be closed and balanced as on the date immediately before the appointed day, and shall cause a statement of accounts, as on that day, to be prepared, within such time, in such form and in such manner as may be prescribed, in relation to each such mine in respect of the transactions effected by it during the period for which the management of such coal mine remained vested in it:

Statement of accounts in respect of the period of management by the Central Government, etc.

15 of 1973.

Provided that where two or more coal mines were owned, before the commencement of this Act, by the same owner, a consolidated statement of accounts may be prepared for all the coal mines owned by such owner.

(2) All amounts received by the Central Government or the Government company after the closure of such accounts shall, where such accounts relate to transactions effected before the appointed day, be included in the said statement of accounts in respect of the coal mine to which the said receipt relates.

(3) The Central Government or the Government company in which the right, title and interest of coal mine stand vested shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money, due to the coal mine, realised after the appointed day notwithstanding that the realisations pertain to a period prior to the appointed day:

Provided that where such realisations have not been included in the statement of accounts as on the day immediately before the appointed day, a supplementary statement of accounts shall be prepared and furnished, at such intervals as may be prescribed by the Central Government or the Government company to the owner of the coal mine.

(4) The liabilities of the coal mine (not being liabilities arising out of advances made by the Central Government or the Government company), which could not be discharged by the appointed day, may be discharged by the Central Government or the Government company up to the specified date, and every payment so made shall be included in the statement of accounts as on the day immediately before the appointed day, indicating therein the period in relation to which the payments were made:

Provided that the liabilities in relation to the period prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the owner of the coal mine.

(5) A copy of each statement of accounts prepared under this section shall be delivered by the Central Government or the Government company, as the case may be, to the Commissioner and also to the owner:

Provided that where the number of owners is more than one, only one copy of the statement of accounts shall be given to the owners for the benefit of all of them.

(6) The statement of accounts prepared under this section shall be audited by a person who is qualified to be appointed as an auditor of a company under section 226 of the Companies Act, 1956, and the auditor so appointed shall receive from the funds of the coal mine, such remuneration as the Central Government may fix.

1 of 1956.

(7) The audit of the statement of accounts shall be conducted in such manner as the Central Government may direct.

Claims to be made to the Commissioner.

20. ⁽¹⁰⁾ Every person having a claim against the owner of a coal mine shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days but not thereafter.

Priority of claims in relation to arrears of provident fund, etc.

21. (1) Every person employed by the owner of a coal mine or group of coal mines may make a claim to the Commissioner to the effect that the sums deducted under sub-section (4) of section 7 of the Coal Mines (Taking Over of Management) Act, 1973, are not sufficient to meet fully the amount of arrears due to him, on the appointed day within the meaning of that Act, from the owner of such coal mine or group of coal mines,—

15 of 1973.

(a) in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of a coal mine or group of coal mines, or

(b) as wages,

and that a sum equal to the deficiency may be recovered from the amount specified in the Schedule against the owner of such coal mine or group of coal mines.

(2) Where a claim is made under sub-section (1), the Commissioner shall determine the extent of the deficiency and shall, after such determination, deduct in the first instance, out of the amount paid to him under section 8, a sum equal to the extent of the deficiency determined by him under this sub-section.

(3) All sums deducted by the Commissioner under sub-section (2) shall, in accordance with such rules as may be made under this Act, be credited by the Commissioner to the relevant fund or be paid to the persons to whom such sums are due, and on such credit or payment, the liability of the owner in respect of all the amounts of arrears due as aforesaid shall stand discharged.

(4) The deductions made by the Commissioner under sub-section (2) shall have priority over all other debts, whether secured or unsecured.

Priority in relation to other claims.

22. (1) Save as otherwise provided in section 21, every secured debt due from the owner of a coal mine or group of coal mines shall have priority over all other debts and shall be paid in accordance with the rights and interests of the secured creditors.

(2) Notwithstanding anything contained in any other law for the time being in force, there shall be paid in priority to all other unsecured debts, not being the amounts advanced by the Central Government or the Custodian appointed

1. Re-numbered & ins. by Act 41 of 1973, s. 6 (w.e.f. 1-5-1973).
2. Ins. by Act 22 of 1978, s. 12
3. Ins. by sec. 13, ibid (w.e.f. 1.5.1973)

15 of 1973.

under the Coal Mines (Taking Over of Management) Act, 1973, for the management of the coal mine,—

(a) all sums due to the State Government including royalty and dead rent;

8 of 1923.

(b) all amounts due in respect of any compensation or liability for compensation under the Workmen's Compensation Act, 1923, in respect of the death or disablement of any employee of the coal mine unless such mine has, under such contract with insurers as mentioned in section 15 of the said Act, rights capable of being transferred to and vested in, the workmen; and

[Section 14]

(c) all sums deducted by the employer from the salary or wages of any workman or other employee for credit to any provident fund, or any other fund established for the welfare of the employees of the coal mine but not deposited to the credit of the said fund.

(3) The debts specified in sub-section (2) shall rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly.

23. (1) The Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the disbursement made by the Commissioner.

Admission or rejection of claims.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and one issue of the daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the owner of the coal mine an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions including the place or places at which he will hold his sittings and shall, for the purpose of making any investigation 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 issuing of any commission for the examination of witness.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the

45 of 1860.

4 Subs. by Act 38 of 1978, s.3 + sch. II

purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 5 of 1898, 1898.

(7) ~~A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the coal mine is situated:~~

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court for the State in which the coal mine is situated, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

Disbursement of money by the Commissioner to claimants.

24. Where, after meeting the claims admitted by him, of secured creditors, and unsecured creditors having priority under sub-section (2) of section 22, the total amount of claims of other unsecured creditors admitted by the Commissioner, does not exceed the total amount of the money credited to the account of a coal mine, every such admitted claim shall be paid in full and the balance, if any, shall be paid to the owner, but where such amount is insufficient to meet in full the total amount of the admitted claims, all such claims shall abate in equal proportions and be paid accordingly.

Amounts advanced by the Central Government how to be recovered.

25. Every amount advanced by the Central Government or the Custodian, as the case may be, for the management of a coal mine during the period in which the management of such coal mine remained vested in the Central Government, shall be recovered from the income derived from the transactions which took place at any time after the commencement of the Coal Mines (Taking Over of Management) Act, 1973, but before the appointed day notwithstanding that such income was derived after the appointed day:

15 of 1973.

Provided that where such income is insufficient to meet in full the total amount of the advance made by the Central Government or the Custodian for the management of the coal mine, the Central Government may make a claim to the Commissioner for the deficiency and thereupon the claim in respect of such deficiency shall have priority over the claims of all other unsecured creditors of the coal mine including those referred to in sub-section (2) of section 22.

Explanation.—In this section, "Custodian" means the Custodian appointed under the Coal Mines (Taking Over of Management) Act, 1973.

15 of 1973

Disbursement of amounts to the owners of coal mines.

26. (1) If out of the monies paid to him in relation to a coal mine or group of coal mines specified in the second column of the Schedule, there is a balance left after meeting the liabilities of all the secured and unsecured creditors, the Commissioner shall disburse such balance to the owner of such coal mine or group of coal mines.

(2) Before making any payment to the owner of any coal mine or group of coal mines under sub-section (1), the Commissioner shall satisfy himself as to the right of such person to receive the whole or any part of such amount, and in the event of there being a doubt or dispute as to the right of the person to receive the whole or any part of the amount, referred to in sections 8 and 9, the Commissioner shall refer the matter to the court and make the disbursement in accordance with the decision of the court.

(3) For the removal of doubts, it is hereby declared that the entries in the fourth column of the Schedule shall not be deemed to be conclusive as to the right, title and interest of any person in relation to any coal mine specified in the corresponding entries in the second column of the Schedule and evidence shall be admissible to establish the right, title and interest of any person in relation to such coal mine.

1) Ins & Subs. by Act 22 of 1978, s. 14

2) Ins. by s. 15, ibid

3) Ins. by s. 16, ibid cw-e-t. 1.5-1973)

4) Ins. by s. 17, ibid

15 of 1973

(4) In relation to a coal mine the operations of which were, immediately before the taking over of the management of such coal mine under the Coal Mines (Taking Over of Management) Act, 1973, under the control of a managing contractor, the amount specified in the fifth column of the Schedule against such coal mine shall be apportioned between the owner of the coal mine and such managing contractor in such proportions as may be agreed upon by or between the owner and such managing contractor, and in the event of there being no such agreement, in such proportions as may be determined by the court on a reference made to it by the Commissioner.

(5) Where any machinery, equipment or other property in a coal mine has vested in the Central Government or a Government company under this Act, but such machinery, equipment or other property does not belong to the owner of such coal mine, the amount specified in the fifth column of the Schedule against such coal mine shall, on a reference made to it by the Commissioner, be apportioned by the court between the owner of such coal mine and the owner of such machinery, equipment or other property having due regard to the value of such machinery, equipment or other property on the appointed day.

Explanation.—In this section, “court”, in relation to a coal mine, means the principal civil court of original jurisdiction within the local limits of whose jurisdiction the coal mine is situated.

27. Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of ~~three years from the last day on which the disbursement was made~~, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of revenue.

Undisbursed or unclaimed amount to be deposited to the general revenue account.

CHAPTER VII MISCELLANEOUS

28. The provisions of this Act shall have effect notwithstanding anything in consistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority.

Effect of this Act on other laws.

29. (1) Every contract entered into by the owner or occupier of any coal mine for any service, sale or supply and in force immediately before the appointed day shall, on and from the expiry of one hundred and twenty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government and in ratifying such contract the Central Government may make such alterations or modifications therein as it may think fit :

Contracts to cease to have effect unless ratified by Government.

Provided that the Central Government shall not omit to ratify a contract unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the coal mine.

(2) The Central Government shall not omit to ratify a contract or make any alteration or modification therein except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract.

y Subs. by Act 22 of 1978, s.18

Penalties.

30. Any person who,—

(a) having in his possession, custody or control any property forming part of the undertaking of any coal mine referred to in the Schedule wrongfully withholds such property from the Central Government or the Government company, or

(b) wrongfully obtains possession of, or retains, any property forming part of the undertaking of any coal mine specified in the Schedule or wilfully withholds or fails to furnish to the Central Government or any person specified by that Government, any document relating to such coal mine which may be in his possession, custody or control or fails to deliver to the Custodian any assets, books of account, registers or other documents in his custody relating to the coal mine in respect of which a Custodian has been appointed, or

(c) wrongfully removes or destroys any property of any coal mine or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

Offences by companies.

31. (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 any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

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

Mining companies not to be wound up by the court.

32. No proceeding for the winding up of a mining company, the right, title and interest in relation to the coal mine owned by which have vested in the Central Government or a Government company under this Act or for the appointment of a receiver in respect of the business of the company, shall lie in any court except with the consent of the Central Government.

Delegation of powers.

33. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act may also be exercised by any person or persons as may be specified in the notification.

4 Re-numbered & ins. by Act 67 of 1976, S. 4 Co-e-f. 27-5-1
 2 Subs. by Act 22 of 1978, S. 19.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

34. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act. make rules.
make rules.

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

(a) the manner in which the coal mine shall be managed by a Government company or a Custodian;

(b) the manner in which monies in any provident or other fund referred to in section 15 shall be dealt with;

(c) the form and manner in which the statement of accounts referred to in section 19 shall be prepared;

(d) 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 or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

35. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty: Power to
revenue
diffi-
culties.

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

THE SCHEDULE
(See sections 3, 8 and 18)

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
ASSAM				
<i>Jeypore Coalfield</i>				
1.	Bimalpore	Post Office Sibsagar	Bimalpore Collieries Limited, Post Office Sibsagar.	4,000
2.	Dilli	Post Office Banhat, Sibsagar.	Dilli Collieries Association Limited, Post Office Tinsukia.	4,000
3.	Jeypore	Post Office Namrup	Jeypore Collieries (Private) Limited, Post Office Namrup.	75,000
<i>Makum Coalfield, Lakhimpur</i>				
4.	Baragolai	Post Office Baragolai	Assam Railways and Trading Company Limited, Margherita.	*48,84,000
5.	Ledo	Post Office Ledo	Assam Railways and Trading Company Limited, Margherita.	Amount included in the amount specified against Sl. No. 4.
6.	Namdang	Post Office Baragolai	Assam Railways and Trading Company Limited, Margherita.	4,000
7.	Tipong	Post Office Ledo	Assam Railways and Trading Company Limited, Margherita.	Amount included in the amount specified against Sl. No. 4.
<i>Mikir Coalfield</i>				
8.	Koilajan	Post Office Koilajan	Koilajan Collieries Limited, Post Office Dimapur, Naga Hills.	38,000
9.	Seelvata	Post Office Diphu, District Mikir Hills.	Hira Padda Dipali Dutta, Shillong.	4,000
BIHAR				
<i>Daltonganj Hutar Coalfield, Palamau</i>				
10.	Hutar	Post Office Hutar Colliery.	Sone Valley Portland Cement Company Limited, Post Office Japla, Palamau.	2,98,000
11.	Jagaldaga	Post Office Latehar, Palamau.	Shri S.K. Dutta, 23/P/1A, Manicktola Main Road, Calcutta-54.	4,000
12.	Rajhara	Post Office Rajhara Colliery.	Ram Saran Das & Brothers, 18, Netaji Subhas Road, Calcutta-1.	6,67,000
<i>East Bokaro Coalfield, Hazaribagh</i>				
13.	East Bokaro	Post Office Pichri	East Bokaro Collieries Company (Private) Limited, Post Office Pichri.	15,000
14.	New Selected Dhori	Post Office Bermo	Gopal N. Singh Krishna N. Singh, Govind N. Singh, Shyam N. Singh, Girdher N. Singh.	4,80,000
<i>Nominated Owner :</i>				
Shri Bhuneshwar Goswami, Post Office Bermo, Hazaribagh.				
15.	Pure Dhori	Post Office Tantri	Pure Dhori Colliery Company, Post Office Tantri, Hazaribagh.	29,200
16.	Selected Kargali	Post Office Pichri	Vaydanji J-Dave, Post Office Box 8, Jharia.	1,73,000
<i>Hurrah Coalfield (Santhal Pargana)</i>				
17.	Hurrah Block IA	Fulberia, Post Office Mahagama.	Ideal Mining Combine, Post Office Mahagama, District Santhal Pargana.	5,000
18.	Hurrah Block IB	Post Office Mahagama	Dwaraka Prasad Marwari, Post Office Mahagama, District Santhal Pargana.	4,000

*This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 5 and 7.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in-rupees)
1	2	3	4	5
19.	Bergo	Post Office Denro (Santhal Pargana).	Khudiram Seal, Post Office Dhanro (Santhal Pargana).	4,000
20.	Churi Jilwari	Post Office Godda	Fulchand Ram, Post Office Godda (Santhal Pargana).	4,000
21.	Lalmatia	Post Office Mahagama	Messrs. S.P. Coal Enterprises, Post Office Mahagama, District Santhal Pargana.	18,000
22.	Paharpur	Post Office Mahagama	S.P. Coal Enterprises, Post Office Mahagama (Santhal Pargana).	7,000
23.	Paul's Chilgo	Post Office Amrapara (Santhal Pargana).	Paul Brothers, Post Office Jamtara (Santhal Pargana).	4,000
24.	Simlong	Post Office Dhamni	H.N. Bhagar, Post Office Barhait (Santhal Pargana).	4,000
<i>Jainty Coalfields (Santhal Pargana)</i>				
25.	Bhawanipur	Post Office Chitra	Sidheswari Prasad, N. Deo, Post Office Chitra (Santhal Pargana)	13,000
26.	Central Saharpuri	Post Office Chitra	M.N. Singh and S.S. Singh, Post Office Chitra (Santhal Pargana).	15,000
27.	Chatkam	Post Office Dhamni (Santhal Pargana).	H.N. Bhagar, Post Office Barhait (Santhal Pargana).	4,000
28.	Chitra Central	Post Office Chitra	B.N. Mandal and Company, Post Office Chitra (Santhal Pargana).	7,000
29.	East Damagorah	Post Office Kukraha	R.N. Singh, Post Office Saroth.	15,000
30.	Gandharb		Shri Tibriwal, Post Office Deoghar.	4,000
31.	Girija	Post Office Chitra	Shri M.K. Singh, Post Office Chitra (Santhal Pargana).	4,000
32.	Haripur	Post Office Mahagama	Purushottam Das, Post Office Mahagama (Santhal Pargana).	4,000
33.	Harinsingha (Coal Pit)	Village and Post Office Dumka (Santhal Pargana).	Biswanath Himathsingha, Village and Post Office Dumka (Santhal Pargana).	4,000
34.	Jayanti Central		Shri O.P. Santhalia, 16, India-Exchange Place, Calcutta-1.	54,000
35.	Jayanti Khas		Shri Saligram Prasad Singh, Post Office Madhupur.	4,000
36.	Jilwari No. 7		Shri Jagannath Prasad Bhagar, Post Office Saraunri.	4,000
37.	Mondal's Damgora East Sec.	Post Office Chitra (Santhal Pargana).	C.C. Mondal, Post Office Dishergarh, Burdwan.	15,000
38.	Mondal's Damgora West.	Post Office Chitra (Santhal Pargana).	A.K. Bhaduri, Post Office Chitra (Santhal Pargana).	4,000
39.	North Saharjuri		Shri A.P. Singh and Others, Post Office Kukraha.	7,000
40.	Patrika	Post Office Chitra	Shri N.K. Singh, Post Office Chitra (Santhal Pargana).	6,000
41.	Phulberia		Shri M.P. Marwari, Post Office Mahajama.	5,000
42.	Saharjuri	Post Office Kukraha	M.G. Mishra, Post Office Kukraha.	17,000
43.	Tarabad Bootbari	Post Office T.K. Gram	Sri Durga Jamjuri Coal Company (Private) Limited, Post Office Barakar, District Burdwan.	4,000
44.	Tulsi Dabor	Post Office Chitra	Nalini Kumar Singh, Post Office Chitra (Santhal Pargana).	19,000
<i>Jharia Coalfield</i>				
45.	Agarwal Godhur	Post Office Kusunda	Agarwalla Godhur Coal Company, Post Office Kusunda, Dhanbad.	95,000
46.	Baramessia Sikarichuck	Post Office Tundoo	Thakur Rama Avtar Singh, Post Office Tundoo, Dhanbad.	49,000
47.	Baherabera Chuck	Post Office Tundoo	Thakur Gupteswar Prasad Singh, Post Office Tundoo, Dhanbad.	45,000
48.	Barwabera	Post Office Nawagarh	B. Trigunai and Brothers, Post Office Nawagarh, Dhanbad.	73,000
49.	Barora	Post Office Nawagarh	Barora Coal Concern, Post Office Nawagarh, Dhanbad.	4,26,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
50.	Bastacolla	Post Office Dhansar	Bastacolla Coal Company Limited, Post Office Dhansar, Dhanbad.	23,32,000
51.	Basudev 'A' (Narayan seam)	Post Office Khas Jinagora.	A.B. Jugdutt and Company, Jharia.	9,000
52.	Bera Colliery	Post Office Jharia	Bera Colliery Company, Post Office Jharia.	12,28,000
53.	Bright Kusunda	Post Office Dhansar	Bright Kusunda Colliery Company, Post Office Dhansar, Dhanbad.	4,000
54.	Bright Tasra	Post Office Sindri	Seth Jharumal, Post Office Sindri, Dhanbad.	18,000
55.	Basudev 'A'	Post Office Khas Jeenagora.	R.B. Jugdutt and Company, Jharia.	17,000
56.	Banerjee's Dobary	Post Office Jharia	S.B. Banerjee and Sons, Post Office Jharia.	4,000
57.	Central Ganeshpur	Post Office Nawagarh	Shyamlal Sunda and Company, Post Office Nawagarh, Dhanbad.	41,000
58.	Central Kendwadih	Post Office Nawagarh	Narsing Harji, Post Office Nawagarh, Dhanbad.	2,88,000
59.	Central Kessurgarh	Post Office Nawagarh	Bhairobux Agarwalla, Post Office Nawagarh, Dhanbad.	80,000
60.	Central Baihardih	Post Office Katrasgarh	K.K. Chandra & Brothers, Post Office Katrasgarh.	76,000
61.	Central Sinidih	Post Office Tundoo	Srimati Manjula Devi, Post Office Tundoo.	4,000
62.	Central Golukdih	Post Office Jharia	Srimati Jyotsna Devi, "Nilachal", Post Office Sitarampur, Burdwan.	44,000
63.	Central Dobary	Post Office Jharia	Srimati Jayanti Devi, Post Office Jharia, Dhanbad.	42,000
64.	Central Keshalpur	Post Office Katrasgarh	Moolji N. Cholia, Post Office Katrasgarh, Dhanbad.	1,01,000
65.	Central Godhur	Post Office Kusunda	Central Godhur Colliery Company, Post Office Kusunda, Dhanbad.	42,000
66.	Central Jayramdih	Post Office Nawagarh	Paul Brothers, Post Office Nawagarh, Dhanbad.	49,000
67.	Central Tasra	Post Office Sindri	Central Tasra Coal Company Limited, Post Office Jharia, Dhanbad.	52,000
68.	Central Angarpathra	Post Office Sijua	Central Angarpathra Colliery Company, Post Office Sijua, Dhanbad.	99,000
69.	Central Bansjora	Post Office Sijua	Khas Sijua Coal Company (Private) Limited, Post Office Jharia, Dhanbad.	1,13,000
70.	Chandore	Post Office Katrasgarh	R.N. Singh and Others, Post Office Katrasgarh.	67,00
71.	Chandore	Post Office Sijua	D.P. Agarwalla, Jharia, Dhanbad.	16,000
72.	Central Sulunga	Post Office Khas Jeenagora.	Purushottampur Colliery Company (Private) Limited, Post Office Jharia, Dhanbad.	4,98,000
73.	Central Chandore		Srimati Jyotsna Devi, Post Office Jharia, Dhanbad.	4,000
74.	Damra Khas	Post Office Nawagarh	Sheikh Brothers and Company, Post Office Nawagarh, Dhanbad.	56,000
75.	Damra Pinalgoria	Post Office Nawagarh	Lala Mohinder Paul, Post Office Nawagarh, Dhanbad.	35,000
76.	Diamond Phularitand	Post Office Kharkharee	Shyama Coal Company, Post Office Kharkharee.	63,000
77.	Dhansar	Post Office Dhansar	Pure Dhansar Coal Company, Post Office Dhansar, Dhanbad.	3,18,000
78.	Dhansar, NBH	Post Office Dhansar	Dhansar Coal Company (Private) Limited, Post Office Dhansar, Dhanbad.	2,84,000
79.	East Benedih	Post Office Nawagarh	East Bengal Coal Concern (Private) Limited, Post Office Nawagarh, Dhanbad.	1,09,000
80.	East Dharmaband	Post Office Nawagarh	East Dharmaband Colliery Company, Post Office Nawagarh, Dhanbad.	22,000
81.	East Khas Baihardih	Post Office Tundoo	East Khas Baihardih Coal Company, Post Office Tundoo.	1,00,000
82.	East Mandra	Post Office Nawagarh	Bharat Coal Company, Post Office Nawagarh, Dhanbad.	55,000
83.	East Bastacolla	Post Office Dhansar	East Bastacolla Colliery Company, Post Office Jharia, Dhanbad.	1,32,000
84.	East Busseriya	Post Office Kusunda	East Busseriya Colliery Company (Private) Limited, Shanti Bhawan, Dhanbad.	10,08,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
85.	East Sinidih	Post Office Tundoo	P. Chanchani and Company (Private) Limited, Post Office Tundoo.	60,000
86.	East Kujama	Post Office Jharia	East Kujama Colliery Company, Post Office Sijua, Dhanbad.	43,000
87.	East Keshalpur	Post Office Katrasgarh	Shri Baijnath Chowdhury and Others, Post Office Katrasgarh, Dhanbad.	40,000
88.	East Kendwadiah	Post Office Dhansar	East Kendwadiah Coal Company Limited, Kusunda.	43,000
89.	East Lohabati	Post Office Ramnagar-garh	East Murulidih Coal Company (Private) Limited, Post Office Jharia, Dhanbad.	1,48,000
90.	East Tetulmari	Post Office Sijua	East Tetulmari Colliery Company Limited, Sijua.	4,000
91.	East Murulidih	Post Office Mohuda	P.K. Lalla, Post Office Kharkharee, District Dhanbad.	4,000
92.	East Godhur	Post Office Kusunda	East Godhur Colliery Company (Private) Limited, Post Office Dhanbad.	4,000
93.	Golden Jeenagora	Post Office Khas Jeenagora	Salunga Collieries (Private) Limited, Post Office Dhanbad.	7,64,000
94.	Ghutway	Post Office Karmatand	Ghutway Colliery Company, Dugda, District Hazaribagh.	4,000
95.	Golden Sinidih	Post Office Tundoo	Hit Narayan Singh, Post Office Tundoo, Dhanbad.	9,000
96.	Ideal Keshalpur	Post Office Katrasgarh	Ideal Keshalpur Colliery Company, Post Office Katrasgarh.	39,000
97.	Jogidih	Post Office Tundoo	P.K. Lalla and Brothers, Post Office Tundoo, Dhanbad.	68,000
98.	Joyramdih	Post Office Nudkharkee	Joyramdih Coal Company, Post Office Nudkharkee, Dhanbad.	*2,42,000
99.	Kendwadiah (Mondal)	Post Office Nawagarh	B.N. Mondal and Company, Post Office Nawagarh, Dhanbad.	55,000
100.	Khas Muraidih	Post Office Tundoo	U.N. Lala, Post Office Tundoo, Dhanbad.	4,000
101.	Khas Sinidih	Post Office Nawagarh	Gyan Chand Sunda and Company Jharia.	75,000
102.	Khodo Valley	Post Office Nawagarh	Jiwanlal Sunda, Jora Phatak, Dhanbad.	60,000
103.	Khas Bansjora	Post Office Bansjora	Khas Bansjora Colliery Company, Post Office Bansjora, Dhanbad.	1,70,000
104.	Khas Bahiardih	Post Office Tundoo	Khas Bahiardih Coal Company, Post Office Tundoo.	33,000
105.	Katras New	Post Office Katrasgarh	Shrimati Kashibai, Post Office Katrasgarh.	96,000
106.	Kuya and Khas Kuya	Post Office Jharia	Kuya Colliery Company (Private) Limited, Post Office Jharia, Dhanbad.	4,33,000
107.	Khas Katrasgarh	Post Office Katrasgarh	Mustafi and Company, Post Office Katrasbazar, Dhanbad.	20,000
108.	Khas Godhur	Post Office Kusunda	Khas Godhur Coal Company, Post Office Kusunda.	48,000
109.	Khas Kusunda	Post Office Kusunda	Khas Kusunda Coal Company (Private) Limited, 40, Strand Road, Calcutta-1.	3,25,000
110.	Karmatand	Post Office Karmatand	Sri Ram Coal Company, Post Office Karmatand.	1,63,000
111.	Khas Joyramdih	Post Office Nawagarh	Khas Joyramdih Colliery Company, Post Office Nawagarh, Dhanbad.	†1,12,000
112.	Khas Matigora	Post Office Nudkharkee	Khas Matigora Colliery Company, Post Office Nudkharkee, Dhanbad.	4,000
113.	Kalishthan Angarpathra	Post Office Katrasgarh	Kalishthan Angarpathra Coal Company, Post Office Katrasgarh, Dhanbad.	43,000
114.	Khas Sijua	Post Office Sijua	Khas Sijua Coal Company (Private) Limited, Post Office Jharia, Dhanbad.	5,42,000
115.	Khas Kandra	Post Office Sindri	Nasib Singh, Constituted Attorney (Owner—Sukla, Chandra Prava Debi and Sons, Post Office Sindri).	4,000
116.	Khas Pandedih	Post Office Sijua	The Khas Pandedih Colliery Company, Post Office Sijua, Dhanbad.	4,000
117.	Keshalpur	Post Office Katrasgarh	Seo Shankar Bole, Post Office Jharia, Dhanbad.	4,000

*This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 156 and 210.

†This amount includes the amount payable in respect of coal mine specified against Sl. No. 148.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
118.	Liberty	Post Office Jharia	Agarwal Mining Company (Private) Limited, Post Office Jharia, Dhanbad.	1,18,000
119.	Laxmi-Salanpur	Post Office Katrasgarh	L. B. Singh and Company, Post Office Katrasgarh, Dhanbad.	4,000
120.	Mandra South Barora	Post Office Katrasgarh	Bijoy Narain Singh and Jagdeo Prasad Singh, Post Office Katrasgarh, Dhanbad.	35,000
121.	Model Muraidih	Post Office Nawagarh	R. K. Pandey, Post Office Nawagarh Dhanbad.	6,000
122.	Manaitand	Post Office Dhanbad	Manaitand Colliery Company Post Office Dhansar, Dhanbad.	1,11,000
123.	Majhlitand	Post Office Tundoo	Sri Pritish Lalla, Post Office Tundoo.	51,000
124.	Model Joyramdih	Post Office Nawagarh	Paul Brothers, Post Office Nawagarh, Dhanbad.	4,000
125.	Model Angarpathra	Post Office Sijua	B. L. Agarwalla, Post Office Govindpur, Dhanbad.	1,10,000
126.	Modern Sudamdih	Post Office Pathardih	Modern Sudamdih Colliery Company, Post Office Pathardih, Dhanbad.	4,000
127.	New Kendwadih	Post Office Nawagarh	K. P. Lall & Sons, Post Office Nawagarh, Dhanbad.	49,000
128.	New Muraidih	Post Office Kharkharee	Messrs Kamalendu & Subhendu Banerjee, 420, Shyampukur Street, Calcutta.	4,000
129.	North & Khas Muraidih.	Post Office Nawagarh	Kaluram Heliwal, Post Office Nawagarh, Dhanbad.	4,000
130.	North Baramossia	Post Office Tundoo	North Baramossia Coal Company, Post Office Dhansar, Dhanbad.	60 000
131.	North Tundoo Khas	Post Office Katrasgarh	R. L. Aggarwala, Post Office Katrasgarh.	4,000
132.	North Bhuggatdih	Post Office Dhansar	Srimati Narmada Bala Gupta, Sri Dina Nath Agarwal and Bansdo Prasad Agarwala, Post Office Jharia, Dhanbad.	1,29,000
133.	Nichitpur	Post Office Bansjora	Nichitpur Coal Company (Private) Limited, 7, Manoharpukur Road, Calcutta-26.	3,03,000
134.	North Sinidih	Post Office Tundoo	Sankarlall Kejrilall, Post Office Jharia, Dhanbad.	1,65,000
135.	New Golakdih	Post Office Govindpur	Biswanath Agarwalla, Post Office Govindpur, Dhanbad.	14,000
136.	North Golukdih	Post Office Baliapur	Kishanlall Ranjelall, Post Office Baliapur, Dhanbad.	1,41,000
137.	Narayanpur	Post Office Katrasgarh	Srimati Naraini Devi, Post Office Katrasgarh.	1,38,000
138.	North Akashkinari	Post Office Katrasgarh	Khimji Dossa and Company, Post Office Katrasgarh, Dhanbad.	2,17,000
139.	North Dharmaband	Post Office Katrasgarh	Kunverji Kalyanji, Post Office Katrasgarh, Dhanbad.	44,000
140.	North Tentuliya	Post Office Katrasgarh	Debram Ramji, Post Office Katrasgarh.	3,26,000
141.	North Dobari	Post Office Jharia	Sahana Coal Company, Post Office Jharia, Dhanbad.	1,44,000
142.	North & West Ghanuadih.	Post Office Jharia	North & West Ghanuadih Colliery Company, Post Office Jharia, Dhanbad.	6,64,000
143.	New Katras	Post Office Katrasgarh	New Katras Coal Company, Post Office Katrasgarh, Dhanbad.	41,000
144.	New Salanpur	Post Office Katrasgarh	Madhu Lachman & Sons, Post Office Katrasgarh.	6,000
145.	North Keshalpur	Post Office Katrasgarh	North Keshalpur Colliery Company (Private) Limited, Post Office Katrasgarh, Dhanbad.	12,35,000
146.	North Godhur	Post Office Kusunda	North Godhur Colliery Company, Post Office Kusunda, Dhanbad.	4,000
147.	North Loyabad	Post Office Bansjora	North Loyabad Coal Company, Post Office Bansjora, Dhanbad.	3,89,000
140.	North Kessurgarh	Post Office Nudkhurkee	Nandalall Shaha & Others, Post Office Nawagarh.	Amount included in the amount specified against Sl. No. 111.
149.	Nudkhurkee	Post Office Nudkhurkee	M. B. Roy and Brothers, Post Office Nudkhurkee	3,57,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
150.	National Tasra . . .	Post Office Sindri	Kailash Ram Khanna, Post Office Sindri, Dhanbad.	13,000
151.	New Angarpathra . . .	Post Office Katrasgarh	New Angarpathra Colliery Company, Post Office Katrasgarh.	1,08,000
152.	New Pandedih . . .	Post Office Sijua	New Pandedih Colliery Company, Post Office Jharia.	10,000
153.	North & North East Angarpathra.	Post Office Katrasgarh	North Angarpathra Coal Company, Post Office Katrasgarh, Dhanbad.	72,000
154.	North Tetulmari . . .	Post Office Sijua	North Tetulmari Colliery Company, Post Office Sijua, Dhanbad.	8,89,000
155.	New Busserya . . .	Post Office Bansjora	New Busserya Coal Company, Post Office Sijua, Dhanbad.	11,000
156.	New Joyramdih . . .	Post Office Nudkharkee	Ajit Kumar Chanda, Post Office Nudkharkee.	Amount included in the amount specified against Sl. No. 98.
157.	North Gondudih . . .	Post Office Kusunda	North Gondudih Colliery Company, Post Office Kusunda.	4,000
158.	New Auckland Colliery	Post Office Nudkharkee	Sri Sankar Sen, Post Office Nudkharkee, Dhanbad.	4,000
159.	New Dobary . . .	Post Office Jharia	New Dobary Coal Company, Post Office Jharia, Dhanbad.	4,000
160.	New Phularitand . . .	Post Office Nawagarh	New Phularitand Colliery Company, Post Office Nawagarh, Dhanbad.	4,000
161.	New Kunji . . .	Post Office Mohuda	Mrs. B. Kaul, Tower House, Dhanbad.	4,000
162.	New Tasra . . .	Post Office Sindri	New Tasra Coal Company, Post Office Jharia, Dhanbad.	4,000
163.	Pure Barora . . .	Post Office Nawagarh	N. Sahai, Post Office Nawagarh, Dhanbad.	1,60,000
164.	Pure Benedih . . .	Post Office Nawagarh	Doaba Coal Company (Private) Limited, Sunda House, Joraphatak Road, Dhanbad.	11,000
165.	Pure Dharmaband . . .	Post Office Katrasgarh	B. N. Jagdeo Prasad Singh, Post Office Katrasgarh, Dhanbad.	17,000
166.	Pure Ganeshpur . . .	Post Office Nawagarh	Pure Ganeshpur Colliery Company, Post Office Jharia, Dhanbad.	1,14,000
167.	Pure Nichitpur . . .	Post Office Bansjora	Pure Nichitpur Colliery Company, Post Office Bansjora, Dhanbad.	58,000
168.	Pure Sinidih . . .	Post Office Tundoo	Thakur Ram Avtar Singh, Post Office Tundoo, Dhanbad.	4,000
169.	Pure Suderaidih . . .	Post Office Tundoo	Thakur G. P. Singh, Post Office Tundoo, Dhanbad.	30,000
170.	Pure Selected Golakdih	Post Office Jharia	Pure Selected Golakdih Colliery Company, Post Office Jharia, Dhanbad.	93,000
171.	Pure Bhuggatdih . . .	Post Office Jharia	Pure Bhuggatdih Colliery Company, Post Office Jharia, Dhanbad.	1,05,000
172.	Pure Salanpur . . .	Post Office Katrasgarh	G. V. Modi (Receiver), Post Office Jharia.	44,000
173.	Pinalgoria . . .	Post Office Nawagarh	East Kessurgarh Colliery Company, Post Office Nawagarh.	26,000
174.	Pure Damoda . . .	Post Office Nudkharkee	Pandit Ram Bhaju Upadhyaya and Company, Post Office Nudkharkee.	2,10,000
175.	Pure Joyramdih . . .	Post Office Nudkharkee	Pure Joyramdih Colliery Company, Post Office Nudkharkee, Dhanbad.	1,24,000
176.	Pure Selected Bansjora	Post Office Sijua	H. C. Bhutani, Post Office Sijua, Dhanbad.	4,56,000
177.	Pure Selected Tetulmari.	Post Office Sijua	Pure Selected Tetulmari Colliery Company Limited, Post Office Sijua, Dhanbad.	45,000
178.	Pure Golakdih . . .	Post Office Jharia	Pure Golakdih Coal Company, Post Office Jharia, Dhanbad.	80,000
179.	Pathergoria . . .	Post Office Mohuda	Bharat Mining Corporation, 9, Old Court House Street, Calcutta.	4,000
180.	Pure Bansjora . . .	Post Office Sijua	Madanlal Baswatia, Post Office Jharia, Dhanbad.	4,000
181.	Pure Chandore . . .		The West Chandore Colliery Company, Post Office Jharia, Dhanbad.	4,000
182.	Ramgarh Jharia . . .	Post Office Karmatand	Ramgarh Jharia Colliery Company, Post Office Karmatand, Dhanbad.	1,64,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
183.	Royal Tisra	Post Office Jharia	Royal Tisra Colliery Company, Post Office Jharia, Dhanbad.	50,000
184.	Real Sudamdih	Post Office Pathardih	Madhab Sinha, Post Office Pathardih.	4,000
185.	Selected Mandra	Post Office Nawagarh	Selected Mandra Colliery Company, Post Office Nawagarh.	18,000
186.	Selected Muraidih	Post Office Nawagarh	Selected Muraidih Colliery Company, Jiwan Sadan, Dhanbad.	22,000
187.	South Barora	Post Office Nawagarh	D. P. Lall & Sons, Post Office Nawagarh, Dhanbad.	2,97,000
188.	Selected Govindpur	Post Office Katrasgarh	Selected Govindpur Coal Concern, Post Office Katrasgarh, Dhanbad.	42,000
189.	Selected Keshalpur	Post Office Katrasgarh	Selected Keshalpur Colliery Company, Post Office Katrasgarh, Dhanbad.	4,000
190.	Selected Godhur	Post Office Kusunda	Selected Godhur Coal Company, Post Office Kusunda, Dhanbad.	91,000
191.	Sri Godhur	Post Office Kusunda	Katasaria Coal Company (Private) Limited, Post Office Jharia, Dhanbad.	35,000
192.	South Loyabad	Post Office Bansjora	South Loyabad Coal Company, Post Office Bansjora, Dhanbad.	21,000
193.	Selected Sudamdih	Post Office Sindri Institute.	Selected Sudamdih Colliery Company, Post Office Sindri Institute, Dhanbad.	41,000
194.	Selected Jogta	Post Office Jharia	Selected Jogta Coal Company (Private) Limited, Post Office Jharia, Dhanbad.	4,000
195.	South Muraidih	Post Office Katrasgarh	South Muraidih Colliery Company, Post Office Katrasgarh, Dhanbad.	6,000
196.	Sudreadih	Post Office Nudkharkee	Sunda Shamlal, Post Office Nawagarh.	4,000
197.	Selected Ghanuadih	Post Office Jharia	Selected Ghanuadih Colliery Company, Post Office Jharia, Dhanbad.	4,000
198.	Selected Joyrampur	Post Office Jharia	Selected Joyrampur Colliery Company, Ananda Bhavan, Post Office Jharia.	4,000
199.	South Jamdiha	Post Office Nudkharkee	Natwarlal Shamaldas and Company, Post Office Nudkharkee.	4,000
200.	Sree Jagannath	Post Office Tundoo	North Baramessia Colliery Company Limited, Ashok Bagan, Post Office Dhanbad.	4,000
201.	Upper Mandra	Post Office Nawagarh	Upper Mandra Colliery Company, Post Office Nawagarh, Dhanbad.	92,000
202.	Upper Jeenagora	Post Office Jeenagora	G.S. Atwal, 243, Sector 9/C, Chandigarh.	4,000
203.	Upper Jharia	Post Office Jharia	Upper Jharia Colliery Company, Post Office Jharia, Dhanbad.	4,000
204.	Victory	Post Office Dhansar	United Mining Company Limited, Post Office Jharia, Dhanbad.	9,17,000
205.	West Phularitand	Post Office Nawagarh	West Phularitand Colliery Company, Post Office Jharia, Dhanbad.	55,000
206.	West Jogidih	Post Office Katrasgarh	Bihar National Coal Company, Post Office Katrasgarh.	39,000
207.	West Katras	Post Office Katrasgarh	N.K. Bose and Brothers, West Katras Colliery, Post Office Katrasgarh.	1,22,000
208.	West Koiludih	Post Office Katrasgarh	West Koiludih Colliery Company, Post Office Katrasgarh.	1,08,000
209.	West Ramkanali	Post Office Katrasgarh	West Ramkanali Colliery Company, Post Office Katrasgarh, District Dhanbad.	13,82,000
210.	West Joyramdih	Post Office Nudkharkee	A. K. Chandra, Post Office Nudkharkee, Dhanbad.	Amount included in the amount specified against Sl. No. 98.
211.	West Angarpathra	Post Office Katrasgarh	West Angarpathra Colliery Company Limited, Post Office Katrasgarh, Dhanbad.	1,30,000
212.	West Chandore	Post Office Sijua	West Chandore Colliery Company, Post Office Jharia, Dhanbad.	85,000
213.	West Mudidih	Post Office Sijua	Waliram Taneja Mines (Private) Limited, Post Office Sijua, Dhanbad.	14,39,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
214.	West & Sowaria Salanpur.	Post Office Katrasgarh	M.P. and D.D. Agarwalla, Dhanbad Bazar, Dhanbad.	55,000
215.	West Bhurangya	Post Office Mohuda	P.K. Lalla, Post Office Kharkharee.	4,000
216.	West Gobindpur	Post Office Katrasgarh	West Gobindpur Coal Company, Post Office Katrasgarh, Dhanbad.	4,000
217.	West Keshalpur	Post Office Katrasgarh	West Keshalpur Colliery Company, Post Office Katrasgarh, Dhanbad.	4,000
218.	West Maheshpur	Post Office Tundoo	Sri Agarwalla Coal Company, Post Office Tundoo, Dhanbad.	4,000
219.	West Salanpur	Post Office Katrasgarh	Ganga Bishan Mohandra, Post Office Jharia, Dhanbad.	4,000
<i>Bihar—Raniganj (Mugma Coalfield)</i>				
220.	Badjna	Post Office Nirshachati	Oriental Coal Company Limited, 25, Brabourne Road, Calcutta.	28,59,000
221.	Basumata	Post Office Nirshachati	D.N. Chandra and Brothers, Post Office Nirshachati, Dhanbad.	4,000
222.	Bhogkat	Post Office Mugma	Banga Laxmi Coal Company, Post Office Mugma, Dhanbad.	5,000
223.	Chapapur	Post Office Nirshachati	B.N. Dutta and Others, Post Office Nirshachati, Dhanbad.	25,000
224.	Central Shampur	Post Office Nirshachati	A.K. Chandra and Others, Post Office Nirshachati, Dhanbad.	28,000
225.	Central Laikdih	Post Office Mugma	Central Laikdih Colliery Company, Post Office Mugma, Dhanbad.	4,000
226.	Chattabar		Messrs. New Chattabar Coal Company Limited, Post Office Chirkunda, District Dhanbad.	18,000
227.	Dahibari	Post Office Mugma	Dahibari Coal Company, Post Office Mugma.	7,50,100
228.	East Badjna	Post Office Nirshachati	S.N. Chanda and Brothers, Post Office Nirshachati.	1,09,000
229.	East Kapasara	Post Office Mugma	Banga Luxmi Coal Company, Post Office Mugma, Dhanbad.	37,000
230.	East Kumardhubi	Post Office Chirkunda	Sri Laxmi Narain Trust, Post Office Jharia, Dhanbad.	7,15,000
231.	East Rajpura	Post Office Mugma	Rajpura Coal Company, Post Office Mugma.	10,400
232.	East Shampur	Post Office Kumardhubi	Oriental Coal Company, Post Office Kumardhubi, Dhanbad.	16,000
233.	Edgarcoor (Durgamata)	Post Office Chirkunda	Durgamata Coal Company, Post Office Chirkunda.	5,200
234.	Edgarcoor	Post Office Kumardhubi	Srimati Sankarben Patel, Post Office Kumardhubi, Dhanbad.	14,400
235.	East Palasia	Post Office Mugma	Shri K. K. Goswami, Post Office Mugma, Dhanbad.	32,300
236.	Edgarcoor (Agarwalla)	Post Office Nirshachati	B. R. Agarwalla and Company, Post Office Kumardhubi, Dhanbad.	31,000
237.	Jamdohi Basantimata	Post Office Mugma	Jamdohi Coal Company, Post Office Mugma, Dhanbad.	4,43,800
238.	Jamburya (Selected Jamburya).	Post Office Nirshachati	East Indian Coal Company Limited, 4, Clive Row, Calcutta.	1,24,000
239.	Kalimata	Post Office Mugma	G.L. Dubey, Post Office Mugma, Dhanbad.	1,24,300
240.	Kapasara	Post Office Mugma	Bihar Coal Syndicate (Private) Limited, Post Office Mugma, Dhanbad.	65,300
241.	Khas Kalimati	Post Office Kumardhubi	Khas Kalimati Coal Company, Post Office Kumardhubi, Dhanbad.	1,00,000
242.	Khas Nirsha	Post Office Nirshachati	Mohatta Brothers, 19, British Indian Street, Calcutta-1.	2,73,000
243.	Khoodia	Post Office Nirshachati	Khoodia Coal Company, Post Office Nirshachati, Receiver, Onkarmal Agarwalla, Post Office Barakar, Burdwan.	2,18,000
244.	Khas Badjna	Post Office Nirshachati	Western Bengal Coalfields Limited, Administrative Office, Post Office Moria Colliery, Burdwan.	11,12,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
245.	Khas Brindabanpur	Post Office Mugma	Bal Krishna Coal Company, Post Office Barakar.	7,000
246.	Khas Edgarcoor	Post Office Kumardhubi	B.N. Mondal and L.L. Agarwalla, Post Office Kumardhubi, Dhanbad.	4,000
247.	Kooardih	Post Office Barakar	Banerjee and Company, Post Office Barakar.	1,29,000
248.	Lower Badjna	Post Office Nirshachati	Associated Laikdih Colliery Limited, 18, Netaji Subhas Road, Calcutta.	7,52,000
249.	Lower Begunia	Post Office Mugma	Associated Laikdih Colliery Limited, 18, Netaji Subhas Road, Calcutta.	4,000
250.	Merah	Post Office Chirkunda	Raghunath Agarwalla, Post Office Chirkunda.	1,28,000
251.	Nayadanga	Post Office Nirshachati	K.G. Saiji & Sons, Post Office Searsole Rajbari, Burdwan.	1,02,000
252.	Nirsha Khas	Post Office Nirshachati	Nirsha Khas Colliery (Private) Limited, Post Office Searsole Rajbari, Burdwan.	1,37,800
253.	North Badjna	Post Office Nirshachati	North Badjna Coal Company (Private) Limited, Post Office Ranaghat, Nadia.	*8,27,000
254.	North Laikdih	Post Office Nirshachati	North Laikdih Coal Company, 22, Strand Road, Calcutta.	2,17,000
255.	Oriental	Post Office Kumardhubi	Oriental Coal Company, Post Office Kumardhubi.	41,000
256.	Pure Laikdih	Post Office Nirshachati	Pure Laikdi Colliery (Private) Limited, 26A, Fern Road, Calcutta-19.	2,18,400
257.	Pure Mandman	Post Office Mugma	East Indian Coal Company Limited, 4, Clive Row, Calcutta.	1,46,000
258.	Pure Rajpura	Post Office Kumardhubi	Shrimati Sankarben Patel, Post Office Kumardhubi, Dhanbad.	79,000
259.	Pure Shampur	Post Office Nirshachati	D. Mondal & Company, Post Office Nirshachati.	3,04,000
260.	Palasia	Post Office Mugma	K. K. Goswami, Post Office Mugma.	73,000
261.	Pure Hariajan	Post Office Nirshachati	East Indian Coal Company Limited, 4, Clive Row, Calcutta.	78,000
262.	Pure Singhpur	Post Office Nirshachati	Satya Pal Kapoor, Kapoor Niwas, Dhanbad.	1,68,000
263.	Rajpura	Post Office Mugma	R.K. Coal Company, Barakar (West Bengal).	37,000
264.	Reliance	Post Office Kumardhubi	Reliance Coal Company, Post Office Kumardhubi, Dhanbad.	1,30,000
265.	Ramkrishna	Post Office Chirkunda	P.N. Mukherjee, Post Office Chirkunda.	83,600
266.	Raj	Post Office Kumardhubi	D.N. Sen, Post Office Mugma, Dhanbad.	10,000
267.	Satyanarayan	Post Office Kumardhubi	Rurmial Agarwal, Post Office Satyanarayan Colliery, Kumardhubi.	55,700
268.	Shampur	Post Office Nirshachati	Khas Shampur Coal Company, Post Office Nirshachati, Dhanbad.	2,51,000
269.	Shampur	Post Office Nirshachati	The Kamala Coal Company, Post Office Nirshachati, Dhanbad.	17,400
270.	South Marma	Post Office Mugma	Guljarilal Agarwalla, Post Office Jharia, Dhanbad.	29,800
271.	Shri Durgamata	Post Office Mugma	J. N. Garai & Others, Post Office Chirkunda.	81,700
272.	Shri Gopinathpur	Post Office Nirshachati	Srimati Mahamaya Devi, Post Office Nirshachati, Dhanbad.	3,23,400
273.	Shri Lakhmimata	Post Office Chirkunda	J.K. Garai & Company, Post Office Mugma, Dhanbad.	1,55,000
274.	Sudarshan Shampur	Post Office Nirshachati	K.L. Bhamri & Company, Post Office Nirshachati, Dhanbad.	1,07,800
275.	Shri Raghunathji	Post Office Chirkunda	Shri Raghunathji Coal Company, Post Office Chirkunda.	90,600
276.	Selected Fatka	Post Office Nirshachati	Shri Krishna Colliery Company (Private) Limited, Post Office Kumardhubi, Dhanbad.	1,13,000
277.	South Badjna	Post Office Nirshachati	South Badjna Coal Company, Post Office Nirshachati, Dhanbad.	Amount included in the amount specified against Sl. No. 253.
278.	Shampur	Post Office Mugma	The Durga Coal Company, Post Office Mugma.	39,000
279.	Selected Bhaljori	Post Office Dhanbad	Selected Bhaljori Colliery Company (Private) Limited, Post Office Nirshachati, Dhanbad.	4,000

*This amount includes the amount payable in respect of coal mine specified against Sl. No. 277.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
280.	Selected Laikdih	Post Office Govindpur	Satya Narayan Agarwala & Partners, Post Office Nirshachati, Dhanbad.	8,000
281.	South East Badjna	Post Office Nirshachati	J.K. Banerjee & Others, Post Office Nirshachati, Dhanbad.	4,000
282.	Tewari's Beldanga Khas.	Post Office Churulia	M/s. S.C. Tewari & Others, Post Office Parsundi, District Birbhum.	4,000
283.	Upper Mehtadih	Post Office Nirshachati	East Indian Coal Company, 4, Clive Row, Calcutta-1.	1,69,000
284.	West Barakar	Post Office Kumardhubi	Dinendra Nath Das, Post Office Kumardhubi.	4,000
285.	West Barakar	Post Office Mugma	Bihar Fire Bricks and Potteries Limited, 22 Strand Road, Calcutta-1.	15,000
286.	West Chanch	Post Office Nirshachati	West Chanch Coal Company, Post Office Barakar.	8,000
287.	West Laikdih	Post Office Mugma	West Laikdih Coal Company, 152, B.K. Pal Avenue, Calcutta-5.	64,200
288.	West Rajpura	Post Office Mugma	Kalyaneshwari Coal Company, Post Office Mugma, Dhanbad.	8,000
289.	West Shampur	Post Office Nirshachati	Beharilal Agarwalla, Post Office Nirshachati, Dhanbad.	4,000
<i>Karanpura Coalfields</i>				
290.	Ara	Post Office Kuju	North Ramgarh Colliery Company (Private), Limited, 8, Deodar Street, Calcutta-19.	6,87,000
291.	Banwar	Post Office Mandr	Raghunath Bhagat, Hazaribagh.	4,000
292.	Churi	Post Office Ray	United Karanpura Colliery Company (Private) Limited, 91, Stephen House, Calcutta.	4,40,000
293.	Central Saundari	Post Office Saundari	United Collieries Limited, 5, Royal Exchange Place, Calcutta-1.	28,00,000
294.	Dakra Buk Buka	Post Office Khalari	United Karanpura Colliery Company (Private) Limited, 91, Stephen House, Calcutta.	25,84,000
295.	Damodar Valley	Post Office Hindegir	B.K. Bhaduri & Sons, 10, Purulia Road, Ranchi.	1,31,000
296.	Datma	Post Office Kuju	M.K. Rana (Receiver), Bansilal Chowk, Hazaribagh.	4,000
297.	Gidhania	Post Office Ramgarh	(1) Dhori Coal Company Limited, (2) M/s. Anderson Wright Limited, 34/4, Gros Venor House, Old Court House, Calcutta.	4,000
298.	Hindegir	Post Office Hindegir	Hindegir Mining Corporation Limited, Hirapur, Dhanbad.	5,45,000
299.	Hessagora	Post Office Kuju	Hessagora Coal Company, Post Office Kuju.	88,000
300.	Jharkhand	Post Office Ghatatand	(Under dispute)	11,000
301.	Karanpura Dewarkhand.	Post Office Khalari	Karanpura Dowarkhand Colliery Company Limited, F. 3, Gillanders House, Calcutta.	10,83,000
302.	Karkata	Post Office Khalari	Ajit Prasad Singhdeo & Others, 82, Stephen House, Calcutta-1.	5,16,000
303.	Karanpura	Post Office Patratu	Associated Karanpura Colliery (Private) Limited, 18, Netaji Subhas Road, Calcutta-1.	12,14,000
304.	Khas Karanpura	Post Office Patratu	Khas Karanpura Collieries Limited, 71, Ganesh Chandra Avenue, Calcutta.	8,30,000
305.	Kedla	Post Office Ghatatand	(Under dispute)	34,000
306.	Kuju	Post Office Kuju	Kuju Colliery Company (Private) Limited, Post Office Kuju.	1,82,000
307.	Laharua	Post Office Bhadaminagar	Hindustan Coal Company, Bhadaminagar, Hazaribagh.	2,36,000
308.	Layo	Post Office Daneya	North Bokaro Coal Company, Post Office Daneya, Hazaribagh.	1,89,500
309.	Manki	Post Office Ray	National Cement Mines & Industries, 82, Stephen House East, Calcutta-1.	2,58,000
310.	Mael	Post Office Chitarpur	Rajballav Singh, Chitarpur, Hazaribagh.	73,000
311.	Model Dhori	Post Office Chitarpur	Model Dhori Colliery Company, Hazaribagh.	39,000
312.	Mourpa	Post Office Kuju	A.K. Roy & R.P. Choudhury, Post Office Kuju.	2,29,500

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
313.	Mangardh	Post Office Mandu	Mani Chatterjee, Hazaribagh,	Amount included in the amount specified against Sl. No. 327.
314.	New Sirkar Colliery	Post Office Mandu	(Ownership under dispute)	4,000
315.	Pindra	Post Office Kuju	Pindra Coal Company, Ram Narayan Jai's Compound, Ranchi.	93,000
316.	Pakribarwadiah	Post Office Barkagaon	Sayed Bokir Mehdi, Ranchi.	4,000
317.	Ray	Post Office Ray	N.C.M.I. Limited, 82, Stephen House, Calcutta.	5,63,000
318.	Rauta	Post Office Ramgarh Cantonment.	(Ownership under dispute)	4,000
319.	Religara	Post Office Religara	The Karanpura Colliery Limited, Chartered Bank Building, Calcutta-1.	77,70,000*
320.	South Karanpura	Post Office Hindegir	Chauhan Brothers, Old Commissioner's Compound, Ranchi.	1,25,000
321.	Sugia	Post Office Chitarpur.	Sugia Coal Company, Chitarpur.	4,500
322.	Saunda 'D' (Bird's)	Post Office Bhurkunda	Karanpura Collieries Limited, Chartered Bank Building, Calcutta-1.	Amount included in the amount specified against Sl. No. 319.
323.	Sirka	Post Office Argada	South Karanpura Coal Company Limited, Chartered Bank Building, Calcutta-1.	28,83,000
324.	Sarubera	Post Office Kuju	North Ramgarh Coal Company Limited, 8, Deodar Street, Calcutta-19.	2,42,000
325.	Semra	Post Office Mandu	B.M. Roy, Burrabazar, Hazaribagh.	9,000
326.	Toera	Post Office Kuju	M.N. Chatterjee, Post Office Kuju.	1,12,000
327.	Topa	Post Office Kuju	Topa Coal Company, Kuju. Receiver : M.H. Chatterjee and S.K. Banerjee, Post Office Kuju, Hazaribagh.	1,23,000†
328.	West Tumang	Post Office M.C. Chuskieganj, Ranchi.	Chauhan Brothers, Old Commissioner's Compound, Ranchi.	2,89,500
<i>Giridih</i>				
329.	Kabribad	Post Office Beniadih	Serampore Coal Company, Post Office Giridih.	23,000
MADHYA PRADESH				
<i>Central India Coalfields</i>				
330.	Chirimiri	Post Office Chirimiri	Chirimiri Colliery Company (Private) Limited, 18/22, Sheik Memon Street, Bombay-2.	37,51,000
331.	New Chirimiri (Ponri Hill)	Post Office Chirimiri	Dadabhoys New Chirimiri Ponri Hill Company (Private) Limited, Post Box No. 85, Nagpur.	63,60,000
332.	North Chirimiri	Post Office Gelhapani	United Collieries Limited, 25, Brabourne Road, Calcutta.	15,01,000
333.	North Jhagrakhand	Post Office Jhagrakhand Colliery.	Jhagrakhand Colliery (Private) Limited, 13, Gariahat Road, Calcutta-19.	61,42,000‡
334.	Pure Chirimiri	Post Office Chirimiri	K.N. Dhady, Post Office Chirimiri.	1,80,000
335.	Rajnagar	Post Office Rajnagar Colliery.	M/s. Dalchand Bahadur Singh, 15, Gariahat Road, Calcutta-19.	14,71,000
336.	Ramnagar	Post Office Ramnagar Colliery.	Vindhya Colliery (Private) Limited, 18, Netaji Subhas Road, Calcutta-1.	12,02,000
337.	South Jhagrakhand	Post Office Jhagrakhand Colliery.	Jhagrakhand Collieries (Private) Limited, 15, Gariahat Road, Calcutta-19.	Amount included in the amount specified against Sl. No. 333.
338.	West Chirimiri	Post Office Chirimiri	Indra Singh & Sons (Private) Limited, 7, Wellesly Place, Calcutta-1.	33,75,000

*This amount includes the amount payable in respect of coal mine specified against Sl. No. 322.

†This amount includes the amount payable in respect of coal mine specified against Sl. No. 313.

‡This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 337 and 339.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
339.	West Jhagrakhand	Post Office West Jhagrakhand.	Jhagrakhand Collieries (Private) Limited, 13, Gariahat Road, Calcutta-19.	Amount included in the amount specified against Sl. No. 333.
<i>Pench-kanhan Valley Coalfields</i>				
340.	Ambara	Post Office Junnerdeo	N.H. Ojha & Company Limited, F-3, Gillander House, 8, Netaji Subhas Road, Calcutta.	5,41,000
341.	Barkuhi	Post Office Parasea	Pench Valley Coal Company Limited, 'Hong Kong House', 31, Dalhousie Square, Calcutta-1.	53,08,000*
342.	Barkuhi West	Post Office Parasea	M/s. J.A. Trivedi Brothers, Post Box No. 1, Balaghat, District Chhindwara.	2,16,000
343.	Bhamori	Post Office Parasea	Amalgamated Coalfields Limited, 'Hong Kong House', 31, Dalhousie Square, Calcutta-1.	94,04,000†
344.	Chandamata	Post Office Parasea	Pench Valley Coal Company Limited, Post Office Parasea, Chhindwara.	Amount included in the amount specified against Sl. No. 341.
345.	Datla East		M/s. Amalgamated Coalfields Limited, Post Office Parasea, District Chhindwara.	Amount included in the amount specified against Sl. No. 343.
346.	Datla West	Post Office Junnerdeo	Amalgamated Coalfields Limited, 'Hong Kong House', 31, Dalhousie Square, Calcutta-1.	Amount included in the amount specified against Sl. No. 343.
347.	Damua	Post Office Damua Colliery.	(Ownership under dispute)	6,76,000‡
348.	Dhao	Post Office Dhao	Shri Durga Prasad, Dhao Colliery, Junnerdeo, Chhindwara.	21,500
349.	East Dongarchickli	Post Office Parasea	Pench Valley Coal Company Limited, 'Hong Kong House', 31, Dalhousie Square, Calcutta-1.	Amount included in the amount specified against Sl. No. 341.
350.	Eklehra	Post Office Parasea	Amalgamated Coalfields Limited, 'Hong Kong House', 31, Dalhousie Square, Calcutta-1.	Amount included in the amount specified against Sl. No. 343.
351.	East Barkuh	Post Office Parasea	J.A. Trivedi & Brothers, Balaghat, Chhindwara, Madhya Pradesh.	4,000
352.	Ghorawari-Hirdagarh	Post Office Ghorawari-Khurd.	J.A. Trivedi & Brothers, Balaghat, Chhindwara, Madhya Pradesh.	3,47,000
353.	Ghorawari Kalan	Post Office Ghorawari	T.K. Sukhla, Post Office Ghorasora, Chhindwara.	4,000
354.	Jamkunda	Post Office Junnerdeo	N.H. Ojha & Company Limited, F/3, Gillander House, 8, Netaji Subhas Road, Calcutta-1.	4,000
355.	Kalichhapar	Post Office Damua Collieries.	(Ownership under dispute)	Amount included in the amount specified against Sl. No. 347.
356.	Newton Chickli	Post Office Parasea	Newton Chickli Collieries (Private) Limited, Post Office Parasea, Chhindwara.	52,01,000
357.	North Chandameta	Post Office Parasea	Pench Valley Coal Company Limited, 'Hong Kong House', 31, Dalhousie Square, Calcutta-1.	Amount included in the amount specified against Sl. No. 341.
358.	Nandora	Post Office Parasea	Pench Valley Coal Company Limited, Parasea.	41,000
359.	Rakhikol	Post Office Rakhikol	S.C. Kambata (Private) Limited, Maharshi Karve Road, Bombay-20.	2,51,000

* This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 344, 349 and 357.

† This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 345, 346, 350 and 360.

‡ This amount includes the amount payable in respect of coal mines specified against Sl. No. 355.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
360.	Rawanwara	Post Office Parasea	Amalgamated Coalfields Limited, Post Office Parasea, Chhindwara.	Amount included in the amount specified against Sl. No. 343.
361.	Rawanwara Khas	Post Office Parasea	Oriental Coal Company Limited, 25, Brabourne Road, Calcutta.	9,14,000
362.	Sial Ghogri	Post Office Junnerdeo	Sial Ghogri Group, Nelson Square, Nagpur.	2,94,000
363.	Sukra	Post Office Parasea	The Jamai Majri Coal Company Limited, Post Office Parasea, Chhindwara.	6,92,000
364.	South Panara	Post Office Junnerdeo	Lala Bikimla Jagannath, Post Office Junnerdeo, Chhindwara.	4,000
<i>Raigarh Coalfield</i>				
365.	Baroud	Post Office Ghorghoda	P.R. Gupta & Others, Raigarh, Madhya Pradesh.	11,000
366.	Domnara	Post Office Kharsia Raigarh.	R.N. Poddar, North Ambajhari Road, Nagpur.	12,000*
367.	Dumnara		Shri J.K. Poddar, 32, Wardha Road, Nagpur.	Amount included in the amount specified against Sl. No. 366.
<i>Sohagpur and Johilla Coalfields</i>				
368.	Amal	Post Office Dhanpuri	Rewa Coalfields Limited, 4, Bankshall Street, Calcutta-1.	97,42,000†
369.	Bhadra	Post Office Kotma	Rewa Mining Company Limited, Post Office Kotma.	6,27,000
370.	Birsingpur	Post Office Birsingpur Pali.	Johilla Coalfields Limited, Post Office Birsingpur Rall, District Sahdol.	22,13,000
371.	Burhar No. 1 and 2	Post Office Dhanpuri	Rewa Coalfields Limited, 4, Bankshall Street, Calcutta-1.	Amount included in the amount specified against Sl. No. 368.
372.	Burhar No. 3	Post Office Dhanpuri	Rewa Coalfields Limited, 4, Bankshall Street, Calcutta-1.	Amount included in the amount specified against Sl. No. 368.
373.	Kotma	Post Office Kotma Colliery.	Associated Cement Company Limited, 121, Maharshi Karve Road, Bombay-20.	44,28,000
374.	Nowrazabad	Post Office Nowrazabad	Associated Cement Company Limited, 121, Maharshi Karve Road, Bombay-20.	32,41,000
375.	Rungta	Post Office Rungta Colliery.	Mahabir Prasad Rungta & Partners, Post Office Rungta Colliery.	4,42,000
376.	Umari	Post Office Umari	Rewa Coalfields Limited, Post Office Umari, District Sahdol.	Amount included in the amount specified against Sl. No. 368.
MAHARASHTRA				
<i>Kamptee Coalfield</i>				
377.	Inder		M/s. Oriental Coal Company Limited, 25, Brabourne Road, Calcutta-1.	8,29,000
378.	Kamptee	Post Office Kamptee	M/s. Oriental Coal Company Limited, 25, Brabourne Road, Calcutta-1.	21,22,000
<i>Wardha Valley Coalfield</i>				
379.	Ballarpur	Post Office Ballarpur	Ballarpur Collieries Company, Biswar House, Lajpat Rai Marg, Post Box No. 11, Nagpur.	38,77,000†
380.	Chanda Rawatwari	Post Office Chanda	R.B. Seth & Sri Ram Durga Prasad Tumsar, District Bhandara.	8,21,000

* This amount includes the amount payable in respect of coal mines specified against Sl. No. 367.

† This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 371, 372 and 376.

‡ This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 381 and 382.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
381.	Ghugus	Post Office Maneakpur	Ballarpur Collieries Company, Biseswar House, Post Box No.11, Nagpur.	Amount included in the amount specified against Sl. No. 379.
382.	Hindustan Lalpeth	Post Office Chanda	Perfect Pottery Company Limited, Hanumantlal, Jubbalpore.	17,80,000
383.	New Majri	Post Office Shivaji Nagpur, Chanda.	Sethia Mining & Manufacturing Corporation, 4, Bakul Bagan Row, Calcutta-25.	10,10,000
384.	Rajur	Post Office Rajur	Rajkumar Mining Company.	75,000
385.	Sasti	Post Office Ballarpur	Ballarpur Collieries Company Limited, Temple Road, Post Box No. 11, Nagpur.	Amount included in the amount specified against Sl. No. 379.
386.	Shri Mahakali	Post Office Mahakali	Shri Mahakali Coal Mines Limited, 23B, Netaji Subhas Road, Calcutta-1. (Under Liquidator).	4,000
MEGHALAYA				
<i>Khasi and Jaintia Coalfields</i>				
387.	Barsois		Assam Bengal Cement Company Limited, 7, Wellesley Place, Calcutta-1.	4,000
388.	Cherapunji	Post Office Cherapunji, District Khasi Hills.	The Cherrachatak Ropeway Company Limited, 1 & 2, Old Court House Corner, Calcutta-1.	4,000
389.	Laitryngew		The Cherrachatak Ropeway Company Limited, 1 & 2, Old Court House Corner, Calcutta-1.	4,000
390.	Laitryngew		The Laitryngew Cherra Coal Association, Post Office Cherapunji, District U.K. Hills.	4,000
391.	Mawsynram	Post Office Mawsynram, U.K. Hills.	Messrs. Sidroka Marbaniang, Post Office Shillong.	4,000
392.	Thangjinath	Post Office Pynursia	Assam Trading & Mining Company (Private) Limited, Shillong.	7,000
ORISSA				
<i>Ib Valley Coalfield</i>				
393.	Hingir Rampur	Post Office Rampur Colliery.	Hingir Rampur Coal Company Limited, Post Box 109, Home Street, Fort. Bombay.	18,74,000
394.	Ib River	Post Office Brajrajnagar	Chandmal Indra Kumar Karnani, 3, Synagogue Street, Calcutta-1.	1,50,000
395.	Orient	Post Office Brajrajnagar	Western Bengal Coal Company Limited, Administrative Office, Moira Colliery, District Burdwan.	34,90,000
WEST BENGAL				
396.	Ajoy Bank	Post Office Nutandanga	Ajoy Coal Company (Private) Limited, 34A, Sardar Saakar Road, Calcutta-29.	47,000
397.	Ardhagram Khas	Post Office Ardhagram	M/s. R.K. Agarwala & Sons (Private) Limited, Lal Bazar, Post Office Jharia, Dhanbad.	4,000
398.	Adjoy Second	Charanpur	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.	Amount included in the amount specified against Sl. No. 432.
399.	Alkusa	Post Office Samdi	J.D. Mondal, Post Office Samdi, Burdwan.	16,000
400.	Alkusa Gopalpur	Post Office Samdi	Khanna Coal Corporation, Post Office Samdi.	1,31,000
401.	Aldih		Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.	Amount included in the amount specified against Sl. No. 441.
402.	Akhalpur	Post Office Charanpur	West Jamuria Coal Company Limited, 2, Brabourne Road, Calcutta-1.	4,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
403.	Aurung	Post Office Kasta	Kasta Coalfields Limited, 3, Synagogue Street, Calcutta-1.	4,000
404.	Barmondia 3 & 4 Pits	Post Office Kanayapur	New Beerbhum Coal Company Limited, 8, Clive Row, Calcutta-1.	8,90,000
405.	Bhamuria	Post Office Bhamuria	Naturia Coal Company (Private) Limited, Post Office Bhamuria, District Purulia.	1,31,000
406.	Burradheme	Post Office Sitarampur	North Dheme Coal Company Limited, 135, Canning Street, Calcutta-1.	1,12,000
407.	Babisole	Post Office Ondal	Bharat Mining Corporation Limited, 91, Stephen House, 5th Floor, Dalhousie Square, Calcutta.	85,100
408.	Belbaid	Post Office Toposi	Belbaid Collieries Limited; Post Office Raniganj, Burdwan.	2,06,000
409.	Bankola	Post Office Ukhra	Burrakar Coal Company Limited, Chartered Bank Building, Calcutta-1.	36,78,000
410.	Banksimula 7 & 8 Pits	Post Office Charanpur	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.	Amount included in the amount specified against Sl. No. 432.
411.	Bhanora	Post Office Charanpur	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.	1,41,30,000*
412.	Bhanora South	Post Office Charanpur	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.	Amount included in the amount specified against Sl. No. 411.
413.	Bright's Rana	Post Office Charanpur	D. Bright & Company (Private) Limited, Post Office Charanpur, Burdwan.	2,30,000
414.	Benodi Katta	Post Office Samdi	Jiwanlal Collieries (Private) Limited, Post Office Samdi.	19,000
415.	Bhagran	Post Office Salanpur	The South Bhagran Coal Company, Post Office Salanpur, Burdwan.	1,01,000
416.	Bon-Jemihari	Post Office Salanpur	Bon-Jemihari, Anthracite Coal Company, Post Office Salanpur, Burdwan.	2,65,000
417.	Benali	Post Office Raniganj	Nimcha Coal Company (Private) Limited, 21, Jatindra Mohan Avenue, Calcutta-6.	45,000
418.	Bhadulia	Post Office Khoirasole	Dubrajpur Coal Company (Private) Limited, Post Office Bhadulia, Birbhum.	15,000
419.	Bejdi	Post Office Sitarampur	Equitable Coal Company, 1/2, Lord Sinha Road, Calcutta-16.	Amount included in the amount specified against Sl. No. 411.
420.	Bhutdoba	Post Office Asansol	A. P. Dutta & Company, Hutton Road, Asansol.	4,000
421.	Borachak	Post Office Asansol	Borachak Collieries Company, Post Office Sitarampur.	4,000
422.	Bhatmura		P. K. Agarwalla & Others, Post Office Jharia, Dhanbad.	4,000
423.	Bharatchak		B. N. Sanyal (Private) Limited, District Burdwan.	4,000
424.	Borejore	Post Office Hazaribagh	Samla Kajora Coal Company, Post Office Hazaribagh, Birbhum.	4,000
425.	Banksimula Old Pits		Bengal Coal Company, 8, Clive Row, Calcutta.	Amount included in the amount specified against Sl. No. 432.
426.	Bansraohak		New Birbhum Coal Company Limited, Burdwan.	Amount included in the amount specified against Sl. No. 611.
427.	Bamanbandh	Post Office Charanpur	Gopal Narayan Singh, Nageswar Bag, Post Office Buniadganj, Gaya.	4,000
428.	Bon-biddi	Post Office Salanpur	Shri Durgadas Maji, Village Khurdika, Post Office Salanpur, District Burdwan.	34,000

*This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 401 412, 419, 452, 471, 510, 517, 518, 527, 563 and 629.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
429.	Bastabpur	Post Office Khyeresel	Sakti Pada Nayak and Others, Post Office Bhadulia, Burdwan.	4,000
430.	Banksimula 11 & 12 Pits.	Post Office Charanpur	Bengal Coal Company Limited, 8, Clive Row, Calcutta.	Amount included in the amount specified against Sl. No. 432.
431.	Belrui Dishergarh	Post Office Sitarampur	M/s. Belrui Dishergarh Colliery (Private) Limited, Post Office Salanpur, Burdwan.	4,000
432.	Chinakuri No. 1 & 2 Pits.	Post Office Sunderchak	Bengal Coal Company Limited, 8, Clive Row, Calcutta.	*3,75,06,000
433.	Chinakuri No. 3 Pit	Post Office Sunderchak	Bengal Coal Company Limited, 8, Clive Row, Calcutta.	Amount included in the amount specified against Sl. No. 432.
434.	Chowkidanga	Post Office Toposi	Birbhum Mining (Private) Limited, 7, Monoharpukur Road, Calcutta.	16,000
435.	Central & Lower Jambad.	Post Office Bahula	East Bahula Collieries Limited, 18, Netaji Subhas Road, Calcutta-1.	5,34,000
436.	Chora Pits 1. Chora-10 Pit 2. Chora-7 and 9 Pits.	Post Office Bahula, Burdwan.	Chora Coal Company, 8, Synagogue Street, Calcutta-1.	11,77,000
437.	Central Satgram	Post Office Jaykaynagar	Harsookdas Balkissendas, 22, Burtolla Street, Calcutta.	9,46,000
438.	Chalbalpur	Post Office Jaykaynagar	K. L. Selected Coal Concern, Post Office Jaykaynagar.	93,000
439.	Chapui Khas	Post Office Kalipahari	Sahu Minerals & Properties Ltd., A-3, Prithviraj Road, Jaipur.	16,28,000
440.	Central Jamuria	Post Office Nandi	B. D. Gorach, Nuruddin Road, Post Office Asansol, Burdwan.	9,000
441.	Chaptoria	Post Office Salanpur	East Chaptoria Coal Company (Private) Limited, 22, Canning Street, Calcutta-1.	99,000
442.	Chinchuria	Post Office Asansol	Ajoy Bank Minerals, Post Office Churulia, Burdwan.	4,000
443.	Chak Keshabganj		Shrimati Indumati Devi, C/o Kartick Ch. Mukherjee, Village Jasidih, Post Office Dishergarh, District Burdwan.	4,000
444.	Chowrassia		Chowrassia Coal Company, Post Office Kalipahari, Burdwan.	4,000
445.	Chinchuria and Chinchuria East.		Bahadur Singh Bhutoria & Others, Post Office Asansol, Burdwan.	4,000
446.	Central Nandi	Post Office Nandi	Sri Nathumall Layelka, Post Office Raniganj, Burdwan.	4,000
447.	Central Sitalpur		Kanailal Mukherjee, Village Rajpur, Nandi, Post Office Jamuria, Burdwan.	4,000
448.	Central Kenda	Post Office Toposi	Gopal Prasad Pandey, Central Kenda Collieries, Post Office Toposi.	4,000
449.	Chora Khas	Post Office Chora	Selected Chora Coal Company Limited, 6, Ezra Street, Calcutta-1.	4,000
450.	Central Dishergarh	Central Dishergarh	Central Dishergarh Coal Company Limited, 174, Harrison Road, Calcutta.	4,000
451.	Chakbaga Khas	District Bankura	Sankar Prasad Singh Deo, Post Office Panchaketeraz, Purulia.	4,000
452.	Chowrashi	Post Office Neturia	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.	Amount included in the amount specified against Sl. No. 411.
453.	Churulia East	Post Office Churulia	East Churulia Colliery Company, Post Office Churulia, Burdwan.	4,000
454.	Central Kajora	Post Office Kajogram	Dutta's Kajora Coal Company Limited, 1, Netaji Subhas Road, Calcutta.	15,000
455.	Chinchuria Khas	Post Office Asansol	Khas Chinchuria Collieries Limited, Post Office Asansol.	4,000
456.	Charanpur	Post Office Charanpur	Iswar Shib Thakur Sabehat, Post Office Nirsa-chatti.	4,000

* This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 398, 410, 425, 430, 433, 494, 526, 604, 606, 635, 642, 643 and 644.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
457.	Churulia	Post Office Churulia	New Churulia Coal Company (Private) Limited, 4, Lyons Range, Calcutta.	6,000
458.	Central Baraboni	Post Office Baraboni	Sri A. K. Ghosh and Shri B. N. Tarkatirtha, Post Office Baraboni, Burdwan.	4,000
459.	Central Poniati	Post Office Nandi	Central Poniati Coal Company, 8, Clive Row, Calcutta.	4,000
460.	Deoli (Mondal's)	Post Office Dishergarh	B. N. Mondal and Company, Post Office Dishergarh, Burdwan.	1,56,000
461.	Dhemomain	Post Office Sitarampur	Dhemomain Collieries and Industries Limited, 36, Chowringhee Road, Calcutta-16.	9,27,000
462.	Darula	Post Office Pandaveswar	East Satgram Coal Company Limited, 135, Canning Street, Calcutta.	5,41,000
463.	Domoda	Post Office Raniganj	Damodar Coal Company (Private) Limited, Post Office Raniganj, Burdwan.	5,64,000
464.	Damra	Post Office Kalipahari	Katras Jherriah Coal Company, 8, Clive Row, Calcutta.	17,41,000
465.	Dabor	Post Office Samdi	H. Roy and T. Roy, Dabor Colliery (Private) Limited, Post Office Samdi, Burdwan.	85,000
466.	Damagoria Amdiha	Post Office Samdih	Damagoria Amdiha Coal Company, Post Office Salanpur.	1,31,000
467.	Deshermohan	Post Office Churulia	C. L. Poddar & Others, Post Office Churulia.	1,09,000
468.	Dalmiya	Post Office Salanpur	R. S. Dalmiya, 26, New Alipore Road, Calcutta-27.	1,07,000
469.	Damra	Post Office Kalipahari	A. P. Dutta & Company, Hutton Road, Asansol.	4,000
470.	Develia and W. Develia	Post Office Kalipahari	K. D. N. Singh, Chattapathar, Post Office Kalipahari.	4,000
471.	Dhussal		Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.	Amount included in the amount specified against Sl. No. 411.
472.	Dhundabad	Post Office Samdi	J. B. Mondal & Company, Post Office Samdi, Burdwan.	4,000
473.	Dhadka	Post Office Asansol	Dhadka Colliery Company Limited, Post Office Asansol.	4,000
474.	Diguli	Post Office Churulia	Oriental Mining & Trading Syndicate, Post Office Churulia, Burdwan.	4,000
475.	East Jambad	Post Office Kajogram	Amalgamated Jambad Syndicate (Private) Limited, 33, Biplabi Rash Behari Bose Road, Calcutta-1.	1,93,000
476.	East Kajora	Post Office Ondal	Swadeshi Mining & Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta-1.	56,000
477.	East Sitalpur	Post Office Ukhra	East Barrakar Coal Company (Private) Limited, Post Office Ukhra.	7,75,000
478.	East Jamehari	Post Office Raniganj	Harsookdas Balkissendas, 22, Burtolla Street, Calcutta-7.	2,09,000
479.	East Nimcha	Post Office Jaykaynagar	East Laikdih Colliery Company (Private) Limited, Post Office Jaykaynagar, Burdwan.	69,56,000
480.	East Satgram	Post Office Jaykaynagar	East Satgram Coal Company (Private) Limited, 135, Canning Street, Calcutta-1.	4,000
481.	East Baraboni	Post Office Charanpur	East Baraboni Coal Company (Private) Limited, 4, Mandevilla Gardens, Calcutta-19.	4,000
482.	East Jamuria	Post Office Toposi	East Jamuria Coal Company, Post Office Toposi, Burdwan.	93,000
483.	East Ramnagar	Post Office Salanpur	D. R. Sabhlok (Through Constituted Attorney B. L. Satnalika, Post Office Salanpur, Burdwan).	44,000
484.	East Lachipur	Post Office Sitarampur	East Lachipur Collieries Balrui Dishergarh Colliery Company, Post Office Sitarampur, Burdwan.	4,000
485.	East Dhundabad	Post Office Samdi	East Dhundabad Colliery, Post Office Sitarampur.	4,000
486.	East Parsundi	Post Office Barhra, District Birbhum.	East Parsundi Collieries Limited, 2, Commercial Building, 102, Netaji Subhas Road, Calcutta.	4,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
487.	East Searsole	Post Office Raniganj	Shri Jayanta Kr. Banerjee & Others, Burdwan.	4,000
488.	East Bonbiddi	Post Office Salanpur	Shri T.K. Mahato, Managing Agent, Salanpur, Burdwan.	4,000
489.	Ekrah Nandi. (New Jamuri).		Ekrah Nandi Coal Company, F-2, Clive Building, 8, Netaji Subhas Road, Calcutta-1.	4,000
490.	Goenka Kajora	Post Office Kajoram	Goenka Coal Company, S.B. Goenka, Post Office Ukhra, Burdwan.	7,75,000
491.	Guru Gopinath	Post Office Ukhra	Gnananda Industries (Private) Limited, Post Office Ukhra, Burdwan.	86,000
492.	Ghusick	Post Office Kalipahari	Coal & Mineral Syndicate, 36, Strand Road, Calcutta-1.	4,75,000
493.	Ghusick	Post Office Kalipahari	Ghusick & Muslia Collieries Limited, Post Office Kalipahari, Burdwan.	5,44,000
494.	Girmint	Post Office Charanpur	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.	Amount included in the amount specified against Sl. No. 432.
495.	Gourangdih	Post Office Panuria	Gourangdih Colliery Company (Private) Limited, Post Office Panuria, Burdwan.	1,33,000
496.	Gourangdih Begunia	Post Office Jamgram	Jamgram Coal Company (Private) Limited, Post Office Jamgram, Burdwan.	1,08,000
497.	Gangaram Chak	Post Office Barhara	Mishra Mukherjee & Company, Post Office Sagarbhanga, Birbhum.	26,000
498.	Gopalpur	Post Office Mejia	Shri D.B. Parmar, Post Office Ardhagram, Bankura.	4,000
499.	Hirakhun	Post Office Neturia	Shrimati Durgadevi Singhania, Post Office Neturia, District Purulia.	7,000
500.	Haripur	Post Office Bahula	Selected Baraboni Coal Company (Private) Limited, 18, Netaji Subhas Road, Calcutta-1.	9,32,000
501.	Hindustan Alkusa	Post Office Samdi	Shri S.N. Agarwala, Post Office Burrakar Burdwan.	98,000
502.	Hamirpur	Post Office Mejia Bankura.	New Hamirpur Colliery Company, Post Office Toposi, Burdwan.	4,000
503.	Itapara	Post Office Entapara, District Burdwan.	Shri Keshordeo, Post Office Jharia, Dhanbad.	4,000
504.	Jorekuri	Post Office Churulia	Jorekuri Coal Company (Private) Limited, Post Box No. 55, Dhanbad.	26,000
505.	Jambad Selected	Post Office Kajoram	Shri Devji Gelabhai & Others, Post Office Kajoram, Burdwan.	4,85,000
506.	Jaipuria Kajora	Post Office Ondal	Swadeshi Mining & Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta-1.	7,24,000
507.	Jotejanki Khas	Post Office Toposi	Messrs. Banerjee Santan, Post Office Toposi, Burdwan.	2,12,000
508.	Jambad Kajora	Post Office Siduli	Jambad Kajora Colliery Company (Private) Limited, Post Office Siduli, Burdwan.	4,33,000
509.	Jaykaynagar	Post Office Jaykaynagar.	Aluminium Corporation of India Limited, Post Office Jaykaynagar, Burdwan.	10,88,000
510.	Jamuria A and B Pits.	Post Office Nandi	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta-16.	Amount included in the amount specified against Sl. No. 411.
511.	Jambad	Post Office Kajoram	North Adjoy Coal Company, Post Office Kajoram, Burdwan.	15,000
512.	Jamuna Kanali New	Post Office Mejia, District Bankura.	New Jamuna Kanali Colliery Company, Post Office Rajgaran, District Bankura.	4,000
513.	Jamehari Selected	Post Office Raniganj	Coal Products (Private) Limited, Post Office Nutandanga, District Burdwan.	4,000
514.	Jotedhemo	Post Office Ukhra	Jotedhemo Colliery Company (Private) Limited, 23/B, Netaji Subhas Road, Calcutta-1.	15,000
515.	Jamehari Khas East	Post Office Searsol Rajbari	Jamehari Khas Colliery Private Limited, Post Office Searsol Rajbari.	4,000
516.	Jambad	Post Office Kajoram	S.S. Devi's Jambad Coal Concern (Private) Limited, 10, Akhil Mistri Lane, Calcutta.	4,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
517.	Jamuria 5 and 6 Pits.	Post Office Charanpur	Equitable Coal Company Limited, 2, Fairlie Place, Calcutta.	Amount included in the amount specified against Sl. No. 41K.
518.	Jamuria 7 and 8 Pits.	Post Office Charanpur	Equitable Coal Company Limited, 2, Fairlie Place, Calcutta.	Amount included in the amount specified against Sl. No. 41L.
519.	Kasta Bengal	Post Office Churulia	Kasta Coalfields Limited, 3, Synagogue Street, Calcutta.	13,000
520.	Kajora and Western Kajora.	Post Office Kajoramgram	Shri K. C. Palchowdhury, Post Office Kajoramgram, Burdwan.	2,07,000
521.	Kajora (Guzdar)	Post Office Kajoramgram	The Guzdar Kajora Coal Mines Limited, Post Office Kajoramgram.	2,24,000
522.	Kajora Selected	Post Office Raniganj	Kajora Selected Colliery Company Limited, 135, Canning Street, Calcutta-1.	3,38,000
523.	Khas Kajora	Post Office Kajoramgram	Khas Kajora Coal Company Limited, 18, Netaji Subhas Road, Calcutta-1.	21,09,000
524.	Khas Searsole	Post Office Searsole Rajbari.	Kumar K.N. Maliah, Post Office Searsole Rajbari.	7,000
525.	Krishnagar	Post Office Toposi	Parasea Colliery Limited, 25, Netaji Subhas Road, Calcutta-1.	1,18,000
526.	Kunustoria	Post Office Toposi	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.	Amount included in the amount specified against Sl. No. 43Z.
527.	Kottadih	Post Office Kottadih	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta.	Amount included in the amount specified against Sl. No. 41I.
528.	Kumardih	Post Office Ukhra	Kumardih Coal Company, Post Office Ukhra, Burdwan.	11,19,000
529.	Kumarkhala	Post Office Bahula	Kumarkhala Colliery Company, Post Office Bahula, Burdwan.	2,36,000*
530.	Khas Chadbalpur	Post Office Jaykaynagar.	Rani H. Devi and Rani K. Devi, Post Office Searsole Rajbari, Burdwan.	6,97,000
531.	Kalipahari	Post Office Kalipahari	Ghusick and Muslia Colliery Limited, Post Office Kalipahari, Burdwan.	4,03,000
532.	Kuardih	Post Office Kalipahari	Kuardih Coal Company (Private) Limited, 41, Chowringhee Road, Calcutta-16.	39,82,000
533.	Khas Baraboni	Post Office Raghunath Chak.	A.K. Collieries Company, 34-A, Sardar Sankar Road, Calcutta-29.	19,000
534.	Khas Mohanpur	Post Office Samdi	Late Shri Ramgoti Hazra, Post Office Kajoramgram, Burdwan.	74,000
535.	Khoirabad	Post Office Panuria	M/s. Jamgram Coal Company (Private) Limited, Post Office Bara Kalibari, District Bankura.	51,000
536.	Kalikapur	Post Office Bara Kalibari.	Shri Harihar Banerjee and Others, Post Office Bara Kalibari, District Burdwan.	4,000
537.	Kanyapur	Post Office Neturia	Neturia Coal Company Limited, Post Office Neturia, District Purulia.	4,000
538.	Khas Dhundabad	Post Office Samdi	Nagrath Collieries Limited, Post Office Sarodi.	4,000
539.	Khas Sitalpur	Post Office Ukhra	N.H. Ojha Company (Private) Limited, Clive Building, Netaji Subhas Road, Calcutta-1.	4,000
540.	Kajora (Roy Dutta)	Post Office Kajoramgram	Roy Dutta and Company, Post Office Kajora, Burdwan.	4,000
541.	Khandra Sitalpur		N.H. Ojha Company (Private) Limited, Clive Building, Netaji Subhas Road, Calcutta-1.	4,000
542.	Khudika	Post Office Salanpur	Sri Krishna Colliery, Post Office Salanpur.	4,000
543.	Kalidaspur	Post Office Mejia	Shri M.D. Chatterjee, 2, Thana Road, Asansol.	4,000
544.	Khiratore Khas	Post Office Khiratore	Messrs. Sankari Prasad Singh Deo, Post Office Panchakot Raj, Purulia.	4,000
545.	Khas Jambad	Post Office Ukhra	Shri Mohanlal Goenka, Post Office Ukhra, Burdwan.	11,000

*This amount includes the amount payable in respect of coal mine specified against Sl. No. 598.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
546.	Kumarpur	Post Office Sitarampur	Shri M.M. Bose, Borachak, Post Office Sitarampur, Burdwan.	4,000
547.	Kankartola	Post Office Kankartola	Kankartola Collieries (Private) Limited, Post Office Kankartola, Burdwan.	75,000
548.	Kasta	Post Office Churulia	Kasta Coalfields Limited, 3, Synagogue Street, Calcutta.	26,000
549.	Lachipur	Post Office Kajoramgram	Katras Jherriah Coal Company, 8, Clive Row, Calcutta-1.	10,53,000
550.	Lower Kenda	Post Office Kajoramgram	Khas Kenda Colliery Company (Private) Limited, 135, Canning Street, Calcutta-1.	5,49,000
551.	Lohat	Post Office Salanpur	Shri Bhuramal Agarwal, Post Office Salanpur, Burdwan.	64,000
552.	Lakshmi		Shri Sahadev Dutta, Birbhum.	4,000
553.	Monoharbahal	Post Office Asansol	Messrs. Chandramal Indra Kumar (Private) Limited, 3, Synagogue Street, Calcutta-1.	4,99,000
554.	Mukherjee's Jote Janaki.	Post Office Toposi	Shri C.R. Mukherjee, Netaji Subhas Road, Raniganj, Burdwan.	27,000
555.	Madhujore	Post Office Kajoramgram	Madhujore Coal Company (Private) Limited, 135 Canning Street, Calcutta-1.	30,13,000
556.	Mahabir	Post Office Raniganj	Mahabir Collieries Limited, 178, Mahatma Gandhi Road, Calcutta.	1,43,000
557.	Moira	Post Office Moira Colliery	Western Bengal Coalfields Limited, 9/1, R.N. Mukherjee Road, Calcutta.	43,15,000
558.	Mithapur	Post Office Searsole Rajbari.	Shri Nirmal Kumar Geaulecha, 7/2, Babu Lal Lane, Calcutta-7.	1,59,000
559.	Modern Satgram	Post Office Raniganj	West Bengal Mining Company, Post Office Raniganj.	12,98,000
560.	Muslla	Post Office Kalipahari	Ghusick and Muslia Collieries Limited, Post Office Kalipahari, Burdwan.	60,000
561.	Mohatipur	Post Office Samdi	S.N. Chaudhury & Company, Kartar Nivas, Burnpur Road, Asansol.	1,19,000
562.	Madhabpur	Post Office Ondal	Madhabpur Coal Company, 3, Synagogue Street, Calcutta.	1,54,000
563.	Methani	Post Office Sitarampur	Equitable Coal Company, 1/2, Lord Sinha Road, Calcutta.	Amount Included in the amount specified against Sl. No. 411.
564.	Mondal's Nandi	Post Office Nandi	Mondal and Company, Post Office Dishergarh.	4,000
565.	Middle Kajora & Southern Kajora.	Post Office Kajoramgram	Shri K.C. Pal Choudhury, Kajoramgram.	4,000
566.	Mondalpur	Post Office Nandi	Mondalpur Coal Company Limited, Post Office Neamatpur.	4,000
567.	Mangalpur	Post Office Raniganj	New Beerbhoom Coal Company Limited, Managing Agents M/s. Andrew Yule and Company Limited, Post Box 150, Calcutta-1.	4,000
568.	Shekhpur		Shri M.M. Chatterjee, Ondal.	4,000
569.	Mouthdih	Post Office Sunderchak	Messrs. Mouthdih Coal Company, Dishergarh.	4,000
570.	Madanpur		Ghanshyam Coal Industries (Private) Limited, 9, Bhawani Dutta Lane, Calcutta-7.	4,000
571.	New Kenda	Post Office Toposi	New Birbhum Coal Company Limited, 8, Clive Row, Calcutta-1.	41,23,000
572.	North Jambad	Post Office Kajoramgram	North Jambad Coal Company, Post Office Kajoramgram, Burdwan.	98,000
573.	North Searsole	Post Office Searsole Rajbari.	Searsole Mining and Industries (Private) Limited, Post Office Searsole Rajbari, Burdwan.	12,33,000
574.	Nag's Kajora Jambad	Post Office Ukhra	Shrimati Ashalata Nag and Others, 4, Mandevilla Gardens, Calcutta.	3,57,000
575.	North Chora	Post Office Bahula	Shri B.M. Dutta, North Chora Colliery, Company, Post Office Bahula, Burdwan.	68,000
576.	New Jamehari Khas	Post Office Jaykaynagar	New Jamehari Khas Colliery (Private) Limited, Post Office Searsole Rajbari, Burdwan.	13,47,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
577.	New Satgram	Post Office Devchand-nagar.	Shethia Mining and Manufacturing Company Limited, 4, Bakul Bagan Row, 'Monohar Mahal', Calcutta-25.	18,70,000
578.	Nimcha	Post Office Raniganj	Nimcha Coal Company (Private) Limited, 1/1, Rowland Road, Calcutta-20.	3,32,000
579.	North Brook	Post Office Jaykaynagar	Shri Bimal Kanti Roy, Post Office Jaykaynagar.	5,58,000
580.	New Ghusick	Post Office Kalipahari	West Ghusick Coal Company Limited, 10, Netaji Subhas Road, Calcutta-1.	2,53,000
581.	North Charanpur	Post Office Charanpur	Shri B.N. Ganguly, Ushagram, Post Office Asansol, Burdwan.	18,000
582.	North Ghusick	Post Office Majihara	Shri Ganesh Coal Company, Post Office Asansol, Burdwan.	36,000
583.	New Damagoria	Post Office Salanpur	New Damagoria Coal Company (Private) Limited, Post Office Salanpur, Burdwan.	4,06,000
584.	North East Salanpur	Post Office Samdi	Shri A.R. Acharyya, Post Office Heamatpur, Burdwan.	1,28,000
585.	North West Salanpur	Post Office Samdi	Shri A.N. Mukherjee and Others, Post Office Samdi, Burdwan.	32,000
586.	New Bhagran	Post Office Sitarampur	Shri S. Banerjee (Nilachal), Post Office Baraboni, Burdwan.	4,000
587.	North Poniat	Post Office Baraboni	Shri B.B. Dutta, Post Office Baraboni, Burdwan.	18,000
588.	New Ardhagram	Post Office Ardhagram	Shri B.P. Singhdeo, Post Office Panchakotraj, District Purulia.	4,000
589.	New Bamna	Post Office Salanpur	New Bamna Colliery Company, Mehta Press, Asansol.	58,000
590.	Nakrekonda Baljuri Nabaghanapur Maheshpur.		Western Bengal Coalfields Limited, 15, India Exchange Place, Calcutta-1.	Amount included in the amount specified against Sl. No. 654.
591.	Nakrekonda and Sarpi		Western Bengal Coalfields Limited, 15, India Exchange Place, Calcutta-1.	Amount included in the amount specified against Sl. No. 654.
592.	New South Baraboni	Post Office Baraboni	Messrs. Amiya Bala Ghose and Sons, Post Office Baraboni.	13,000
593.	Narsamuda	Asansol	Sanpukuria Asansol Colliery Limited, 18, Mission Row, Calcutta.	4,000
594.	North Mosila	Post Office Kalipahari	North Mosila Colliery Company, Post Office Kalipahari.	4,000
595.	New Begunia	Post Office Barakar	Shri S.K. Mukherjee, Barakar.	4,000
596.	Nuni	Post Office Ethora	Mukherjee P. (Rai Bahadur), G.T. Road, Delhi.	4,000
597.	New Mangalpur		Shri Jaladhar Mondal, Village Bonbiddi, Post Office Salanpur.	4,000
598.	North Haripur	Post Office Ghore	Previously owned by Shri K.L. Dutta, Post Office Bahula, Burdwan. Dutta Pal and Company, North Haripur Colliery, Post Office Bahula (Partners—K.L. Dutta and D.N. Pal), Burdwan.	Amount included in the amount specified against Sl. No. 529.
599.	New Madhabpur		A.B. Ojha and Company, 23/B, Netaji Subhas Road, Calcutta.	Amount included in the amount specified against Sl. No. 618.
600.	New Nandi	Post Office Nandi	Shrimati Gayatri Devi, wife of Shri Subodh Mukherjee, Feeder Road, Raniganj.	4,000
601.	New Jamuria	Post Office Nandi	Selected Satgram Collieries Limited, 18, Netaji Subhas Road, Calcutta.	4,000
602.	Palasthali	Post Office Churulia	Palasthali Coal Concern (Private) Limited, 53, Mechua Bazar Road, Chinsura (Hooghly).	8,000
603.	Pariarpur	Post Office Kalipahari	Shri Shewsiamal Agarwalla, Post Office Sainthia, Birbhum.	4,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
604.	Parbelia	Post Office Neturia	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.	Amount included in the amount specified against Sl. No. 432.
605.	Patmohana	Post Office Patmohana	Messrs. Patmohana and Bharatchak Collieries (Private) Limited, Post Office Sitarampur, Burdwan.	9,45,000
606.	Poidih	Post Office Sunderchak	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.	Amount included in the amount specified against Sl. No. 432.
607.	Prossono Dutta's Kajora	Post Office Kajoramgram	Shri P.C. Dutta and Sons, 71A, Netaji Subhas Road, Calcutta-1.	1,30,000
608.	Parascole	Post Office Kajoramgram	Parascole Coal Company, 18, Netaji Subhas Road, Calcutta-1.	16,56,000
609.	Parasea	Post Office Kajoramgram	Parasea Collieries Company, 25, Netaji Subhas Road, Calcutta-1.	29,19,000
610.	Proper Kajora	Post Office Kajoramgram	Shri Nimbarak Proper Kajora Coal Company (Private) Limited, 135, Biplabi Rash Behari Bose Road, Calcutta-1.	1,27,000
611.	Pure Bansra	Post Office Raniganj	Pure Kustore Colliery Company Limited, 8, Lyons Range, Calcutta.	10,39,000*
612.	Pure Jambad	Post Office Kajoramgram	Pure Jambad Colliery Private Limited, 135, Canning Street, Calcutta.	3,52,000
613.	Pure Kajora	Post Office Kajoramgram	East Barakar Coal Company (Private) Limited, 18, Netaji Subhas Road, Calcutta.	6,40,000
614.	Pure Kenda	Post Office Ukhra	Pure Kenda Coal Company, Post Office Ukhra, Burdwan.	4,000
615.	Pure Searsole	Post Office Searsole Rajbari.	Kumari Rani H. Devi, Post Office Searsole Rajbari, Burdwan.	2,48,000
616.	Pansuli	Post Office Nutandanga	Krishna Valley Selected Coal Company, Post Office Nutandanga.	33,000
617.	Pure Samla	Post Office Nutandanga	Sun Distributors and Mining Company Limited, 14, Netaji Subhas Road, Calcutta.	2,78,000
618.	Pure Sitalpur	Post Office Ukhra	Pure Sitalpur Coal Concern (Private) Limited, 23-B, Netaji Subhas Road, Calcutta.	3,50,000†
619.	Pansuli Nutandanga	Post Office Gogla	Shri D.T. Dhanuka, Post Office Nutandanga, Burdwan.	3,01,000
620.	Pottery	Post Office Raniganj	Burn & Co., 12, Mission Row, Calcutta.	4,000
621.	Pretoria	Post Office Charanpur	Seebpore Coal Company Limited, 8, Clive Row, Calcutta.	4,000
622.	Purushottampur and Abhirampur.		Tata Iron & Steel Company Limited.	4,000
623.	Pandaveswar	Post Office Barakar	Shri Pandaveswar Coal Company Limited, Post Office Salanpur, Burdwan.	4,000
624.	Poniati Baraboni	Post Office Charanpur	Shrimati Ashalata Nag and Others, 4, Mandevilla Gardens, Calcutta-19.	4,000
625.	Premier Nandi	Post Office Nandi	Shri Sunil Kumar Mitra, 19/A, Dalimtala Lane, Calcutta-6.	4,000
626.	Pure Dalurband (Near Samla Dalurband)		Pure Dalurband Coal Company, Post Office Pandaveswar, Burdwan.	Amount included in the amount specified against Sl. No. 660.
627.	Poniati Mines	Post Office Nandi	Krishna Valley Selected Coal Company, Post Office Nandi, Burdwan.	11,000
628.	Ramjibanpur (Nag's)	Post Office Sitarampur	Ramjibanpur Coal Company Limited, 4, Mandevilla Gardens, Calcutta.	4,20,000
629.	Ranipur	Post Office Dishergarh	Equitable Coal Company Limited, 1/2, Lord Sinha Road, Calcutta.	Amount included in the amount specified against Sl. No. 411.

*This amount includes the amount payable in respect of coal mines specified against Sl. No. 426.

†This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 599 and 681.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
630.	Real Kajora	Post Office Kajoragram	Real Kajora Colliery Trust, 24, Strand Road, Calcutta.	1,48,000
631.	Real Jambad	Post Office Bahula	Oriental Coal Company (Private) Limited, 25, Brabourne Road, Calcutta.	4,66,000
632.	Ratibati	Post Office Kalipahari	West Bengal Mining Company, Post Office, Kalipahari, Burdwan.	19,29,000
633.	Radhamadhabpur	Post Office Kalipahari	Ghusick and Muslia Collieries Limited, Post Office Kalipahari, Burdwan.	71,000
634.	Rana Number 6 Pit	Post Office Kalipahari	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta.	94,66,000*
635.	Raniganj	Post Office Raniganj	Bengal Coal Company, 8, Clive Row, Calcutta.	Amount included in the amount specified against Sl. No. 432.
636.	Radhaballavpur	Post Office Samdi	Automotive Manufacturer's Agenices, P-27, Princep Street, Calcutta-13.	14,000.
637.	Rangakanali	Post Office Samdi	Messrs. Surajmal Gupta and Others, 135, Bip-labi Rashbehari Bose Road, Calcutta-1.	82,000
638.	Real Salanpur	Post Office Salanpur	Salanpur Syndicate Limited, 3, Synagogue Street, Calcutta.	4,000
639.	Real Raniganj	Post Office Raniganj	Real Raniganj Coal Company Limited, Post Office Raniganj.	4,000
640.	Real Nandi	Post Office Nandi	Real Nandi Collieries Limited, 8/2, Hastings Street, Calcutta.	4,000
641.	Russa	Post Office Russa	Selected Raniganj Collieries, 21, Ekdalia Road, Calcutta.	4,000
642.	Sanctoria	Post Office Dishergarh	Bengal Coal Company Limited, 8, Clive Row, Calcutta.	Amount included in the amount specified against Sl. No. 432.
643.	Seetalpur	Post Office Dishergarh	Bengal Coal Company Limited, 8, Clive Row, Calcutta.	Amount included in the amount specified against Sl. No. 432.
644.	Sodepur 9 and 10 Pits	Post Office Sunderchak	Bengal Coal Company Limited, 8, Clive Row, Calcutta-1.	Amount included in the amount specified against Sl. No. 432.
645.	South Joyramdanga	Post Office Asansol	Dishergarh Coal Company Limited, 3, Synagogue Street, Calcutta.	4,72,000
646.	Searsole	Post Office Raniganj	Searsole Coal Company Limited, 22, Chittaranjan Avenue, Calcutta.	2,61,000
647.	Singaran	Post Office Toposi	Singaran Coal Syndicate Limited, 237-P/1A, Manicktola Main Road, Calcutta.	1,02,000
648.	Sitaldassji Selected	Post Office Searsole Rajbari.	Messrs. Purnanmall Shreeniwas and Brothers, Searsole Rajbari, Burdwan.	2,80,000
649.	South Jambad	Post Office Kajoragram	South Parasia Collieries (Private) Limited, 33, Canning Street, Calcutta-1.	8,000
650.	South Parasia	Post Office Kajoragram	South Parasia Collieries (Private) Limited, 25, Netaji Subhas Road, Calcutta-1.	1,14,000
651.	Samla Baidyanathpur	Post Office Pandaveswar	Ashoka Mineral and Company, Post Office Pandaveswar, Burdwan.	2,88,000
652.	Samla Chatrisgonda	Post Office Pandaveswar	Swadeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta-1.	2,31,000
653.	Samla Dalurband	Post Office Pandaveswar	Samla Dalurband Coal Company (Private) Limited, Post Office Jharia, Dhanbad.	6,25,000
654.	Samla Manderboni	Post Office Pandaveswar	Western Bengal Coalfields Limited, 9/1, R. N. Mukherjee Road, Calcutta-1.	24,67,000†
655.	Samla Kendra	Post Office Pandaveswar	Swadeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta-1.	11,34,000
656.	Samla Pandaveswar	Post Office Pandaveswar	Swadeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta-1.	2,25,000

* This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 669, 670 and 671.

† This amount includes the amount payable in respect of coal mines specified against Sl. Nos. 590 and 591.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
657.	Samla Ramnagar	Post Office Pandaveswar	Swadeshi Mining and Manufacturing Company Limited, 33, Netaji Subhas Road, Calcutta.	4,50,000
658.	Sarpi Kajora	Post office Ukhra	Sarpi Kajora Coal Mines (Private) Limited, 33, Canning Street, Calcutta.	6,49,000
659.	Selected Kajora Jambad	Post Office Pandaveswar	Selected Kajora Jambad Colliery, Post Office Ukhra, Burdwan.	1,31,000
660.	Selected Samla	Post Office Pandaveswar	Selected Dalurband Coal Company (Private) Limited, 137, Cotton Street, Calcutta-7.	7,04,000*
661.	Siduli	Post Office Ukhra	Siduli Colliery Company, Post Office Ukhra, Burdwan.	1,42,000
662.	Sitalpur	Post Office Siduli	Sitalpur Coal Company (Private) Limited, Post Office Siduli, Burdwan.	3,02,000
663.	South Adjai	Post Office Gogla	Gopal Collieries Limited, 174, Mahatma Gandhi Road, Calcutta-7.	4,000
664.	Sunkerpore	Post Office Ukhra	Ukhra Minerals (Private) Limited, Post Office Ukhra, Burdwan.	4,17,000
665.	Satgram (Nageswar)	Post Office Searsole Rajbari.	Nageswar Coal Company Kargali Colliery, Post Office Bermo, Hazaribagh.	4,75,000
666.	Selected Scarsole	Post Office Raniganj	Puranmal Jagannath, Post Office Raniganj.	4,88,000
667.	Sri Amritnagar Selected	Post Office Raniganj	Sriniwas and Sons, Post Office Raniganj.	14,41,000
668.	Seebpore	Post Office Gharanpur	Katras Jherriah Coal Company Limited, 8, Clive Row, Calcutta-1.	4,000
669.	Sripur Incline	Post Office Kalipahari	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta-1.	Amount included in the amount specified against Sl. No. 634.
670.	Sripur 1, 2 and 3 Pits	Post Office Kalipahari	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta-1.	Amount included in the amount specified against Sl. No. 634.
671.	Sripur 4, 5 and 6 Pits	Post Office Kalipahari	Lodna Colliery Company (1920) Limited, 6, Lyons Range, Calcutta-1.	Amount included in the amount specified against Sl. No. 634.
672.	Samdi Sangramgarh	Post Office Samdi	B. Hazra and Company, Post Office Samdi	3,44,000
673.	Shibpur		Manish Kumar Mukherjee and Doctor A. K. Bhattacharjee, Post Office Shibpur, Burdwan.	4,000
674.	Shri Ghanashyam	Post Office Kajora	Ghanashyam Coal Industries (Private) Limited, 7, Bhowani Dutt Lane, Calcutta-7.	53,000
675.	Shabanpur	Post Office Salanpur	Shridhar Mukherjee, New Beerbhum Coal Company, Burdwan.	4,000
676.	Selected Kajora	Post Office Raniganj	Kajora Selected Colliery Company, 135, Canning Street, Calcutta-1.	4,000
677.	Selected Dhundabad	Post Office Salanpur	Selected Dhundabad Colliery, Company, Post Office Salanpur.	4,000
678.	South Nawpara	Post Office Ondal	Pure Dishergarh Coal Company Limited, 51, Garanhatta Lane, Calcutta.	4,000

* This amount includes the amount payable in respect of coal mines specified against 626.

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
679.	Sitalnagar	Post office Kajoragram	Jagannath Buchasia and Others, Purna Nibash Manison, Raniganj.	4,000
680.	Sree	Post office Charanpur	Belbaid Colliery Limited, Post office Raniganj.	4,000
681.	Sree Sitalpur		Pure Sitalpur Coal Concern, 23/B, Netaji Subahas Road, Calcutta-1.	Amount included in the amount specified against Sl. No. 618.
682.	Selected Banskuri	Post office Mejia	Selected Banskuri Colliery Company, 3, Gangedhar Sarayan, Post office Raniganj.	4,000
683.	Santalmoutha	Post office Neturia	Moutha Dishegarh Coal Company, Post office Barakar.	4,000
684.	South Kenda	Post office Toposi	South Kenda Coal Company (Ratanlal Goenka and Surajbhan Ganeriwala), Post Office Toposi.	15,000
685.	Sibdaspur	Post office Salanpur	Sibdaspur Colliery Company, Post office Sitarampur, Burdwan.	4,000
686.	Selected Jamuria	Post Office Nandi	A. K. Goswamy, Post office Birkulti, Burdwan.	4,000
687.	Satpukaria	Post office Asansol	Satpukaria and Asansol Collieries Limited, 18, Mission Row, Calcutta.	4,000
688.	South Samla	Post office Pandavewsar	Kalyanji Mavji and Company, 14 Netaji Subash Road, Calcutta.	11,000
689.	Salanpur A Seam	Post Office Salanpur	New Sergarh Coal Company, Post Office Salanpur, Burdwan.	4,000
690.	South East Baraboni Khas	Post Office Charanpur	Bharat Collieries Limited, 11, Clive Row, Calcutta.	4,000
691.	Shyamsundarpur	Post Office Ukhra	Burdwan Collieries Limited, 5 Synagogue Street, Calcutta.	15,000
692.	Samla Govindpur	Post Office Pandaveswar	Samla Govindpur Collieries (Private) Limited 33, Canning Street, Calcutta-1.	4,000
693.	Selected Nandi	Post Office Siduli	Jyotsna Devi, Post Office Sitarampur, Burdwan.	4,000
694.	Saltore	Post Office Saltore	Barakar Coal Company, Chartared Bank Building, Calcutta.	4,000
695.	Selected Baraboni	Post Office Charanpur	Selected Baraboni Coal Company Limited, Post Office Charanpur, Burdwan.	4,000
696.	Toposi	Post Office Toposi	Associated Nandi Collieries Limited, 18, Netaji Subahas Road, Calcutta-1.	7,65,000
697.	Tara	Post Office Birkulti	Tara Colliery Limited, 19 Radha Nagar Road Burnpur, Asansol.	1,07,000
698.	Toposi Koradanga	Post Office Toposi	Toposi Kordanga Coal Concern, Post Office Topsoi, Burdwan.	4,000
699.	Uttar Dhadka	Post Office Kajoragram	New Beerbhum Coal Company, 8, Clive Row Calcutta.	4,000
700.	Upper Kajora	Post Office Kajoragram	Hari Prasad Bhan Singha, 29-A, Sir H. Goenka Street, Calcutta-7.	4,000
701.	Victory Group	Post Office Nutandanga	Coal Products (Private) Limited, 3, Bankshall Street, Calcutta.	12,55,000
702.	Visheshari Khandra	Post Office Ukhra	N. H. Ohja and Company, Gillander's House 18, Netaji Subhas Road, Calcutta.	9,37,000

Sl. No.	Name of the mine	Location of the mine	Name and address of owners of the mine	Amount (in rupees)
1	2	3	4	5
703	Viceroy (Mandal's)	Post Office Dishergarh	B.N. Mandal and Company, Parekh's Building, 22, Canning Street, Calcutta.	4,000
704	Western Kajora	Post Office Kojoragram	Western Kajora Collieries (Private) Limited, 178, Mahatama Gandhi Road, Calcutta.	2,37,000
705	West Baraboni	Post Office Raghunath Chak.	Modern Coal Trading Company (Private) Limited, Post Office, Raghunath Chak, Burdwan.	71,000
706	West Palasiha	Post Office Asansol	P.K. Aggarwala and Others (B.L. Agarwala and Sons), Post Office, Jharia.	4,000
707	West Jamuria	Post Office Charanpur	West Jamuria Coal Company Limited, 2, Brabourne Road, Calcutta.	4,000
<i>Darjeeling Coalfield</i>				
708	Dalingkota	Post Office Pillan's Hat	Himalaya Coal and Mineral Industries, Post Office, Bagrakote, Darjeeling.	4,000
709	East Bagrakote	Post Office Pillan's Hat	Dalingkote Colliery, Post Office, Pillan's Hat, Darjeeling.	4,000
710	Cagu	Post Office Manabari	Choudhury and Chakravarty, Chaturbhati, Post Office, Bagrakote.	4,000
711	Lithi Valley	Post Office Fagu	B.D. Sharma, Darjeeling.	4,000

Explanation.—In this Schedule, wherever any amount, specified in the fifth column against a coal mine, has been declared in the footnotes to include also the amount payable in relation to one or more other coal mines, all the coal mines in relation to which such amount has been specified in the said column as payable, shall be deemed, for the purposes of this Act to constitute a group of coal mines.

APPRENTICES (AMENDMENT) ACT, 1973

No. 27 OF 1973

[7th June, 1973]

An Act further to amend the Apprentices Act, 1961.

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

Short title and commencement.

1. (1) This Act may be called the Apprentices (Amendment) Act, 1973.

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

Amendment of long title.

2. In the long title to the Apprentices Act, 1961 (hereinafter referred to as the principal Act), the words "in trades" shall be omitted.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (4),—

(i) clause (b) shall be omitted;

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

"(c) any such special apprenticeship scheme for imparting training to apprentices as may be notified by the Central Government in the Official Gazette."

Amendment of section 2.

4. In section 2 of the principal Act,—

(i) clause (a) shall be re-lettered as clause (aa) and—

(1) before clause (aa) as so re-lettered, the following clause

1-12-1974: Vide Notifn. No. G.S.R. 1293, dt. 30-11-1974.

shall be inserted, namely:—

'(a) "All India Council" means the All India Council of Technical Education established by the resolution of the Government of India in the former Ministry of Education No. F. 16-10/44-E.III, dated the 30th November, 1945;'

(2) in clause (aa) as so re-lettered, the words "in a designated trade" shall be omitted;

(3) after clause (aa) as so re-lettered, the following clause shall be inserted, namely:—

'(aaa) "apprenticeship training" means a course of training in any industry or establishment undergone in pursuance of a contract of apprenticeship and under prescribed terms and conditions which may be different for different categories of apprentices;'

(ii) in clause (d), in sub-clause (l), after item (a), the following item shall be inserted, namely:—

"(aa) the practical training of graduate or technician apprentices, or";

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

'(dd) "Board or State Council of Technical Education" means the Board or State Council of Technical Education established by the State Government;'

(iv) in clause (e), for the words "means a trade", the words "means any trade or occupation or any subject field in engineering or technology" shall be substituted;

(v) for clauses (j) and (k), the following clauses shall be substituted, namely:—

(j) "graduate or technician apprentice" means an apprentice who holds, or is undergoing training in order that he may hold a degree or diploma in engineering or technology or equivalent qualification granted by any institution recognised by the Government and undergoes apprenticeship training in any such subject field in engineering or technology as may be prescribed;

(k) "industry" means any industry or business in which any trade, occupation or subject field in engineering or technology may be specified as a designated trade;'

(vi) after clause (m), the following clause shall be inserted, namely:—

(mm) "Regional Board" means any Board of Apprenticeship Training registered under the Societies Registration Act, 1860 at Bombay, Calcutta, Madras or Kanpur;'

(vii) after clause (p), the following clause shall be inserted, namely:—

‘(q) “trade apprentice” means an apprentice who undergoes apprenticeship training in any such trade or occupation as may be prescribed.’

Amendment of section 3.

5. In section 3 of the principal Act, in the proviso, the following shall be added at the end, namely:—

“and for different categories of apprentices”.

Insertion of new section 3A.

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

‘3A. (1) In every designated trade, training places shall be reserved by the employer for the Scheduled Castes and the Scheduled Tribes.

(2) The number of training places to be reserved for the Scheduled Castes and the Scheduled Tribes under sub-section (1) shall be such as may be prescribed, having regard to the population of the Scheduled Castes and the Scheduled Tribes in the State concerned.

Explanation.—In this section, the expressions “Scheduled Castes” and “Scheduled Tribes” shall have the meanings as in clauses (24) and (25) of article 366 of the Constitution.’

Reservation of training places for the Scheduled Castes and the Scheduled Tribes in designated trades.

Substitution of new section for section 4.

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

“4. (1) No person shall be engaged as an apprentice to undergo apprenticeship training in a designated trade unless such person or, if he is a minor, his guardian has entered into a contract of apprenticeship with the employer.

(2) The apprenticeship training shall be deemed to have commenced on the date on which the contract of apprenticeship has been entered into under sub-section (1).

(3) Every contract of apprenticeship may contain such terms and conditions as may be agreed to by the parties to the contract:

Provided that no such term or condition shall be inconsistent with any provision of this Act or any rule made thereunder.

(4) Every contract of apprenticeship entered into under sub-section (1) shall be sent by the employer within such period as may be prescribed to the Apprenticeship Adviser for registration.

(5) The Apprenticeship Adviser shall not register a contract of apprenticeship unless he is satisfied that the person described as an apprentice in the contract is qualified under this Act for being engaged as an apprentice to undergo apprenticeship training in the designated trade specified in the contract.

(6) Where the Central Government, after consulting the Central Apprenticeship Council, makes any rule varying the terms and

Contract of apprenticeship.

conditions of apprenticeship training of any category of apprentices undergoing such training, then, the terms and conditions of every contract of apprenticeship relating to that category of apprentices and subsisting immediately before the making of such rule shall be deemed to have been modified accordingly.”.

8. In section 6 of the principal Act,—

Amend-
ment of
section 6.

(i) in clause (a),—

(a) for the word “apprentices”, the words “trade apprentices” shall be substituted;

(b) for the words “that Council”, the words “that Council or by an institution recognised by that Council” shall be substituted;

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

“(aa) in the case of trade apprentices who, having undergone institutional training in a school or other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette specify in this behalf, have passed the trade tests conducted by that Board or State Council or authority, the period of apprenticeship training shall be such as may be prescribed;”;

(iii) in clause (b), for the word “apprentices”, the words “trade apprentices” shall be substituted;

(iv) after clause (b), the following clause shall be inserted, namely:—

“(c) in the case of graduate or technician apprentices, the period of apprenticeship training shall be such as may be prescribed.”.

9. In section 8 of the principal Act,—

Amend-
ment of
section 8.

(i) for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely:—

(1) The Central Government shall, after consulting the Central Apprenticeship Council, by order notified in the Official Gazette, determine for each designated trade the ratio of trade apprentices to workers other than unskilled workers in that trade:

Provided that nothing contained in this sub-section shall be deemed to prevent any employer from engaging a number of trade apprentices in excess of the ratio determined under this sub-section.

(2) In determining the ratio under sub-section (1), the Central Government shall have regard to the facilities available for apprenticeship training under this Act in the designated trade

concerned as well as to the facilities that may have to be made available by an employer for the training of graduate or technician apprentices, if any, in pursuance of any notice issued to him under sub-section (3A) by the Central Apprenticeship Adviser or such other person as is referred to in that sub-section.

(3) The Apprenticeship Adviser may, by notice in writing, require an employer to engage such number of trade apprentices within the ratio determined by the Central Government for any designated trade in his establishment, to undergo apprenticeship training in that trade and the employer shall comply with such requisition:

Provided that in making any requisition under this sub-section, the Apprenticeship Adviser shall have regard to the facilities actually available in the establishment concerned.

(3A) The Central Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf shall, having regard to—

(i) the number of managerial persons (including technical and supervisory persons) employed in a designated trade;

(ii) the number of management trainees engaged in the establishment;

(iii) the totality of the training facilities available in a designated trade; and

(iv) such other factors as he may consider fit in the circumstances of the case,

by notice in writing, require an employer to impart training to such number of graduate or technician apprentices in such trade in his establishment as may be specified in such notice and the employer shall comply with such requisition.

Explanation.—In this sub-section the expression “management trainee” means a person who is engaged by an employer for undergoing a course of training in the establishment of the employer (not being apprenticeship training under this Act) subject to the condition that on successful completion of such training, such person shall be employed by the employer on a regular basis.’;

(ii) in sub-section (5), after the words “in excess of the ratio determined by the Central Government”, the words, brackets, figure and letter “or in excess of the number specified in a notice issued under sub-section (3A)” shall be inserted.

10. In section 9 of the principal Act,—

(i) in sub-section (2),—

(a) in the opening paragraph, for the words “The Central Apprenticeship Adviser”, the words “The Central Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf” shall be substituted;

Amend-
ment of
section 9.

(b) in the proviso, for the words "the State Apprenticeship Adviser", the words "the State Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the State Apprenticeship Adviser in writing in this behalf" shall be substituted;

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

"(3) Such of the trade apprentices as have not undergone institutional training in a school or other institution recognised by the National Council or any other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, shall, before admission in the workshop for practical training, undergo a course of basic training.";

(iii) in sub-section (4), for the words "the apprentices", the words "the trade apprentices" shall be substituted;

(iv) after sub-section (4), the following sub-sections shall be inserted, namely:—

"(4A) Notwithstanding anything contained in sub-section (4), if the number of apprentices to be trained at any time in any establishment in which five hundred or more workers are employed, is less than twelve the employer in relation to such establishment may depute all or any of such apprentices to any Basic Training Centre or Industrial Training Institute for basic training in any designated trade, in either case, run by the Government."

"(4B) Where an employer deputes any apprentice under sub-section (4A), such employer shall pay to the Government the expenses incurred by the Government on such training, at such rate as may be specified by the Central Government.";

(v) in sub-sections (5) and (6), for the words "the apprentices", the words "the trade apprentices" shall be substituted;

(vi) in sub-section (7), for the words "The syllabus of", the words "In the case of an apprentice other than a graduate or technician apprentice, the syllabus of" shall be substituted;

(vii) after sub-section (7), the following sub-section shall be inserted, namely:—

"(7A) In the case of graduate or technician apprentices the programme of apprenticeship training and the facilities required for such training in any subject field in engineering or technology shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.";

(viii) in sub-section (8),—

(a) in clause (a), for the words, brackets and letter "practical training imparted to apprentices other than those referred to in clause (a)", the words, brackets and letters "practical training, including basic training, imparted to trade apprentices other than those referred to in clauses (a) and (aa)" shall be substituted;

(b) in clause (b), for the words, brackets and letter "practical training imparted to apprentices referred to in clause (a)", the words, brackets and letters "practical training, including basic training, imparted to trade apprentices referred to in clauses (a) and (aa)" shall be substituted;

(c) after clause (b), the following clause shall be inserted, namely:—

"(c) recurring costs (excluding the cost of stipends) incurred by an employer in connection with the practical training imparted to graduate or technician apprentices shall be borne by the employer and the cost of stipends shall be borne by the Central Government and the employer in equal shares up to such limit as may be laid down by the Central Government and beyond that limit, by the employer alone."

Amendment of section 10.

11. In section 10 of the principal Act,—

(i) in sub-section (1), for the words "An apprentice", the words "A trade apprentice" shall be substituted and for the words "the apprentice", the words "the trade apprentice" shall be substituted;

(ii) in sub-section (3), for the words "an apprentice" the words "a trade apprentice" shall be substituted;

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

"(4) In the case of trade apprentices who, after having undergone a course of institutional training, have passed the trade tests conducted by the National Council or have passed the trade tests and examinations conducted by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, the related instruction may be given on such reduced or modified scale as may be prescribed.

(5) Where any person has, during his course in a technical institution, become a graduate or technician apprentice and during his apprenticeship training he has to receive related instruction, then, the employer shall release such person from practical training to receive the related instruction in such institution, for such period as may be specified by the Central Apprenticeship Adviser or by any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf."

Amendment of section 11.

12. In section 11 of the principal Act, in clause (b), for the words "duly qualified", the words "who possesses the prescribed qualifications" shall be substituted.

Amendment of section 12.

13. Section 12 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, for the words "Every apprentice", the words "Every trade apprentice" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Every graduate or technician apprentice undergoing apprenticeship training shall have the following obligations, namely:—

(a) to learn his subject field in engineering or technology conscientiously and diligently at his place of training;

(b) to attend the practical and instructional classes regularly;

(c) to carry out all lawful orders of his employer and superiors in the establishment;

(d) to carry out his obligations under the contract of apprenticeship which shall include the maintenance of such records of his work as may be prescribed.”

14. In section 13 of the principal Act—

Amendment of section 13.

(i) in sub-section (1), for the words “prescribed minimum rate”, the words, letters and figures “prescribed minimum rate, or the rate which was being paid by the employer on 1st January, 1970 to the category of apprentices under which such apprentice falls, whichever is higher,” shall be substituted;

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

“(2) An apprentice shall not be paid by his employer on the basis of piece work nor shall he be required to take part in any output bonus or other incentive scheme.”

15. In section 17 of the principal Act, for the words “applicable to workers in the trade”, the words “applicable to employees of the corresponding category” shall be substituted.

Amendment of section 17.

16. In section 21 of the principal Act,—

Amendment of section 21.

(i) in sub-section (1), for the word “apprentice”, the words “trade apprentice” shall be substituted and for the words “served his apprenticeship”, the words “undergone his apprenticeship training” shall be substituted;

(ii) in sub-section (2), for the word “apprentice”, the words “trade apprentice” shall be substituted;

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

(3) The progress in apprenticeship training of every graduate or technician apprentice shall be assessed by the employer from time to time.

(4) Every graduate or technician apprentice, who completes his apprenticeship training to the satisfaction of the Central Apprenticeship Council, shall be granted a certificate of proficiency by that Council."

Amendment of section 23.

17. In section 23 of the principal Act,—

(i) in sub-section (1), items (e) and (f) shall be re-lettered as items (h) and (i) respectively and before item (h) as so re-lettered, the following items shall be inserted, namely:—

- “(e) The All India Council,
- (f) The Regional Boards,
- (g) The Boards or State Councils of Technical Education.”;

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

“(2A) Every Board or State Council of Technical Education and every Regional Board shall be affiliated to the Central Apprenticeship Council.”;

(iii) in sub-section (3), in the proviso, after the words “the State Apprenticeship Council”, the words “and the Board or State Council of Technical Education” shall be inserted.

Amendment of section 24.

18. In section 24 of the principal Act,—

(i) in sub-section (2),—

(a) for the words “a Chairman”, the words “a Chairman and a Vice-Chairman” shall be substituted;

(b) in clause (b), the word “and” occurring at the end shall be omitted;

(c) in clause (c), for the words “industry and labour.”, the words “industry, labour and technical education, and” shall be substituted;

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

“(d) representatives of the All India Council and of the Regional Boards.”;

(ii) in sub-section (4),—

(a) for the words “a Chairman”, the words “a Chairman and a Vice-Chairman” shall be substituted;

(b) in clause (b), the word “and” occurring at the end shall be omitted;

(c) in clause (c), for the words “industry and labour.”, the words “industry, labour and technical education, and” shall be substituted;

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

“(d) representatives of the Board or of the State Council of Technical Education.”;

(iii) in sub-section (6), for the words "the Chairman" in both the places where they occur, the words "the Chairman and the Vice-Chairman" shall be substituted.

19. In section 27 of the principal Act,—

Amendment of section 27.

(i) in sub-section (1), for the words "may appoint suitable persons as Deputy and Assistant Apprenticeship Advisers", the words "may appoint suitable persons as Additional, Joint, Regional, Deputy and Assistant Apprenticeship Advisers" shall be substituted;

(ii) in sub-section (2), for the words "Every Deputy or Assistant Apprenticeship Adviser", the words "Every Additional, Joint, Regional, Deputy or Assistant Apprenticeship Adviser" shall be substituted.

20. In section 28 of the principal Act, for the words "every Deputy or Assistant Apprenticeship Adviser", the words "every Additional, Joint, Regional, Deputy or Assistant Apprenticeship Adviser" shall be substituted.

Amendment of section 28.

21. In section 29 of the principal Act, in sub-section (1),—

Amendment of section 29.

(i) for the words "Central Apprenticeship Adviser", the words "Central Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the Central Apprenticeship Adviser in writing in this behalf" shall be substituted;

(ii) in the proviso, for the words "a State Apprenticeship Adviser", the words "a State Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the State Apprenticeship Adviser in writing in this behalf" shall be substituted.

22. In section 30 of the principal Act, in sub-section (2), in clause (b), for the words "the Central or the State Apprenticeship Adviser", the words "the Central or the State Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the Central or the State Apprenticeship Adviser in writing in this behalf" shall be substituted.

Amendment of section 30.

23. In section 35 of the principal Act, in sub-section (2), in clause (b), for the words "a Deputy or Assistant Apprenticeship Adviser", the words "an Additional, a Joint, a Regional, a Deputy or an Assistant Apprenticeship Adviser" shall be substituted.

Amendment of section 35.

24. In section 37 of the principal Act, in sub-section (3), for the words "or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

Amendment of section 37.

THE MANIPUR APPROPRIATION ACT, 1973

No. 28 OF 1973

[31st July, 1973.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Manipur for the services of the financial year 1973-74.

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

Short title.

1. This Act may be called the Manipur Appropriation Act, 1973.

Issue of Rs. 47,16,27,000 out of the Consolidated Fund of the State of Manipur for the financial year 1973-74.

2. From and out of the Consolidated Fund of the State of Manipur 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 Manipur Appropriation (Vote on Account) Act, 1973] to the sum of forty-seven crores, sixteen lakhs and twenty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Manipur 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)

I No. of Vote	Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
1	Land Revenue	20,00,000	..	20,00,000
2	State Excise	2,00,000	..	2,00,000
3	Taxes on Vehicles	1,31,000	..	1,31,000
4	Sales Tax	1,89,000	..	1,89,000
5	Other Taxes and Duties	7,000	..	7,000
6	Stamps	30,000	..	30,000
7	Registration	93,000	..	93,000
	<i>Interest on Debt and Other Obligations</i>	..	1,64,31,000	1,64,31,000
8	Parliament, State and Union Territories Legislature	10,58,000	42,000	11,00,000
9	General Administration	1,09,36,000	6,28,000	1,15,64,000
10	Administration of Justice	4,17,000	1,83,000	6,00,000
11	Jails	7,00,000	..	7,00,000
12	Police	3,54,87,000	13,000	3,55,00,000
13	Civil Supplies	6,50,000	..	6,50,000
14	Education	5,55,14,000	..	5,55,14,000
15	Medical	1,10,01,000	..	1,10,01,000
16	Public Health	46,33,000	..	46,33,000
17	Family Planning	11,05,000	..	11,05,000
18	Agriculture and Fisheries	78,42,000	..	78,42,000
19	Animal Husbandry	32,35,000	..	32,35,000
20	Co-operation	15,50,000	..	15,50,000
21	Industries	46,77,000	..	[46,77,000
22	Community Development	1,04,40,000	..	1,04,40,000
23	Labour	4,25,000	..	4,25,000
24	Statistics	8,11,000	..	8,11,000
25	Irrigation	24,20,000	..	24,20,000
26	Electricity	1,14,00,000	..	1,14,00,000
27	Public Works (Original Works and Repairs)	[95,00,000	..	95,00,000
28	Public Works (Establishment)	1,53,48,000	1,52,000	1,55,00,000
29	Road Transport	80,00,000	..	80,00,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
30	Famine	82,00,000	..	82,00,000
31	Pension and Other Retirement Benefits	10,80,000	..	10,80,000
32	Stationery and Printing	10,00,000	..	10,00,000
33	Forest	30,89,000	..	30,89,000
34	Miscellaneous	88,81,000	1,000	88,82,000
35	Capital Outlay on Public Health	84,00,000	..	84,00,000
36	Capital Outlay on Irrigation, Naviga- tion and Drainage Works	1,50,00,000	..	1,50,00,000
37	Capital Outlay on Flood Control	20,00,000	..	20,00,000
38	Capital Outlay on Electricity	1,45,00,000	..	1,45,00,000
39	Capital Outlay on Roads	2,35,00,000	..	2,35,00,000
40	Capital Outlay on Buildings	2,76,98,000	..	2,76,98,000
41	Capital Outlay on Road Transport	8,00,000	..	8,00,000
42	Capital Outlay on State Trading	10,12,10,000	..	10,12,10,000
	<i>Appropriation—Repayment of Loans</i>	..	2,50,00,000	2,50,00,000
43	Capital Outlay on Industrial and Economic Development	55,99,000	..	55,99,000
44	Loans and Advances	84,21,000	..	84,21,000
	TOTAL	42,91,77,000	4,24,50,000	47,16,27,000

THE ANDHRA PRADESH APPROPRIATION (No. 2)

ACT, 1973

No. 29 OF 1973

[31st July, 1973.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Andhra Pradesh for the services of the financial year 1973-74.

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

1. This Act may be called the Andhra Pradesh Appropriation (No. 2) Act, 1973. Short title.

2. From and out of the Consolidated Fund of the State of Andhra Pradesh 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 Andhra Pradesh Appropriation (Vote on Account) Act, 1973] to the sum of six hundred and fifty-five crores, fifty lakhs and seventy thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74 in respect of the services specified in column 2 of the Schedule. Issue of Rs. 655,50,70,000 out of the Consolidated Fund of the State of Andhra Pradesh for the financial year 1973-74.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Andhra Pradesh 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	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
I	Land Revenue	6,44,40,000	..	6,44,40,000
II	Excise Department	2,89,68,000	32,000	2,90,00,000
III	Taxes on Vehicles	38,92,000	8,000	39,00,000
IV	Sales Tax Administration	1,67,86,000	14,000	1,68,00,000
V	Other Taxes and Duties Administration	9,00,000	..	9,00,000
VI	Stamps Administration	28,00,000	..	28,00,000
VII	Registration Department	77,58,000	15,000	77,59,000
	Debt Charges	88,24,14,000	..	88,24,14,000
VIII	State Legislature	1,78,23,000	1,82,000	80,05,000
IX	Heads of State, Ministers and Headquarters Staff	5,73,86,000	18,98,000	5,92,84,000
X	District Administration and Miscellaneous	14,24,79,000	12,000	14,24,91,000
XI	Administration of Justice	2,98,21,000	41,79,000	3,40,00,000
XII	Jails	1,47,46,000	..	1,47,46,000
XIII	Police	19,12,05,000	50,000	19,12,55,000
XIV	Commerce and Export Promotion Department, Weights and Measures, etc.	1,32,24,000	..	1,32,24,000
XV	Miscellaneous Departments	2,24,31,000	..	2,24,31,000
XVI	Mines and Archaeology, etc.	51,48,000	..	51,48,000
XVII	Education	78,99,88,000	4,000	78,99,92,000
XVIII	Medical	19,05,82,000	..	19,05,82,000
XIX	Public Health and Family Planning	13,13,16,000	..	13,13,16,000
XX	Agriculture]	10,34,29,000	..	10,34,29,000
XXI	Fisheries	1,36,04,000	..	1,36,04,000
XXII	Animal Husbandry	6,48,93,000	..	6,48,93,000
XXIII	Co-operation	2,59,55,000	..	2,59,55,000
XXIV	Industries	2,87,18,000	..	2,87,18,000
XXV	Community Development Projects, National Extension Service and Local Development Works	10,87,52,000	..	10,87,52,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
XXVI	Labour and Employment	2,12,96,000	..	2,12,96,000
XXVII	Other Miscellaneous Social and Developmental Organisations	94,64,000	..	94,64,000
XXVIII	Women's Welfare Department, etc.	55,65,000	..	55,65,000
XXIX	Welfare of Scheduled Tribes, Castes and Other Backward Classes	15,13,11,000	..	15,13,11,000
XXX	Interest on Capital Outlay on Multi-purpose River Schemes	12,65,56,000	..	12,65,56,000
XXXI	Irrigation	26,79,47,000	..	26,79,47,000
XXXII	Electricity	9,63,36,000	..	9,63,36,000
XXXIII	Public Works	20,75,78,000	94,000	20,76,72,000
XXXIV	Ports and Pilotage	74,52,000	..	74,52,000
XXXV	Famine Relief	4,82,51,000	..	4,82,51,000
XXXVI	Pensions	6,71,60,000	13,20,000	6,84,80,000
XXXVII	Territorial and Political Pensions	3,94,000	..	3,94,000
XXXVIII	Privy Purses and Allowances of Indian Rulers	25,000	..	25,000
XXXIX	Stationery and Printing	2,28,37,000	1,13,000	2,29,50,000
XL	Forest Department	6,03,52,000	30,000	6,03,82,000
XLI	Miscellaneous	14,17,95,000	50,000	14,18,45,000
XLII	Municipal Administration	1,05,57,000	..	1,05,57,000
XLIII	Other Miscellaneous Compensations and Assignments	8,59,05,000	26,95,000	8,86,00,000
XLIV	Compensation to Zamindars	8,91,000	..	8,91,000
XLV	Capital Outlay on Improvement of Public Health	3,67,16,000	..	3,67,16,000
XLVI	Capital Outlay on Schemes of Agricultural Improvement and Research	6,00,000	..	6,00,000
XLVII	Capital Outlay on Industrial and Economic Development	6,90,53,000	35,11,000	7,25,64,000
XLVIII	Capital Outlay on Multi-purpose River Schemes	5,65,00,000	..	5,65,00,000
XLIX	Capital Outlay on Irrigation	17,36,54,000	..	17,36,54,000
L	Capital Outlay on Electricity Schemes	4,61,38,000	..	4,61,38,000
LI	Capital Outlay on Public Works	5,16,42,000	..	5,16,42,000
LII	Other Works	1,70,000	..	1,70,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
LIII	Capital Outlay on Forests	2,15,000	..	2,15,000
LIV	Commuted Value of Pensions	45,00,000	1,00,000	46,00,000
LV	Capital Outlay on Schemes of Government Trading	25,85,25,000	1,50,000	25,86,75,000
LVI	Loans and Advances by the State Government	18,62,29,000	..	18,62,29,000
	Public Debt Repayment	..	1,37,64,55,000	1,37,64,55,000
	TOTAL	4,28,17,58,000	2,27,33,12,000	6,55,50,70,000

THE ORISSA APPROPRIATION (No. 2) ACT, 1973

No. 30 OF 1973

[31st July, 1973]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Orissa for the services of the financial year 1973-74.

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

1. This Act may be called the Orissa Appropriation (No. 2) Act, 1973.
2. From and out of the Consolidated Fund of the State of Orissa 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 Orissa Appropriation (Vote on Account) Act, 1973] to the sum of three hundred and forty-six crores, nineteen lakhs and fifteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74 in respect of the services specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Orissa by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short
title.
Issue
of Rs. 346,
19,15,000
out of
the Con-
solidated
Fund
of the
State of
Orissa
for the
financial
year
1973-74.

Appre-
riation.

11 of 1973

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	Elections and Other Expenditure relating to the Home Department	1,29,41,000	15,93,000	1,45,34,000
2	Jails	1,01,95,000	..	1,01,95,000
3	Police	9,77,39,000	..	9,77,39,000
4	Expenditure relating to the Planning and Co-ordination Department	50,30,000	..	50,30,000
4-A	Expenditure relating to the Rural Development Department	6,51,90,000	..	6,51,90,000
5	Community Development Projects, etc.	13,58,29,000	..	13,58,29,000
6	Expenditure relating to the Political and Services Department	52,46,000	3,60,000	56,06,000
6-A	Expenditure relating to the Political and Services (R. V. D.) Department	1,92,000	..	1,92,000
7	Cultural Affairs	27,60,000	..	27,60,000
8	Stamps	9,82,000	..	9,82,000
9	Ministers, Civil Secretariat and Other Expenditure relating to the Finance Department	3,15,64,000	8,00,000	3,23,64,000
10	Pensions	2,12,10,000	57,000	2,12,67,000
11	Expenditure relating to the Education Department	33,66,92,000	..	33,66,92,000
11-A	Text Book Press	39,35,000	..	39,35,000
12	Taxation	1,17,65,000	35,000	1,18,00,000
13	Land Revenue	7,48,26,000	..	7,48,26,000
14	Excise	56,06,000	..	56,06,000
15	Registration	28,95,000	..	28,95,000
16	District Administration and Other Expenditure relating to the Revenue Department	4,02,85,000	1,25,00,000	5,27,85,000
17	Expenditure relating to the Industries Department	3,62,61,000	..	3,62,61,000

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.
17-A	Mines	48,85,000	..	48,85,000
18	Civil and Sessions Courts and Other Expenditure relating to the Law Department	77,58,000	..	77,58,000
19	Government Press and Other Ex- penditure relating to the Com- merce Department	1,43,25,000	..	1,43,25,000
20	Labour, Employment and Housing .	93,65,000	..	93,65,000
21	Tribal and Rural Welfare	5,75,33,000	..	5,75,33,000
22	Medical and Other Expenditure relating to the Health and Family Planning Department	8,32,99,000	..	8,32,99,000
23	Public Health	7,47,88,000	..	7,47,88,000
24	Irrigation	15,04,95,000	5,000	15,05,00,000
24-A	Lift Irrigation	1,08,79,000	..	1,08,79,000
25	Public Works	15,23,77,000	3,61,000	15,27,38,000
26	State Legislature	21,60,000	72,000	22,32,000
27	Public Works, Common Establish- ment	3,58,54,000	..	3,58,54,000
28	Electricity Schemes	2,04,92,000	..	2,04,92,000
29	Taxes on Vehicles	28,70,000	..	28,70,000
30	Transport Schemes	4,26,57,000	20,000	4,26,77,000
31	Forest	6,36,57,000	..	6,36,57,000
32	Fisheries	1,31,29,000	..	1,31,29,000
33	Co-operation and Marketing	1,96,25,000	..	1,96,25,000
34	Expenditure relating to the Urban Development Department	6,64,69,000	..	6,64,69,000
35	Animal Husbandry	3,52,31,000	..	3,52,31,000
36	Public Relations and Tourism	51,70,000	..	51,70,000
37	Agriculture	9,18,05,000	..	9,18,05,000
38	Supply Department	85,61,000	..	85,61,000
39	Posts	3,00,000	..	3,00,000
	Interest on Debt and Other Obligations	..	28,97,80,000	28,97,80,000
	Appropriation for Reduction or Avoid- ance of Debt . . . . .	..	7,06,71,000	7,06,71,000
41	Loans to Local Funds, Government Servants, etc.	1,23,00,000	..	1,23,00,000
42	Compensation for Abolition of Zamindari System and Other Ex- penditure relating to Revenue Department	84,23,000	..	84,23,000

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.
43	Multi-purpose River, Irrigation and Electricity Schemes	31,01,13,000	..	31,01,13,000
43-A	Capital Expenditure relating to Lift Irrigation	49,00,000	..	49,00,000
44	Agricultural Improvement and Re- search	4,76,84,000	..	4,76,84,000
45	Government Trading Schemes	7,00,00,000	..	7,00,00,000
46	Road and Water Transport Schemes	30,69,000	..	30,69,000
47	Capital Expenditure relating to Pub- lic Health and Urban Development Department	2,42,77,000	..	2,42,77,000
48	Capital Outlay on Industrial Develop- ment	1,33,55,000	..	1,33,55,000
49	Hirakud Dam Project	6,00,000	..	6,00,000
50	Capital Outlay on Ports	32,00,000	..	32,00,000
51	Capital Expenditure relating to Labour, Employment and Hous- ing Department	81,00,000	..	81,00,000
52	Capital Expenditure relating to the Education Department	49,82,000	..	49,82,000
53	Capital Expenditure relating to Home Department	5,00,000	..	5,00,000
54	Capital Outlay on Forests	9,94,89,000	..	9,94,89,000
55	Share Capital Contribution and Loans to Co-operative Organisations	2,67,40,000	..	2,67,40,000
56	Capital Expenditure relating to Rural Development Department	2,99,40,000	10,000	2,99,50,000
57	Capital Expenditure relating to Animal Husbandry Department	7,60,000	..	7,60,000
58	Capital Expenditure relating to the Grama Panchayat Department	1,62,000	..	1,62,000
60	Capital Outlay on Public Works	7,26,14,000	1,30,000	7,27,44,000
61	Capital Expenditure relating to the Mining and Geology Department	55,00,000	..	55,00,000
62	Capital Expenditure relating to Tribal and Rural Welfare Depart- ment	2,00,000	..	2,00,000
	Permanent Debt (Repayment)	..	20,00,000	20,00,000
	Floating Debt (Repayment)	..	5,40,00,000	5,40,00,000
	Loans from the Central Government (Repayment)	..	39,88,10,000	39,88,10,000
	Other Loans (Repayment)	..	89,76,000	89,76,000
	TOTAL	262,17,35,000	84,01,80,000	346,19,15,000

THE MYSORE STATE (ALTERATION OF NAME)
ACT, 1973

No. 31 OF 1973

[21st August, 1973]

An Act to alter the name of the State of Mysore.

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

1. (1) This Act may be called the Mysore State (Alteration of Name) Act, 1973.

Short
title
and com-
mence-
ment.

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

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

Defini-
tions.

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

(b) "appropriate Government" means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(c) "law" includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Mysore.

3. As from the appointed day, the State of Mysore shall be known as the State of Karnataka.

Alteration
of name
of State
of Mysore.

4. In sub-clause (a) of clause (1) of article 168 of the Constitution, for the word "Mysore", the word "Karnataka" shall be substituted.

Amend-
ment of
article
168 of the
Constitu-
tion.

Amendment of First and Fourth Schedules to the Constitution.

5. (1) In the First Schedule to the Constitution, under the heading "I. THE STATES", for the figure and word "9. Mysore", the figure and word "9. Karnataka" shall be substituted.

(2) In the Fourth Schedule to the Constitution, for the figures and word "10. Mysore", the figures and word "10. Karnataka" shall be substituted.

Power to adapt laws.

6. (1) For the purpose of giving effect to the alteration of the name of the State of Mysore by section 3, the appropriate Government may, before the expiration of one year from the appointed day, by order, make such adaptations and modifications of any law made before the appointed day, whether by way of repeal or amendment as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

(2) Nothing in sub-section (1) shall be deemed to prevent a competent Legislature or other competent authority from repealing or amending any law adapted or modified by the appropriate Government under the said sub-section.

Power to construe laws.

7. Notwithstanding that no provision or insufficient provision has been made under section 6 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Legal proceedings.

8. Where immediately before the appointed day any legal proceedings are pending to which the State of Mysore is a party, the State of Karnataka shall be deemed to be substituted for the State of Mysore in those proceedings.

THE NATIONAL CO-OPERATIVE DEVELOPMENT CORPORATION (AMENDMENT) ACT, 1973

No. 32 OF 1973

[21st August, 1973.]

An Act to amend the National Co-operative Development Corporation Act, 1962.

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

1. This Act may be called the National Co-operative Development Corporation (Amendment) Act, 1973. Short title.

26 of 1962. 2. In sub-section (2) of section 1 of the National Co-operative Development Corporation Act, 1962 (hereinafter referred to as the principal Act), the words "except the State of Jammu and Kashmir" shall be omitted. Amendment of section 1.

3 After section 2 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 2A.

"2A. Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State." Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir.

4. In sub-section (3) of section 22 of the principal Act, for the words "or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted. Amendment of section 22.

THE UTTAR PRADESH STATE LEGISLATURE
(DELEGATION OF POWERS) ACT, 1973

No. 33 OF 1973

[22nd August, 1973]

An Act to confer on the President the power of the Legislature of the State of Uttar Pradesh to make laws.

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

1. This Act may be called the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973. Short title.

2. In this Act, "Proclamation" means the Proclamation issued on the 13th day of June, 1973, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs, No. GSR 316(E) of the said date. Definition.

3. (1) The power of the Legislature of the State of Uttar Pradesh to makes laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President. Conferment on the President of the power of the State Legislature to make laws.

(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 modification 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 LACCADIVE, MINICOY AND AMINDIVI ISLANDS
(ALTERATION OF NAME) ACT, 1973

No. 34 OF 1973

[26th August, 1973.]

An Act to alter the name of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Act, 1973.

Short title and commencement.

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

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

Definitions.

(a) "appointed day" means the date appointed under sub-section

(2) of section 1 for the coming into force of this Act;

(b) "law" includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

3. As from the appointed day, the Union territory of the Laccadive, Minicoy and Amindivi Islands shall be known as the Union territory of Lakshadweep.

Alteration of name of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

4. In article 240 of the Constitution, in clause (1), for entry (b), the following entry shall be substituted, namely:—

Amendment of article 240 of the Constitution.

"(b) Lakshadweep;"

¹ I-II-1973: vide Notification No. G. S. R. 475 (E) dated the 18th October, 1973.

Amend-
ment of
First
Schedule
to the
Constitu-
tion.

5. In the First Schedule to the Constitution, under the heading "II. THE UNION TERRITORIES", in entry 3, for the words "The Laccadive, Minicoy and Amindivi Islands.", the word "Lakshadweep." shall be substituted.

Power
to adapt
laws.

6. (1) For the purpose of giving effect to the alteration of the name of the Union territory of the Laccadive, Minicoy and Amindivi Islands by section 3, the Central Government may, before the expiration of one year from the appointed day, by order, make such adaptations and modifications of any law made before the appointed day, whether by way of repeal or amendment as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

(2) Nothing in sub-section (1) shall be deemed to prevent Parliament or other competent authority from repealing or amending any law adapted or modified by the Central Government under the said sub-section.

Power to
construe
laws.

7. Notwithstanding that no provision or insufficient provision has been made under section 6 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Legal
proceed-
ings.

8. Where immediately before the appointed day any legal proceedings are pending to which the Administrator of the Union territory of the Laccadive, Minicoy and Amindivi Islands is a party, or the Union of India represented by the said Administrator is a party, then, for the purposes of those proceedings, any reference to the Administrator of the Union territory of the Laccadive, Minicoy and Amindivi Islands shall be construed as a reference to the Administrator of the Union territory of Lakshadweep.

THE APPROPRIATION (NO. 3) ACT, 1973

No. 35 OF 1973

[28th August, 1973]

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 1973-74.

Enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 3) Act, 1973.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred and thirty-three crores, five lakhs and thirty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74, in respect of the services specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short
title.

Issue of
Rs. 1,33,
05,37,000
out of the
Consoli-
dated
Fund of
India for
the year
1973-74.

Appro-
priation.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
11	Foreign Trade Revenue .	1,28,00,000	..	1,28,00,000
	Capital .	74,00,00,000	..	74,00,00,000
28	Ministry of External Affairs Capital .	4,50,00,000	..	4,50,00,000
35	Currency, Coin- age and Mint Capital .	3,26,60,000	..	3,26,60,000
38	Transfers to State and Union Territory Gov- ernments . Revenue	40,00,00,000	..	40,00,00,000
	Capital .	..	10,00,00,000	10,00,00,000
39	Other Expenditure of the Ministry of Finance Revenue	1,000	..	1,000
67	Labour and Em- ployment Revenue .	..	58,000	58,000
81	Geological Survey . Revenue .	..	18,000	18,000
	TOTAL	1,23,04,61,000	10,00,76,000	1,33,05,37,000

THE CUSTOMS, GOLD (CONTROL) AND CENTRAL
EXCISES AND SALT (AMENDMENT) ACT, 1973

NO. 36 OF 1973

[1st September, 1973]

An Act further to amend the Customs Act, 1962, the Gold (Control) Act, 1968 and the Central Excises and Salt Act, 1944.

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

CHAPTER I

PRELIMINARY

1. This Act may be called the Customs, Gold (Control) and Central Excises and Salt (Amendment) Act, 1973. Short title.

CHAPTER II

AMENDMENTS TO THE CUSTOMS ACT, 1962

52 of 1962. 2. In section 111 of the Customs Act, 1962 (hereafter in this Chapter referred to as the Customs Act), in clause (m), for the words "any dutiable or prohibited goods which do not correspond in any material particular"; the words "any goods which do not correspond in respect of value or in any other particular" shall be substituted. Amendment of section 111.

3. In section 112 of the Customs Act, after clause (ii), the following clauses shall be inserted, namely:— Amendment of section 112.

"(iii) in the case of goods in respect of which the value stated in the entry made under this Act or in the case of baggage, in the declaration made under section 77 (in either case hereafter in this section referred to as the declared value) is higher than the value thereof, to a penalty not exceeding five times the difference between the declared value and the value thereof or one thousand rupees, whichever is the greater;

52 of 1962.

(iv) in the case of goods falling both under clauses (i) and (iii), to a penalty not exceeding five times the value of the goods or five times the difference between the declared value and the value thereof or one thousand rupees, whichever is the highest;

(v) in the case of goods falling both under clauses (ii) and (iii), to a penalty not exceeding five times the duty sought to be evaded on such goods or five times the difference between the declared value and the value thereof or one thousand rupees, whichever is the highest."

REPEALED

256

Customs, Gold (Control) and Central
Excises and Salt (Amendment) Act

[ACT 36

Amend-
ment of
section
123.

4. In section 123 of the Customs Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Where any goods to which this section applies are seized under this Act in the reasonable belief that they are smuggled goods, the burden of proving that they are not smuggled goods shall be—

(a) in a case where such seizure is made from the possession of any person,—

(i) on the person from whose possession the goods were seized; and

(ii) if any person, other than the person from whose possession the goods were seized, claims to be the owner thereof, also on such other person;

(b) in any other case, on the person, if any, who claims to be the owner of the goods so seized.”

Amend-
ment of
section
135.

5. Section 135 of the Customs Act shall be re-numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so re-numbered,—

(a) in clause (i), for the words “five years”, the words “seven years” shall be substituted;

(b) in clause (ii), for the words “two years”, the words “three years” shall be substituted;

(ii) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) If any person convicted of an offence under this section or under sub-section (1) of section 136 is again convicted of an offence under this section, then, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which may extend to seven years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the court such imprisonment shall not be for less than six months.

(3) For the purposes of sub-sections (1) and (2), the following shall not be considered as special and adequate reasons for awarding a sentence of imprisonment for a term of less than six months, namely:—

(i) the fact that the accused has been convicted for the first time for an offence under this Act;

(ii) the fact that in any proceeding under this Act, other than a prosecution, the accused has been ordered to pay a penalty or the goods which are the subject matter of such proceedings have been ordered to be confiscated or any other action has been taken against him for the same act which constitutes the offence;

(iii) the fact that the accused was not the principal offender and was acting merely as a carrier of goods or otherwise was a secondary party to the commission of the offence;

(iv) the age of the accused."

6. After section 135 of the Customs Act, the following sections shall be inserted, namely:—

Insertion
of new
sections
135A and
135B.

"135A. If a person makes preparation to export any goods in contravention of the provisions of this Act, and from the circumstances of the case it may be reasonably inferred that if not prevented by circumstances independent of his will, he is determined to carry out his intention to commit the offence, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Prepara-
tion.

135B. (1) Where any person is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the person to cause the name and place of business or residence of such person, nature of the contravention, the fact that the person has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of such person in such newspapers or in such manner as the court may direct.

Power of
court to
publish
name,
place of
business,
etc., of
persons
convict-
ed under
the Act.

(2) No publication under sub-section (1) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(3) The expenses of any publication under sub-section (1) shall be recoverable from the convicted person as if it were a fine imposed by the court."

7. In section 136 of the Customs Act, in sub-section (1), for the words "two years", the words "three years" shall be substituted.

Amend-
ment of
section
136.

8. In section 138 of the Customs Act, for the words, brackets and figures "under clause (i) of section 135", the words, brackets and figures "under clause (i) of sub-section (1) of section 135 or under sub-section (2) of that section" shall be substituted.

Amend-
ment of
section 138.

Insertion
of new
sections
138A and
138B.

Presump-
tion of
culpable
mental
state.

9. After section 138 of the Customs Act, the following sections shall be inserted, namely:—

'138A. (1) In any prosecution for an offence under this Act which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation.—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact.

(2) For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Relevancy
of state-
ments
under
certain
circum-
stances.

138B. (1) A statement made and signed by a person before any gazetted officer of customs during the course of any inquiry or proceeding under this Act shall be relevant, for the purpose of proving, in any prosecution for an offence under this Act, the truth of the facts which it contains,—

(a) when the person who made the statement is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or whose presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the court considers unreasonable; or

(b) when the person who made the statement is examined as a witness in the case before the court and the court is of opinion that, having regard to the circumstances of the case, the statement should be admitted in evidence in the interests of justice.

(2) The provisions of sub-section (1) shall, so far as may be, apply in relation to any proceeding under this Act, other than a proceeding before a court, as they apply in relation to a proceeding before a court.

Substitu-
tion of
new
section
for sec-
tion 139.

Presump-
tion as
to docu-
ments in
certain
cases.

10. For section 139 of the Customs Act, the following section shall be substituted, namely:—

"139. Where any document—

(i) is produced by any person or has been seized from the custody or control of any person, in either case, under this Act or under any other law, or

(ii) has been received from any place outside India in the course of investigation of any offence alleged to have been committed by any person under this Act,

and such document is tendered by the prosecution in evidence against him or against him and any other person who is tried jointly with him, the court shall—

(a) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document executed or attested, that it was executed or attested by the person by whom it purports to have been so executed or attested;

(b) admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence;

(c) in a case falling under clause (i) also presume, unless the contrary is proved, the truth of the contents of such document."

11. In Chapter XVI of the Customs Act, after section 140 the following section shall be inserted, namely:—

"140A. (1) Nothing contained in section 562 of the Code of Criminal Procedure, 1898, or in the Probation of Offenders Act, 1958, shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age.

(2) The provisions of sub-section (1) shall have effect notwithstanding anything contained in sub-section (3) of section 135."

Insertion
of new
section
140A.

Applica-
tion of
section
562 of
the Code
of Crimi-
nal
Proce-
dure,
1898, and
of the
Proba-
tion of
Offenders
Act,
1958.

12. In section 156 of the Customs Act, in sub-section (2), after clause (f), the following clause shall be added, namely:—

"(g) the publication, subject to such conditions as may be specified therein, of names and other particulars of persons who have been found guilty of contravention of any of the provisions of this Act or the rules."

Amend-
ment of
section
156.

CHAPTER III

AMENDMENTS TO THE GOLD (CONTROL) ACT, 1968

13. In section 67 of the Gold (Control) Act, 1968 [hereafter in this Chapter referred to as the Gold (Control) Act], for the words "Where any document is produced by any person under this Act or has been seized thereunder from the custody or control of any person and such document is tendered by the prosecution in evidence against him", the words "Where any document is produced by any person or has been seized from the custody or control of any person, in either case, under this Act or under any other law and such document is tendered by the prosecution in evidence against him or against him and any other person who is tried jointly with him" shall be substituted.

Amend-
ment of
section
67.

14. Section 85 of the Gold (Control) Act shall be re-numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so re-numbered, for the portion beginning with the words "shall, without prejudice to any action" and

Amend-
ment of
section
85.

5 of 1898.
20 of 1958.

5 of 1968.

ending with the words "which may be less than six months", the following shall be substituted, namely:—

"shall, without prejudice to any other action that may be taken under this Act, be punishable—

(a) if the offence is under clause (i), (ii), (iii), (iv) or (viii) [the offence under clause (viii) being a contravention of sub-section (3) of section 55] and the value of the gold involved therein exceeds one lakh of rupees, with imprisonment for a term which may extend to seven years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the court such imprisonment shall not be for a term of less than six months;

(b) in any other case, with imprisonment for a term which may extend to three years, or with fine, or with both.;"

(ii) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) If any person convicted of an offence under this section, or under sub-section (2) of section 95, is again convicted of an offence under this section, then, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which may extend to seven years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the court such imprisonment shall not be for a term of less than six months.

(3) For the purposes of sub-sections (1) and (2), the following shall not be considered as special and adequate reasons for awarding a sentence of imprisonment for a term of less than six months, namely:—

(i) the fact that the accused has been convicted for the first time for an offence under this Act;

(ii) the fact that in any proceeding under this Act, other than a prosecution, the accused has been ordered to pay a penalty or the goods in relation to such proceedings have been ordered to be confiscated or any other action has been taken against him for the same act which constitutes the offence;

(iii) the fact that the accused was not the principal offender and was acting merely as a carrier of goods or otherwise was a secondary party to the commission of the offence;

(iv) the age of the accused."

Insertion
of new
section
96A.

Certain
offences
to be
non-cog-
nisable.

Amend-
ment of
section
98.

15. After section 96 of the Gold (Control) Act, the following section shall be inserted, namely:—

"96A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under section 85 or section 87 or section 88 or section 89 or sub-section (2) of section 95 shall be deemed to be non-cognisable within the meaning of that Code."

5 of 1898.

16. In section 98 of the Gold (Control) Act, for clause (ii) the following clause shall be substituted, namely:—

"(ii) every offence against this Act, other than an offence punishable under clause (a) of sub-section (1), or under sub-section (2), of section 85, may be tried summarily by a magistrate;"

17. In Chapter XV of the Gold (Control) Act, after section 98, the following sections shall be inserted, namely:—

Insertion
of new
sections
98A, 98B,
98C and
98D.

'98A. (1) Where any person is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the person to cause the name and place of business or residence of such person, nature of the contravention, the fact that the person has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of such person in such newspapers or in such manner as the court may direct.

Power of
court to
publish
name,
place of
business,
etc., of
persons
convict-
ed under
the Act.

(2) No publication under sub-section (1) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(3) The expenses of any publication under sub-section (1) shall be recoverable from the convicted person as if it were a fine imposed by the court.

98B. (1) In any prosecution for an offence under this Act which requires a culpable mental state on the part of the accused; the court shall presume the existence of such mental state but it shall be open to the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Presump-
tion of
culpable
mental
state.

Explanation.—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact.

(2) For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

98C. (1) A statement made and signed by a person before any Gold Control Officer of a gazetted rank during the course of any inquiry or proceeding under this Act shall be relevant, for the purpose of proving, in any prosecution for an offence under this Act, the truth of the facts which it contains.

Relevancy
of state-
ments
under
certain
circum-
stances.

(a) when the person who made the statement is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or whose presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the court considers unreasonable; or

(b) when the person who made the statement is examined as a witness in the case before the court and the court is of opinion that, having regard to the circumstances of the case, the statement should be admitted in evidence in the interests of justice.

(2) The provisions of sub-section (1) shall, so far as may be, apply in relation to any proceeding under this Act, other than a proceeding before a court, as they apply in relation to a proceeding before a court.

Applica-
tion of
section
562 of
the Code
of Criminal
Proce-
dure, 1898,
and of
the Pro-
bation of
Offen-
ders Act,
1958.

98D. (1) Nothing contained in section 562 of the Code of Criminal Procedure, 1898, or in the Probation of Offenders Act, 1958, shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age.

(2) The provisions of sub-section (1) shall have effect notwithstanding anything contained in sub-section (3) of section 85.

Amend-
ment of
section
100.

18. In section 100 of the Gold (Control) Act, in sub-section (4), for the words "Nothing in this section shall apply to a petty transaction", the following shall be substituted, namely:—

"Nothing in this section shall apply to the acceptance, purchase or other receipt, by way of petty transactions, in the course of a day, of gold up to a quantity of one hundred grammes, by a licensed dealer or refiner or certified goldsmith, as the case may be."

Amend-
ment of
section
114.

19. In section 114 of the Gold (Control) Act, in sub-section (2), after clause (j), the following clause shall be inserted, namely:—

"(jj) the publication, subject to such conditions as may be specified therein, of names and other particulars of persons who have been found guilty of contravention of any of the provisions of this Act or the rules made thereunder."

CHAPTER IV

AMENDMENTS TO THE CENTRAL EXCISES AND SALT ACT, 1944

Amend-
ment of
section
9.

20. Section 9 of the Central Excises and Salt Act, 1944 (hereafter in this Chapter referred to as the Central Excises and Salt Act), shall be re-numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so re-numbered,—

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

"(bb) removes any excisable goods in contravention of any of the provisions of this Act or any rule made thereunder or in any way concerns himself with such removal;

(bbb) acquires possession of, or in any way concerns himself in transporting, depositing, keeping, concealing, selling or purchasing, or in any other manner deals with, any excisable goods which he knows or has reason to believe are liable to confiscation under this Act or any rule made thereunder;" and

(b) for the words "shall, for every such offence, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees,

REPEALED

Of 1973]

Customs, Gold (Control) and Central
Excises and Salt (Amendment)

263

or with both.", the following shall be substituted, namely:—

"shall be punishable,—

(i) in the case of an offence relating to any excisable goods, the duty leviable thereon under this Act exceeds one lakh of rupees, with imprisonment for a term which may extend to seven years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the Court such imprisonment shall not be for a term of less than six months;

(ii) in any other case, with imprisonment for a term which may extend to three years or with fine or with both.";

(ii) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) If any person convicted of an offence under this section is again convicted of an offence under this section, then, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which may extend to seven years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the Court such imprisonment shall not be for a term of less than six months.

(3) For the purposes of sub-sections (1) and (2), the following shall not be considered as special and adequate reasons for awarding a sentence of imprisonment for a term of less than six months, namely:—

(i) the fact that the accused has been convicted for the first time for an offence under this Act;

(ii) the fact that in any proceeding under this Act, other than a prosecution, the accused has been ordered to pay a penalty or the goods in relation to such proceedings have been ordered to be confiscated or any other action has been taken against him for the same act which constitutes the offence;

(iii) the fact that the accused was not the principal offender and was acting merely as a carrier of goods or otherwise was a secondary party in the commission of the offence;

(iv) the age of the accused."

Insertion
of new
sections
9A, 9B,
9C, 9D
and 9E.

21. After section 9 of the Central Excises and Salt Act, the following sections shall be inserted, namely:—

Certain
offences
to be
non-cog-
nisable.

9A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, offences under section 9 shall be deemed to be non-cognisable within the meaning of that Code. 5 of 1898.

Power of
Court to
publish
name,
place of
business,
etc., of
persons
convict-
ed under
the Act.

9B. (1) Where any person is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the Court convicting the person to cause the name and place of business or residence of such person, nature of the contravention, the fact that the person has been so convicted and such other particulars as the Court may consider to be appropriate in the circumstances of the case, to be published at the expense of such person, in such newspapers or in such manner as the Court may direct.

(2) No publication under sub-section (1) shall be made until the period for preferring an appeal against the orders of the Court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(3) The expenses of any publication under sub-section (1) shall be recoverable from the convicted person as if it were a fine imposed by the Court.

Presump-
tion of
culpable
mental
state.

9C. (1) In any prosecution for an offence under this Act which requires a culpable mental state on the part of the accused, the Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation.—In this section, “culpable mental state” includes intention, motive, knowledge of a fact, and belief in, or reason to believe, a fact.

(2) For the purposes of this section, a fact is said to be proved only when the Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Relevancy
of state-
ments
under
certain
circum-
stances.

9D. (1) A statement made and signed by a person before any Central Excise Officer of a gazetted rank during the course of any inquiry or proceeding under this Act shall be relevant, for the purpose of proving, in any prosecution for an offence under this Act, the truth of the facts which it contains,—

(a) when the person who made the statement is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or whose presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable;

(b) when the person who made the statement is examined as a witness in the case before the Court and the Court is of opinion that, having regard to the circumstances of the case, the statement should be admitted in evidence in the interests of justice.

(2) The provisions of sub-section (1) shall, so far as may be, apply in relation to any proceeding under this Act, other than a proceeding before a Court, as they apply in relation to a proceeding before a Court.

9E. (1) Nothing contained in section 562 of the Code of Criminal Procedure, 1898, or in the Probation of Offenders Act, 1958, shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age.

(2) The provisions of sub-section (1) shall have effect notwithstanding anything contained in sub-section (3) of section 9.

22. After section 34 of the Central Excises and Salt Act, the following section shall be inserted, namely:—

“34A. No confiscation made or penalty imposed under the provisions of this Act or of any rule made thereunder shall prevent the infliction of any other punishment to which the person affected thereby is liable under the provisions of this Act or under any other law.”.

23. In Chapter VI of the Central Excises and Salt Act, after section 36, the following section shall be inserted, namely:—

“36A. Where any document is produced by any person or has been seized from the custody or control of any person, in either case, under this Act or under any other law and such document is tendered by the prosecution in evidence against him or against him and any other person who is tried jointly with him, the Court shall,—

(a) unless the contrary is proved by such person, presume—

(i) the truth of the contents of such document;

(ii) that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the Court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document executed or attested, that it was executed or attested by the person by whom it purports to have been so executed or attested;

Applica-
tion of
section
562 of
the Code
of Crimi-
nal Proce-
dure,
1898,
and of
the Pro-
bation of
Offen-
ders Act,
1958.

Insertion
of new
section
34A.

Confisca-
tion or
penalty
not to
interfere
with
other
punish-
ments.

Insertion
of new
section
36A.

Presump-
tion as
to docu-
ments in
certain
cases.

5 of 1898.
20 of 1958.

(b) admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence.”.

Amend-
ment of
section
37.

24. In section 37 of the Central Excises and Salt Act,—

(i) in sub-section (2), after clause (xx), the following clause shall be inserted, namely:—

“(xxi) provide for the publication, subject to such conditions as may be specified therein, of names and other particulars of persons who have been found guilty of contravention of any of the provisions of this Act or of any rule made thereunder.”;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Notwithstanding anything contained in sub-section (3), the Central Government may make rules to provide for the imposition upon any person who acquires possession of, or is in any way concerned in transporting, removing, depositing, keeping, concealing, selling or purchasing, or in any other manner deals with, any excisable goods which he knows or has reason to believe are liable to confiscation under this Act or the rules made thereunder, a penalty not exceeding three times the value of such goods or five thousand rupees, whichever is greater.”.

Rep. by Act.....38.....of 1978, S. 2 + sch. I

THE AGRICULTURAL REFINANCE CORPORATION
(AMENDMENT) ACT, 1973

No. 37 OF 1973

[1st September, 1973]

An Act further to amend the Agricultural Refinance Corporation Act, 1963.

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

1. This Act may be called the Agricultural Refinance Corporation (Amendment) Act, 1973. Short title.

10 of 1963. 2. In section 22 of the Agricultural Refinance Corporation Act, 1963, Amend-
for sub-section (4), the following sub-sections shall be substituted, ment of
namely:— section 22.

“(4) No accommodation shall be granted under clause (a), clause (b) or clause (d) of sub-section (3) to an eligible institution unless it is fully and unconditionally guaranteed by Government as to the repayment of principal and payment of interest:

Provided that no such guarantee shall be required in cases in which—

(i) security, to the satisfaction of the Board, is furnished by the eligible institution, or

(ii) the Board, for reasons to be recorded by it in writing decides that no such security or guarantee is necessary:

REPEALED

Provided further that any sums received by an eligible institution in repayment or realisation of loans and advances refinanced either wholly or partly by the Corporation shall, to the extent of the accommodation granted by the Corporation remaining outstanding, be deemed to have been received by the eligible institution in trust for the Corporation, and shall accordingly be paid by such eligible institution to the Corporation:

Provided also that in cases where accommodation has been granted to an eligible institution without obtaining such guarantee or security, all securities held, or which may be held, by such eligible institution, on account of any transaction in respect of which such accommodation has been granted by the Corporation, shall be held by such eligible institution in trust for the Corporation.

(4A) Nothing contained in the second proviso to sub-section (4) shall apply to any accommodation granted by the Corporation before the commencement of the Agricultural Refinance Corporation (Amendment) Act, 1973, to an eligible institution which was not a scheduled bank on the date on which such accommodation was granted."

THE APPROPRIATION (RAILWAYS) NO. 3 ACT, 1973

No. 38 OF 1973

[1st September, 1973]

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 1972-73 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 3 Act, 1973. 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 thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74, in respect of the services relating to Railways specified in column 2 of the Schedule. Issue of Rs. 18,000 out of the Consolidated Fund of India for the financial year 1973-74.

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 . . .	6,000	..	6,000
14	Construction of New Lines—Capital and Depreciation Reserve Fund .	7,000	..	7,000
15	Open Lines Works—Capital, Depre- ciation Reserve Fund and Deve- lopment Fund	5,000	..	5,000
	TOTAL	18,000	..	18,000

THE PAYMENT OF BONUS (AMENDMENT) ACT, 1973

No. 39 OF 1973

[1st September, 1973]

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

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

1. This Act may be called the Payment of Bonus (Amendment) Act, 1973. Short title.

11 of 1965. 2. In section 10 of the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:— Amendment of section 10.

“(3) The provisions of sub-section (2) shall apply in relation to the payment of minimum bonus by every employer to every employee in respect of the accounting year commencing on any day in the year 1972 as they apply in relation to the payment of minimum bonus in respect of the accounting year commencing on any day in the year 1971 and accordingly for the purposes of such application, the reference to ‘the accounting year commencing on any day in the year 1971’, or any reference to ‘that accounting year’, in that sub-section shall be construed as a reference to ‘the accounting year commencing on any day in the year 1972’.”

3. In section 13 of the principal Act, in the proviso, for the words and figures “in respect of the accounting year commencing on any day in the year 1971”, the words and figures “in respect of the accounting year com- Amendment of section 13.

REPEALED

mencing on any day in the year 1971 and in respect of the accounting year commencing on any day in the year 1972" shall be substituted.

Amendment of section 19.

4. In section 19 of the principal Act, after sub-section (7), the following sub-section shall be inserted, namely:—

"(8) The provisions of sub-sections (2) to (7) (both inclusive) shall apply in relation to the percentage of the salary or wage of an employee payable (in cash or, as the case may be, partly by remittance for crediting in his provident fund account and partly in cash) by way of bonus under this Act (including section 34) in the accounting year commencing on any day in the year 1972 as they apply in relation to the percentage of the salary or wage of an employee payable as aforesaid by way of bonus under this Act (including section 34) in the accounting year commencing on any day in the year 1971 and accordingly for the purposes of such application—

(i) any reference to 'the accounting year commencing on any day in the year 1971' in sub-sections (2), (3) and (4), shall be construed as a reference to 'the accounting year commencing on any day in the year 1972'; and

(ii) the reference to 'sub-section (2) of section 10' in sub-section (4), shall be construed as a reference to 'sub-section (3) of section 10'."

THE EMPLOYEES' PROVIDENT FUNDS AND FAMILY PENSION FUND (AMENDMENT) ACT, 1973

No. 40 OF 1973

[6th September, 1973]

An Act further to amend the Employees' Provident Funds and Family Pension Fund Act, 1952 and to incorporate an explanatory provision connected therewith in section 405 of the Indian Penal Code.

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

1. (1) This Act may be called the Employees' Provident Funds and Family Pension Fund (Amendment) Act, 1973.

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 8 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (hereinafter referred to as the principal Act), for the words "be recovered by the appropriate Government", the words "be recovered by the Central Provident Fund Commissioner or such other officer as may be authorised by him, by notification in the Official Gazette, in this behalf," shall be substituted.

Amendment of section 8.

19 of 1952.

1. I.II.1973, vide Notification S.O. 547(B) dated 16.10.1973.

Amend-
ment
of sec-
tion 11.

3. Section 11 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, for the words and figures "section 230 of the Indian Companies Act, 1913", the words 7 of 1913. and figures "section 530 of the Companies Act, 1956" shall be substi- 1 of 1956. tuted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Without prejudice to the provisions of sub-section (1), if any amount is due from an employer in respect of the employee's contribution (deducted from the wages of the employee) for a period of more than six months, the amount so due shall be deemed to be the first charge on the assets of the establishment, and shall, notwithstanding anything contained in any other law for the time being in force, be paid in priority to all other debts."

Amend-
ment
of sec-
tion 14.

4. In section 14 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) An employer who contravenes, or makes default in complying with, the provisions of section 6, or clause (a) of sub-section (3) of section 17 in, so far as it relates to the payment of inspection charges, or paragraph 38 of the Scheme in so far as it relates to the payment of administrative charges, shall be punishable with imprisonment for a term which may extend to six months, but—

(a) which shall not be less than three months in case of default in payment of the employees' contribution which has been deducted by the employer from the employees' wages;

(b) which shall not be less than one month, in any other case;

and shall also be liable to fine which may extend to two thousand rupees:

Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term or of fine only in lieu of imprisonment."

(b) in sub-section (2), for the words "The Scheme", the words "Subject to the provisions of this Act, the Scheme" shall be substituted;

(c) sub-section (3) shall be omitted.

5. After section 14A of the principal Act, the following sections shall be inserted, namely:—

Insertion of new-sections 14AA, 14AB and 14AC.

"14AA. Whoever, having been convicted by a court of an offence punishable under this Act, the Scheme or the Family Pension Scheme, commits the same offence shall be subject for every such subsequent offence to imprisonment for a term which may extend to one year but which shall not be less than three months and shall also be liable to fine which may extend to four thousand rupees.

Enhanced punishment in certain cases after previous conviction.

5 of 1898.

14AB. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 an offence relating to default in payment of contribution by the employer punishable under this Act shall be cognizable.

Certain offences to be cognizable.

14AC. (1) No court shall take cognizance of any offence punishable under this Act, the Scheme or the Family Pension Scheme except on a report in writing of the facts constituting such offence made with the previous sanction of the Central Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette, in this behalf, by an Inspector appointed under section 13.

Cognizance and trial of offences.

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act or the Scheme or the Family Pension Scheme."

6. In section 14B of the principal Act,—

Amendment of section 14B.

(a) after the words "contribution to the Fund", the words "or the Family Fund" shall be inserted;

(b) for the words "the appropriate Government", the words "the Central Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette, in this behalf" shall be substituted;

(c) the words "twenty-five per cent. of" shall be omitted;

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

"Provided that before levying and recovering such damages, the employer shall be given a reasonable opportunity of being heard."

Inser-
tion of
new
section
14C.
Power
of court
to make
orders.

7. After section 14B of the principal Act, the following section shall be inserted, namely:—

"14C. (1) Where an employer is convicted of an offence of making default in the payment of any contribution to the Fund or the Family Pension Fund or in the transfer of accumulations required to be transferred by him under sub-section (2) of section 15 or sub-section (5) of section 17, the court may, in addition to awarding any punishment, by order in writing require him within a period specified in the order (which the court may, if it thinks fit and on application in that behalf, from time to time, extend), to pay the amount of contribution or transfer the accumulations, as the case may be, in respect of which the offence was committed.

(2) Where an order is made under sub-section (1), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, if any, allowed by the court, but if, on the expiry of such period or extended period, as the case may be, the order of the court has not been fully complied with, the employer shall be deemed to have committed a further offence and shall be punished with imprisonment in respect thereof under section 14 and shall also be liable to pay fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with."

Inser-
tion of
new sec-
tion 17B.

8. After section 17A of the principal Act, the following section shall be inserted, namely:—

"17B. Where an employer, in relation to an establishment, transfers that establishment in whole or in part, by sale, gift, lease or licence or in any other manner whatsoever, the employer and the person to whom the establishment is so transferred shall jointly and severally be liable to pay the contribution and other sums due from the employer under any provision of this Act or the Scheme or the Family Pension Scheme, as the case may be, in respect of the period up to the date of such transfer:

Provided that the liability of the transferee shall be limited to the value of the assets obtained by him by such transfer."

Amend-
ment of
Act 45
of 1860.

9. To section 405 of the Indian Penal Code, the following Explanation shall be added, namely:—

"Explanation.—A person, being an employer, who deducts the employee's contribution from the wages payable to the employee for credit to a Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid."

to constitute parts of the mines and mineral concessions...
of any kind or description...

**THE COKING AND NON-COKING COAL MINES
(NATIONALISATION) AMENDMENT ACT, 1973**

No. 141 OF 1973

[6th September, 1973]

**An Act to amend the Coking Coal Mines (Nationalisation) Act, 1972
and the Coal Mines (Nationalisation) Act, 1973.**

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

1. (1) This Act may be called the Coking and Non-Coking Coal
Mines (Nationalisation) Amendment Act, 1973.

Short
title
and
com-
mence-
ment.

36 of 1972.

26 of 1973.

(2) The amendments to the Coking Coal Mines (Nationalisation)
Act, 1972, shall be deemed to have come into force on the 1st day
of May, 1972, and the amendments to the Coal Mines (Nationalisation)
Act, 1973, shall be deemed to have come into force on the 1st day of
May, 1973.

2. In section 4 of the Coking Coal Mines (Nationalisation) Act, 1972
(hereinafter referred to as the Coking Coal Act), after sub-section (2),
the following sub-section shall be inserted, namely:—

Amend-
ment of
section 4
of Act
36 of 1972.

“(3) If after the appointed day, the Central Government is
satisfied, whether from any information received by it or otherwise,
that there has been any error, omission or misdescription in relation
to the particulars of a coking coal mine included in the First
Schedule or the name and address of the owner of any such coking

coal mine, it may, by notification, correct such error, omission or misdescription, and on the issue of such notification, the relevant entries in the First Schedule shall be, and shall be deemed always to have been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coking coal mine shall be made where such ownership is in dispute.”.

**Amend-
ment of
section 5.**

3. Section 5 of the Coking Coal 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) If after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coke oven plant included in the Second Schedule or the name and address of the owner of any such coke oven plant, it may, by notification, correct such error, omission or misdescription, and on the issue of such notification, the relevant entries in the Second Schedule shall be, and shall be deemed always to have been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coke oven plant shall be made where such ownership is in dispute.”.

**Inser-
tion of
new
section
12A.**

**Workers'
dues to be
paid
out
of the
amount.**

4. After section 12 of the Coking Coal Act, the following section shall be inserted, namely:—

“12A. (1) Out of the amount payable—

(a) under section 10 and section 12 to the owner of every coking coal mine or group of coking coal mines;

(a) under section 10 and section 12 to the owner of every coke oven plant,

there shall be paid to every person employed by such owner, a sum equal to the amount of arrears due, on the appointed day, to such employee,—

(i) in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of such employee; and

(ii) as wages.

(2) Every employee to whom the whole or any part of the arrears referred to in sub-section (1) is due shall file the proof of his claim to the Commissioner within such time, after the commencement of the Coking and Non-Coking Coal Mines (Nationalisation) Amendment Act, 1973, as the Commissioner may fix.

(3) The provisions of section 23 shall, as far as may be, apply to the filing, admission or rejection of the proofs referred to in sub-section (2).

(4) The Commissioner shall, after the admission or rejection of the claims made under sub-section (2), determine the total amount of the arrears referred to in sub-section (1), and shall, after such

determination, deduct, in the first instance, out of the amount paid to him under section 21, a sum equal to the total amount of such arrears.

(5) All sums deducted by the Commissioner under sub-section (4) shall, in accordance with such rules as may be made under this Act, be credited by the Commissioner to the relevant fund or be paid to the persons to whom such sums are due, and on such credit or payment, the liability of the owner of the coking coal mine or group of coking coal mines or coke oven plant, as the case may be, in respect of the amounts of arrears due as aforesaid, shall stand discharged.

(6) The deductions made by the Commissioner under sub-section (4) shall have priority over all other debts, whether secured or unsecured.

(7) Save as otherwise provided in the foregoing sub-sections, every secured debt due from the owner of a coking coal mine or group of coking coal mines or coke oven plant, as the case may be, shall have priority over all other debts and shall be paid in accordance with the rights and interests of the secured creditors."

5. In section 23 of the Coking Coal Act,—

(i) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Without prejudice to the provisions of sub-section (1), claims in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of a coking coal mine or group of coking coal mines or a coke oven plant may be filed on behalf of the persons so employed by the Coal Mines Provident Fund Commissioner appointed by the Central Government under section 3C of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948; and the claims so made shall be deemed to have been made by the persons having a claim against the owner of a coking coal mine or group of coking coal mines or a coke oven plant, as the case may be:

Provided that no such claim shall be made by the Coal Mines Provident Fund Commissioner in relation to a person who has already made a claim under sub-section (1).";

(ii) in sub-section (2),—

(a) clause (b) shall be omitted;

(b) for clause (d), the following clause shall be substituted, namely:—

"(d) all sums deducted by the employer from the salary or wages of any workman or other employee of the coking coal mine or group of coking coal mines or coke oven plant, as the case may be, for credit to any provident fund, or any other fund established for the welfare of such workmen or other employees but not deposited to the credit of the said fund;";

(c) in clause (e), for the words "as royalty, rent or dead rent, as the case may be", the words "including royalty, rent and dead rent" shall be substituted;

Amend-
ment of
section 23.

(iii) to sub-section (10), the following proviso shall be added, namely:—

“Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court for the State in which the coking coal mine or coke oven plant, as the case may be, is situated, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.”

Amendment of section 20 of Act 26 of 1973.

6. Section 20 of the Coal Mines (Nationalisation) Act, 1973, 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) Without prejudice to the provisions of sub-section (1), claims in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of a coal mine or group of coal mines may be filed on behalf of the persons so employed by the Coal Mines Provident Fund Commissioner appointed by the Central Government under section 3C of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948; and the claims so made shall be deemed to have been made by the persons having a claim against the owner of a coal mine or group of coal mines:

46 of 1948.

Provided that no such claim shall be made by the Coal Mines Provident Fund Commissioner in relation to a person who has already made a claim under sub-section (1).”

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THE ORISSA APPROPRIATION (No. 3) ACT, 1973

No. 42 OF 1973

[7th September, 1973]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Orissa for the services of the financial year 1973-74.

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

1. This Act may be called the Orissa Appropriation (No. 3) Act, 1973. Short title

2. From and out of the Consolidated Fund of the State of Orissa there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two crores, ninety-eight lakhs and twelve thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74 in respect of the services specified in column 2 of the Schedule.

Issue
of Rs.
2,98,12,000
out of the
Consoli-
dated
Fund
of the
State of
Orissa
for the
financial
year 1973-
74.

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

Appro-
priation.

16 M of Law—37.

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 Consolidated Fund	Total
		Rs.	Rs.	Rs.
I	Elections and Other Expenditure relating to the Home Department	67,66,000	..	67,66,000
II	Expenditure relating to the Education Department	1,46,95,000	..	1,46,95,000
23	Public Health	34,93,000	..	34,93,000
24-A	Lift Irrigation	14,58,000	..	14,58,000
31	Forest	3,30,000	..	3,30,000
34	Expenditure relating to the Urban Development Department	4,00,000	..	4,00,000
55	Share Capital Contribution and Loans to Co-operative Organisations	26,70,000	..	26,70,000
	TOTAL	2,98,12,000	..	2,98,12,000

THE MANIPUR APPROPRIATION (No. 2) ACT, 1973

No. 43 OF 1973

[7th September, 1973]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Manipur for the services of the financial year 1973-74.

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

1. This Act may be called the Manipur Appropriation (No. 2) Act, Short title. 1973.

2. From and out of the Consolidated Fund of the State 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 forty-three lakhs rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74 in respect of the services specified in column 2 of the Schedule.

Issue of Rs. 43,00,000 out of the Consolidated Fund of the State of Manipur for the financial year 1973-74.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Manipur 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 Consolidated Fund	Total
		Rs.	Rs.	Rs.
18	Agriculture and Fisheries	7,00,000	..	7,00,000
24A	Other Miscellaneous Social and Develop- mental Organisations	19,03,000	..	19,03,000
14	Loans and Advances	16,97,000	..	16,97,000
	TOTAL	43,00,000		43,00,000

THE RESERVE BANK OF INDIA (AMENDMENT) ACT, 1973

No. 44 OF 1973

[15th September, 1973]

An Act further to amend the Reserve Bank of India Act, 1934.

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

1. This Act may be called the Reserve Bank of India (Amendment) Act, 1973. Short title.

2 of 1934. 2. In section 17 of the Reserve Bank of India Act, 1934, after clause (13), the following clause shall be and shall be deemed always to have been, inserted, namely:— Amendment of section 17.

“(13A) participation in any arrangement for the clearing and settlement of any amounts due from, or to, any person or authority on account of the external trade of India with any other country or group of countries or of any remittances to, or from, that country or group of countries, including the advancing, or receiving, of any amount in any currency in connection therewith, and, for that purpose, becoming, with the approval of the Central Government, a member of any international or regional clearing union of central banks, monetary or other authorities, or being associated with any such clearing arrangements, or becoming a member of any body or association formed by central banks, monetary or other similar authorities, or being associated with the same in any manner;”

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1973

No. 45 OF 1973

[15th September, 1973]

An Act further to amend the Indian Railways Act, 1890.

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

Short
title.

1. This Act may be called the Indian Railways (Amendment) Act, 1973.

Amend-
ment of
section
47.

2. (1) In section 47 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act),—

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

“(bb) for the cancellation of tickets (whether with reservation of accommodation or not), the circumstances under which, and the time-limit within which, such cancellation may be allowed and the charges payable therefor;”;

(b) in sub-section (2), for the words “fifty rupees”, the words “one hundred and fifty rupees” shall be substituted.

(2) All charges levied and collected, or purported to have levied and collected under the principal Act for cancellation of tickets (whether with reservation of accommodation or not) at any time before the commencement of this Act, shall be deemed to have been validly levied and collected in accordance with law and accordingly no suit or other proceeding shall be maintained in any court for the refund of any such charges.

Amend-
ment of
section
82C.

3. In section 82C of the principal Act,—

(a) in sub-section (1), for the words “may be made”, the words “may be made to the Claims Commissioner” shall be substituted;

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

“(2A) If an applicant desires to be paid interim relief under section 82HH, he may send to the railway administration a copy of the application made under sub-section (1) with a request for payment of such interim relief.”;

(c) in the *Explanation*, after the words “In this section”, the words, figures and letters “and section 82HH” shall be inserted.

4. In section 82E of the principal Act, in the proviso to sub-section (1),—

Amendment of section 82E.

(a) in clause (ii), the word “and” shall be omitted;

(b) for clause (iii), the following clauses shall be substituted, namely:—

“(iii) the payment by way of interim relief, if any, made to the applicant by the railway administration under section 82HH is not adequate; and

(iv) the amount of compensation directed to be paid under this section together with the payment by way of interim relief, if any, made under section 82HH is not likely to exceed the actual amount of compensation that may ultimately become payable.”.

5. After section 82H of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 82HH.

“82HH. (1) Where on receipt of an application under sub-section (2A) of section 82C and after making such enquiry as it may deem fit, the railway administration is satisfied that circumstances exist which require relief to be afforded to an applicant for compensation immediately, it may, pending determination of the actual amount of compensation payable under section 82A, pay to any person who has sustained injury or suffered any loss, or where death has resulted from the accident, to any dependent of the deceased, such sum as it considers reasonable for affording such relief, so however, that the sum paid shall not exceed the amount of compensation payable at the rates prescribed under the rules made under section 82J.

Interim relief by railway administration.

(2) The railway administration shall, as soon as may be, after making an order regarding payment of interim relief under sub-section (1), send a copy thereof to the Claims Commissioner.

(3) Any sum paid by the railway administration under sub-section (1) shall be taken into account by the Claims Commissioner while determining the amount of compensation payable.”.

6. In section 108 of the principal Act, for the figures and letter “82H”, the figures and letters “82HH” shall be substituted.

Amendment of section 108.

7. In section 108 of the principal Act, the following proviso shall be inserted at the end, namely:—

Amendment of section 108.

“Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, where a passenger, without reasonable and sufficient cause, makes use of the alarm chain provided by a railway administration, he shall be punished—

(a) in the case of conviction for the first offence, with fine which shall not be less than twenty-five rupees; and

(b) in the case of conviction for the second or subsequent offence, with imprisonment for a term which shall not be less than one month.”.

8. In section 118 of the principal Act,—

Amendment of section 118.

(a) in sub-section (1), for the words “with fine which may extend to twenty rupees”, the words “with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees; or with both” shall be substituted;

(b) in sub-section (2) for the words “with fine which may extend to fifty rupees”, the words “with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred and fifty rupees, or with both” shall be substituted.

9. In section 120A of the principal Act,—

Amendment of section 120A.

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:—

“Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such fine shall be not less than fifty rupees.”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If any person convicted of an offence under sub-section (1) commits a like offence afterwards, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred and fifty rupees, or with both.”;

(c) In sub-section (2), after the word, brackets and figure “sub-section (1)”, the words, brackets, figure and letter “or sub-section (1A)” shall be inserted

10. In section 122 of the principal Act,—

Amendment of section 122.

(a) in sub-section (1), for the words “with fine which may extend to twenty rupees” the words “with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both” shall be substituted;

(b) in sub-section (2), for the words “with fine which may extend to fifty rupees”, the words “with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred and fifty rupees, or with both” shall be substituted.

11. Section 126 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

Amendment of section 126.

(a) in sub-section (1) as so re-numbered, for the words "If a person unlawfully—", the words, brackets and figure "Subject to the provisions of sub-section (2), if a person unlawfully—" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) If a person unlawfully does any act or thing referred to in clause (a) or clause (b) or clause (c) or clause (d) or clause (e) of sub-section (1),—

(i) with intent to cause the death of any person and the doing of such act or thing causes the death of any person; or

(ii) with knowledge that such act or thing is so imminently dangerous that it must in all probability cause the death of any person or such bodily injury to any person as is likely to cause the death of such person,

he shall be punished with death or imprisonment for life."

12. After section 126 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 126A.

"126A. (1) Whoever, with intent to cause or knowing that he is likely to cause damage or destruction to any of the properties of a railway referred to in sub-section (2) causes by fire, explosive substance or otherwise, damage to such property to the amount of one hundred rupees or upwards, or destruction of such property, shall be punished with imprisonment for a term which may extend to ten years.

Damage to, or destruction of, certain railway properties.

(2) The properties of a railway referred to in sub-section (1) are railway track, bridges, station buildings and installations, carriages or wagons, locomotives, signalling, telecommunication, electric traction and block equipments and such other properties as the Central Government, being of opinion that damage thereto or destruction thereof is likely to endanger the operation of a railway, may, by notification in the Official Gazette, specify.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation.—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates."

13. In section 131 of the principal Act, in sub-section (1), after the figures "126," the figures and letter "126A", shall be inserted:

Amendment of section 131.

THE FOREIGN EXCHANGE REGULATION ACT, 1973

ARRANGEMENT OF SECTIONS

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3. Classes of officers of Enforcement.
4. Appointment and powers of officers of Enforcement.
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25. Restriction on holding of immovable property outside India.
26. Certain provisions as to companies.
27. Restrictions on persons resident in India associating themselves with or participating in concerns outside India.
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30. Prior permission of Reserve Bank required for taking up employment, etc., in India by nationals of foreign States.
31. Restriction on acquisition, holding, etc., of immovable property in India.
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59. Presumption of culpable mental state.
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66. Application of section 562 of the Code of Criminal Procedure, 1898 and of the Probation of Offenders Act, 1958.
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68. Offences by companies.
69. Power of court to publish name, place of business, etc., of companies convicted under the Act.
70. Recovery of sums due to Government.
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73. Supplemental provisions.
74. Delegation.
75. Power of Central Government to give directions.
76. Factors to be taken into account by the Central Government and the Reserve Bank while giving or granting permissions or licences under the Act.
77. Certain officers to assist officers of Enforcement.
78. Bar of legal proceedings.
79. Power to make rules.
80. Power to remove difficulties.
81. Repeal and saving.

THE FOREIGN EXCHANGE REGULATION ACT, 1973

NO. 46 OF 1973

[19th September, 1973

An Act to consolidate and amend the law regulating certain payments, dealings in foreign exchange and securities, transactions indirectly affecting foreign exchange and the import and export of currency and bullion, for the conservation of the foreign exchange resources of the country and the proper utilisation thereof in the interests of the economic development of the country.

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

1. (1) This Act may be called the Foreign Exchange Regulation Act, 1973.

Short title
extent,
appli-
cation and
commence-
ment.

(2) It extends to the whole of India.

(3) It applies also to all citizens of India outside India and to branches and agencies outside India of companies or bodies corporate, registered or incorporated in India.

(4) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint in this behalf:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

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

(a) "Appellate Board" means the Foreign Exchange Regulation Appellate Board constituted by the Central Government under subsection (1) of section 52;

(b) "authorised dealer" means a person for the time being authorised under section 6 to deal in foreign exchange;

(c) "bearer certificate" means a certificate of title to securities by the delivery of which (with or without endorsement) the title to the securities is transferable;

(d) "certificate of title to a security" means any document used in the ordinary course of business as proof of the possession or control of the security, or authorising or purporting to authorise, either by an endorsement or by delivery, the possessor of the document to transfer or receive the security thereby represented;

(e) "coupon" means a coupon representing dividends or interest on a security;

(f) "currency" includes all coins, currency notes, bank notes, postal notes, postal orders, money orders, cheques, drafts, traveller's cheques, letters of credit, bills of exchange and promissory notes;

(g) "foreign currency" means any currency other than Indian currency;

(h) "foreign exchange" means foreign currency and includes—

(i) all deposits, credits and balances payable in any foreign currency, and any drafts, traveller's cheques, letters of credit and bills of exchange, expressed or drawn in Indian currency but payable in any foreign currency;

(ii) any instrument payable, at the option of the drawee or holder thereof or any other party thereto, either in Indian currency or in foreign currency or partly in one and partly in the other;

(i) "foreign security" means any security created or issued elsewhere than in India, and any security the principal of or interest on which is payable in any foreign currency or elsewhere than in India;

(j) "gold" includes gold in the form of coin, whether legal tender or not, or in the form of bullion or ingot, whether refined or not and jewellery or articles made wholly or mainly of gold.

Explanation.—Any jewellery or article which contains gold shall be deemed to be made wholly or mainly of gold, if the value of the gold contained therein exceeds such percentage (not being below forty per cent.) as the Reserve Bank may, from time to time, notify in the Official Gazette, of the value of such jewellery or article;

30 of 1934.

(k) "Indian currency" means currency which is expressed or drawn in Indian rupees but does not include special bank notes and special one-rupee notes issued under section 28A of the Reserve Bank of India Act, 1934;

(l) "Indian customs waters" means the waters extending into the sea to a distance of twelve nautical miles measured from the appropriate base line on the coast of India and includes any bay, gulf, harbour, creek or tidal river;

(m) "money-changer" means a person for the time being authorised under section 1 to deal in foreign currency;

(n) "overseas market", in relation to any goods, means the market in the country outside India and in which such goods are intended to be sold;

(o) "owner", in relation to any security, includes any person who has power to sell or transfer the security, or who has the custody thereof or who receives, whether on his own behalf or on behalf of any other person, dividends or interest thereon, and who has any interest therein, and in a case where any security is held on any trust or dividends or interest thereon are paid into a trust fund, also includes any trustee or any person entitled to enforce the performance of the trust or to revoke or vary, with or without the consent of any other person, the trust or any terms thereof, or to control the investment of the trust moneys;

(p) "person resident in India" means—

(i) a citizen of India, who has, at any time after the 25th day of March, 1947, been staying in India, but does not include a citizen of India who has gone out of, or stays outside, India, in either case—

(a) for or on taking up employment outside India, or

(b) for carrying on outside India a business or vocation outside India, or

(c) for any other purpose, in such circumstances as would indicate his intention to stay outside India for an uncertain period;

(ii) a citizen of India, who having ceased by virtue of paragraph (a) or paragraph (b) or paragraph (c) of sub-clause (i) to be resident in India, returns to, or stays in, India, in either case—

(a) for or on taking up employment in India, or

(b) for carrying on in India a business or vocation in India, or

(c) for any other purpose, in such circumstances as would indicate his intention to stay in India for an uncertain period;

(iii) a person, not being a citizen of India, who has come to, or stays in, India, in either case—

(a) for or on taking up employment in India, or

(b) for carrying on in India a business or vocation in India, or

(c) for staying with his or her spouse, such spouse being a person resident in India, or

(d) for any other purpose, in such circumstances as would indicate his intention to stay in India for an uncertain period;

(iv) a citizen of India, who, not having stayed in India at any time after the 25th day of March, 1947, comes to India for any of the purposes referred to in paragraphs (a), (b) and (c) of sub-clause (iii) or for the purpose and in the circumstances referred to in paragraph (d) of that sub-clause or having come to India stays in India for any such purpose and in such circumstances.

Explanation.—A person, who has, by reason only of paragraph (a) or paragraph (b) or paragraph (d) of sub-clause (iii) been resident in India, shall, during any period in which he is outside India, be deemed to be not resident in India;

(q) "person resident outside India" means a person who is not resident in India;

(r) "precious stone" includes pearl and semi-precious stone and such other stone or gem as the Central Government may, for the purposes of this Act, notify in this behalf in the Official Gazette;

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

(t) "Reserve Bank" means the Reserve Bank of India;

(u) "security" means shares, stocks, bonds, debentures, debenture stock, Government securities as defined in the Public Debt Act, 1941, savings certificates to which the Government Savings Certificates Act, 1959 applies, deposit receipts in respect of deposits of securities, and units or sub-units of unit trusts and includes certificates of title to securities, but does not include bills of exchange or promissory notes other than Government promissory notes; 18 of 1944.
46 of 1959.

(v) "silver" includes silver bullion or ingot, silver sheets and plates which have undergone no process of manufacture subsequent to rolling and uncurrent silver coin which is not legal tender in India or elsewhere and jewellery or articles made wholly or mainly of silver;

(w) "transfer", in relation to any security, includes transfer by way of loan or security.

3. There shall be the following classes of officers of Enforcement, namely:—

Classes of officers of Enforcement.

- (a) Directors of Enforcement;
- (b) Additional Directors of Enforcement;
- (c) Deputy Directors of Enforcement;
- (d) Assistant Directors of Enforcement; and
- (e) such other class of officers of Enforcement as may be appointed for the purposes of this Act.

4. (1) The Central Government may appoint such persons as it thinks fit to be officers of Enforcement.

Appointment and powers of officers of Enforcement.

(2) Without prejudice to the provisions of sub-section (1), the Central Government may authorise a Director of Enforcement or an Additional Director of Enforcement or a Deputy Director of Enforcement or an Assistant Director of Enforcement to appoint officers of Enforcement below the rank of an Assistant Director of Enforcement.

(3) Subject to such conditions and limitations as the Central Government may impose, an officer of Enforcement may exercise the powers and discharge the duties conferred or imposed on him under this Act.

5. The Central Government may, by order and subject to such conditions and limitations as it thinks fit to impose, authorise any officer of customs or any Central Excise Officer or any police officer or any other officer of the Central Government or a State Government to exercise such of the powers and discharge such of the duties of the Director of Enforcement or any other officer of Enforcement under this Act as may be specified in the order.

Entrustment of functions of Director or other officer of Enforcement.

6. (1) The Reserve Bank may, on an application made to it in this behalf, authorise any person to deal in foreign exchange.

Authorised dealers in foreign exchange.

(2) An authorisation under this section shall be in writing and—

(i) may authorise dealings in all foreign currencies or may be restricted to authorising dealings in specified foreign currencies only;

(ii) may authorise transactions of all descriptions in foreign currencies or may be restricted to authorising specified transactions only;

(iii) may be granted to be effective for a specified period, or within specified amounts;

(iv) may be granted subject to such conditions as may be specified therein.

(3) Any authorisation granted under sub-section (1) may be revoked by the Reserve Bank at any time if the Reserve Bank is satisfied that,—

(i) it is in the public interest to do so; or

(ii) the authorised dealer has not complied with the conditions subject to which the authorisation was granted or has contravened any of the provisions of this Act or of any rule, notification, direction or order made thereunder:

Provided that no such authorisation shall be revoked on the ground specified in clause (ii) unless the authorised dealer has been given a reasonable opportunity for making a representation in the matter.

(4) An authorised dealer shall, in all his dealings in foreign exchange and in the exercise and discharge of the powers and of the functions delegated to him under section 74, comply with such general or special directions or instructions as the Reserve Bank may, from time to time, think fit to give, and, except with the previous permission of the Reserve Bank, an authorised dealer shall not engage in any transaction involving and foreign exchange which is not in conformity with the terms of his authorisation under this section.

(5) An authorised dealer shall, before undertaking any transaction in foreign exchange on behalf of any person, require that person to make such declarations and to give such information as will reasonably satisfy him that the transaction will not involve, and is not designed for the purpose of, any contravention or evasion of the provisions of this Act or of any rule, notification, direction or order made thereunder, and where the said person refuses to comply with any such requirement or makes only unsatisfactory compliance therewith, the authorised dealer shall refuse to undertake the transaction and shall, if he has reason to believe that any such contravention or evasion as aforesaid is contemplated by the person, report the matter to the Reserve Bank.

Money-changers.

7. (1) The Reserve Bank may, on an application made to it in this behalf, authorise any person to deal in foreign currency.

(2) An authorisation under this section shall be in writing and—

(i) may authorise dealings in all foreign currencies or may be restricted to authorising dealings in specified foreign currencies only;

(ii) may authorise transactions of all descriptions in foreign currencies or may be restricted to authorising specified transactions only;

(iii) may be granted with respect to a particular place where alone the money-changer shall carry on his business;

(iv) may be granted to be effective for a specified period, or within specified amounts;

(v) may be granted subject to such conditions as may be specified therein.

(3) Any authorisation granted under sub-section (1) may be revoked by the Reserve Bank at any time if the Reserve Bank is satisfied that—

(i) it is in the public interest to do so; or

(ii) the money-changer has not complied with the conditions subject to which the authorisation was granted or has contravened any of the provisions of this Act or of any rule, notification, direction or order made thereunder:

Provided that no such authorisation shall be revoked on the ground specified in clause (ii) unless the money-changer has been given a reasonable opportunity for making a representation in the matter.

(4) The provisions of sub-sections (4) and (5) of section 6 shall, in so far as they are applicable, apply in relation to a money-changer as they apply in relation to an authorised dealer.

Explanation.—In this section, “foreign currency” means foreign currency in the form of notes, coins or traveller’s cheques and “dealing” means purchasing foreign currency in the form of notes, coins or traveller’s cheques or selling foreign currency in the form of notes or coins.

8. (1) Except with the previous general or special permission of the Reserve Bank, no person other than an authorised dealer shall in India, and no person resident in India other than an authorised dealer shall outside India, purchase or otherwise acquire or borrow from, or sell, or otherwise transfer or lend to or exchange with, any person not being an authorised dealer, any foreign exchange: Restrictions on dealing in foreign exchange.

Provided that nothing in this sub-section shall apply to any purchase or sale of foreign currency effected in India between any person and a money-changer.

Explanation.—For the purposes of this sub-section, a person, who deposits foreign exchange with another person or opens an account in foreign exchange with another person, shall be deemed to lend foreign exchange to such other person.

(2) Except with the previous general or special permission of the Reserve Bank, no person, whether an authorised dealer or a money-changer or otherwise, shall enter into any transaction which provides for the conversion of Indian currency into foreign currency or foreign currency into Indian currency at rates of exchange other than the rates for the time being authorised by the Reserve Bank.

(3) Where any foreign exchange is acquired by any person, other than an authorised dealer or a money-changer, for any particular purpose, or where any person has been permitted conditionally to acquire foreign exchange, the said person shall not use the foreign exchange so acquired otherwise than for that purpose or, as the case may be, fail to comply with any condition to which the permission granted to him is subject, and where any foreign exchange so acquired cannot be so used or the conditions cannot be complied with, the said person shall, within a period of thirty days from the date on which he comes to know that such foreign exchange cannot be so used or the conditions cannot be complied with, sell the foreign exchange to an authorised dealer or to a money-changer.

(4) For the avoidance of doubt, it is hereby declared that where a person acquires foreign exchange for sending or bringing into India any goods but sends or brings no such goods or does not send or bring goods of a value representing the foreign exchange acquired, within a reasonable time or sends or brings any goods of a kind, quality or quantity different from that specified by him at the time of acquisition of the foreign exchange, such person shall, unless the contrary is proved, be presumed not to have been able to use the foreign exchange for the purpose for which he acquired it or, as the case may be, to have used the foreign exchange so acquired otherwise than for the purposes for which it was acquired.

(5) Nothing in this section shall be deemed to prevent a person from buying from any post office, in accordance with any law or rules made thereunder for the time being in force, any foreign exchange in the form of postal orders or money orders.

Restrictions on payments.

9. (1) Save as may be provided in and in accordance with any general or special exemption from the provisions of this sub-section which may be granted conditionally or unconditionally by the Reserve Bank, no person in, or resident in, India shall—

(a) make any payment to or for the credit of any person resident outside India;

(b) receive, otherwise than through an authorised dealer, any payment by order or on behalf of any person resident outside India.

Explanation.—For the purposes of this clause, where any person in, or resident in, India receives any payment by order or on behalf of any person resident outside India through any other person (including an authorised dealer) without a corresponding inward remittance from any place outside India, then, such person shall be deemed to have received such payment otherwise than through an authorised dealer;

(c) draw, issue or negotiate any bill of exchange or promissory note or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment is created or transferred in favour of any person resident outside India;

(d) make any payment to, or for the credit of, any person by order or on behalf of any person resident outside India;

(e) place any sum to the credit of any person resident outside India;

(f) make any payment to, or for the credit of, any person or receive any payment for, or by order or on behalf of, any person as consideration for or in association with,—

(i) the receipt by any person of a payment or the acquisition by any person of property outside India,

(ii) the creation or transfer in favour of any person of a right (whether actual or contingent) to receive payment or acquire property outside India;

(g) draw, issue or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment is created or transferred in favour of any person as consideration for or in association with any matter referred to in clause (f).

(2) Nothing in sub-section (1) shall render unlawful—

(a) the making of any payment already authorised either with foreign exchange obtained from an authorised dealer or a money-changer under section 8 or with foreign exchange retained by a person in pursuance of an authorisation granted by the Reserve Bank;

(b) the making of any payment with foreign exchange received by way of salary or payment for services not arising from any business in, or anything done while in, India.

(3) Save as may be provided in, and in accordance with, any general or special exemption from the provisions of this sub-section, which may be granted conditionally or unconditionally by the Reserve Bank, no person shall remit or cause to be remitted any amount from any foreign country into India except in such a way that the remittances received in India only through an authorised dealer.

(4) Nothing in this section shall restrict the doing by any person of anything within the scope of any authorisation or exemption granted under this Act.

(5) For the purposes of this section and section 19, "security" includes coupons or warrants representing dividends or interest and life or endowment insurance policies.

10. (1) Where an exemption from the provisions of section 9 is granted by the Reserve Bank in respect of payment of any sum to any person resident outside India and the exemption is made subject to the condition that the payment is made to a blocked account—

Blocked
accounts.

(a) the payment shall be made to a blocked account in the name of that person in such manner as the Reserve Bank may by general or special order direct;

(b) the crediting of that sum to that account shall, to the extent of the sum credited, be a good discharge to the person making the payment.

(2) No sum standing at the credit of a blocked account shall be drawn on except in accordance with any general or special permission which may be granted conditionally or otherwise by the Reserve Bank.

(3) In this section, "blocked account" means an account opened, whether before or after the commencement of this Act, as a blocked account at any office or branch in India of a bank authorised in this behalf by the Reserve Bank, or an account blocked, whether before or after such commencement, by order of the Reserve Bank.

11. Where the Reserve Bank considers it necessary or expedient in the public interest so to do in respect of any asset in India held by or accruing to or transferred to or to be transferred to, either a person resident outside India or a person intending to become resident outside India, it may impose a condition that the said asset shall not be transferred, assigned, pledged, charged or dealt with in any manner whatsoever except in accordance with any general or special permission, which may be granted conditionally or otherwise, by the Reserve Bank.

Restric-
tions re-
garding
assets
held
by non-
residents.

12. (1) Where in the opinion of the Central Government it is necessary or expedient to regulate payments due to persons resident in any territory, the Central Government may, by notification in the Official Gazette, direct that such payments or any class of such payments shall be made only into an account (hereafter in this section referred to as a special account) to be maintained for the purpose by the Reserve Bank or an authorised dealer specially authorised by the Reserve Bank in this behalf.

Special
accounts.

(2) The credit of a sum to a special account shall, to the extent of the sum credited, be a good discharge to the person making the payment:

Provided that where the liability of the person making the payment is to make the payment in foreign currency, the extent of the discharge shall be ascertained by converting the amount paid into that currency at such rate of exchange as is for the time being authorised by the Reserve Bank.

(3) The sum standing to the credit of any special account shall, from time to time, be applied—

(a) where any agreement is entered into between the Central Government and the Government of the territory to which the aforesaid notification relates, for the regulation of payments between persons resident in India and in that territory, in such manner as the Reserve Bank, having regard to the provisions of such agreement, may direct, or

(b) where no such agreement is entered into, for the purpose of paying wholly or partly, and in such order of preference and at such times as the Central Government may direct, debts due from the persons resident in the said territory to persons resident in India or in such other territories as the Central Government may by order specify in his behalf.

Restrictions on import and export of certain currency and bullion.

13. (1) The Central Government may, by notification in the Official Gazette, order that, subject to such exemption, if any, as may be specified in the notification, no person shall, except with the general or special permission of the Reserve Bank and on payment of the fee, if any, prescribed, bring or send into India any gold or silver or any foreign exchange or any Indian currency.

Explanation.—For the purposes of this sub-section, the bringing or sending into any port or place in India of any such article as aforesaid intended to be taken out of India without being removed from the ship or conveyance in which it is being carried shall nonetheless be deemed to be a bringing, or, as the case may be, sending, into India of that article.

(2) No person shall, except with the general or special permission of the Reserve Bank or the written permission of a person authorised in this behalf by the Reserve Bank, take or send out of India any gold, jewellery or precious stones or Indian currency or foreign exchange other than foreign exchange obtained by him from an authorised dealer or from a money-changer.

Acquisition by Central Government of foreign exchange.

14. The Central Government may, by notification in the Official Gazette, order every person in, or resident in, India—

(a) who owns or holds such foreign exchange as may be specified in the notification, to offer it, or cause it to be offered, for sale to the Reserve Bank on behalf of the Central Government or to such person, as the Reserve Bank may authorise for the purpose, at such price as the Central Government may fix, being a price which is not less than the price calculated at the rate of exchange for the time being authorised by the Reserve Bank;

(b) who is entitled to assign any right to receive such foreign exchange as may be specified in the notification, to transfer that right to the Reserve Bank on behalf of the Central Government on payment of such consideration therefor as the Central Government may fix having regard to the rate for the time being authorised by the Reserve Bank in pursuance of sub-section (2) of section 8 for conversion into Indian currency of the foreign currency in which such foreign exchange is expressed:

Provided that the Central Government may, by the said notification or by a separate order, exempt any person or class of persons from the operation of the order made in the said notification:

Provided further that nothing in this section shall apply to any foreign exchange acquired by a person from an authorised dealer or from a money-changer and retained by him with the permission of the Reserve Bank for any purpose.

3 of 1906.
2 of 1934.

15. (1) Notwithstanding anything contained in the Indian Coinage Act, 1906, or in the Reserve Bank of India Act, 1934 or in any other law for the time being in force, the Central Government may, by notification in the Official Gazette, direct that every person resident outside India and who is on a visit to India shall, for discharging such of his liabilities as may be specified in the notification, make payments only in such foreign currencies as may be specified therein.

Power of Central Government to direct payment in foreign currency in certain cases.

(2) Where payment is required to be made under sub-section (1) in foreign currency, the person to whom such payment is made shall receive the payment only in such foreign currency.

(3) The Central Government may, if it is of opinion that it is necessary or expedient in the public interest so to do, by notification in the Official Gazette, exempt any person or class of persons from the operation of the provisions of sub-section (1).

16. (1) No person who has a right to receive any foreign exchange or to receive from a person resident outside India a payment in rupees shall, except with the general or special permission of the Reserve Bank, do or refrain from doing anything, or take or refrain from taking any action, which has the effect of securing—

Duty of persons entitled to receive foreign exchange, etc.

(a) that the receipt by him of the whole or part of that foreign exchange or payment is delayed, or

(b) that the foreign exchange or payment ceases in whole or in part to be receivable by him.

(2) Where a person has failed to comply with the requirements of sub-section (1) in relation to any foreign exchange or payment in rupees, the Reserve Bank may give to him such directions as appear to be expedient for the purpose of securing the receipt of the foreign exchange or payment, as the case may be.

17. The Central Government may, by notification in the Official Gazette, impose such conditions as it thinks necessary or expedient on the use or disposal of, or dealings in, gold and silver prior to, or at the time of, import into India.

Power to regulate the uses, etc., of imported gold and silver.

18. (1) (a) 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

Payment for exported goods.

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 overseas market,

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.

(b) If the Central Government is of opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette, specify any goods, from among those goods to which a notification under clause (a) applies, and direct that in respect of the goods so specified, where an exporter makes a declaration under sub-clause (ii) of clause (a) of the value which he, having regard to the prevailing market conditions expects to receive on the sale of such goods in the overseas market, he shall not, except with the permission of the Reserve Bank on an application made to the Reserve Bank by the exporter in this behalf, authorise or permit or allow or in any manner be a party to, the sale of such goods for a value less than that declared:

Provided that no permission shall be refused by the Reserve Bank under this clause unless the exporter has been given a reasonable opportunity for making a representation in the matter:

Provided further that where the exporter makes an application to the Reserve Bank for permission under this clause and the Reserve Bank does not, within a period of twenty days from the date of receipt of the application, communicate to the exporter that permission applied for has been refused, it shall be presumed that the Reserve Bank has granted such permission.

Explanation.—In computing the period of twenty days for the purposes of the second proviso, the period, if any, taken by the Reserve Bank for giving an opportunity to the exporter for making a representation under the first proviso shall be excluded.

(2)¹ Where any export of goods, to which a notification under clause (a) of sub-section (1) applies, has been made, no person shall, except with the permission of the Reserve Bank, do or refrain from doing anything, or take or refrain from taking any action, which has the effect of securing—

(A) in a case falling under sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (1),—

(a) that payment for the goods—

(i) is made otherwise than in the prescribed manner,

or

(ii) is delayed beyond the period prescribed under clause (a) of sub-section (1), or

(b) that the proceeds of sale of the goods exported do not represent the full export value of the goods subject to such deductions, if any, as may be allowed by the Reserve Bank; and

(B) in a case falling under sub-clause (ii) of clause (a) of sub-section (1), also that the sale of the goods is delayed to an extent which is unreasonable having regard to the ordinary course of trade :

Provided that no proceedings in respect of any contravention of the provisions of this sub-section shall be instituted unless the prescribed period has expired and payment for the goods representing the full export value has not been made in the prescribed manner within the prescribed period.

(3) Where in relation to any goods to which a notification under clause (a) of sub-section (1) applies the prescribed period has expired and payment therefor has not been made as aforesaid, it shall be presumed, unless the contrary is proved by the person who has sold or is entitled to sell the goods or to procure the sale thereof, that such person has not taken all reasonable steps to receive or recover the payment for the goods as aforesaid and he shall accordingly be presumed to have contravened the provisions of sub-section (2).

(4) Where in relation to any goods to which a notification under clause (a) of sub-section (1) applies the prescribed period has expired and payment therefor has not been made as aforesaid, the Reserve Bank may give to any person who has sold the goods or who is entitled to sell the goods or procure the sale thereof, such directions as appear to it to be expedient for the purpose of securing—

(i) if the goods have been sold, the payment therefor, or

(ii) if the goods have not been sold, either the sale of the goods and payment therefor as aforesaid, or the re-import of the goods into India as the circumstances permit,

within such period as the Reserve Bank may specify in this behalf and without prejudice to the generality of the foregoing provision, may direct that the goods, the right to receive the payment therefor or any other right to enforce such payment shall be transferred or assigned to the Central Government or to a person specified in the directions.

(5) Where any goods or a right to receive payment or any other right to enforce such payment, are or is transferred or assigned in accordance with sub-section (4), the Central Government shall pay to the person transferring or assigning the same, the amount recovered by or on behalf of the Central Government in respect of the goods, after deducting all costs, charges and expenses incurred by the Central Government in selling the goods or in recovering or realising the amount in respect of such goods.

(6) Without prejudice to the provisions of sub-section (1), where the value of the goods specified in the declaration furnished under that sub-section is less than the amount which in the opinion of the Reserve Bank, in a case falling under sub-clause (i) of clause (a) of that sub-section, represents the full export value of those goods, or in a case falling under sub-clause (ii) of that clause, the value which the exporter can, having regard to the prevailing market conditions, expect to receive on the sale of the goods in the overseas market, the Reserve Bank may issue an order requiring the person holding the shipping documents to retain possession thereof until such time as the exporter of the goods has made arrangements for the Reserve Bank or a person authorised by the Reserve Bank to receive on behalf of the exporter payment in the pres-

cribed manner of an amount which in the opinion of the Reserve Bank represents the full export value of such goods or the value which the exporter, having regard to the prevailing market conditions, can be expected to receive on the sale of the goods in the overseas market.

(7) For the purpose of ensuring compliance with the provisions of this section and any order or direction made thereunder, the Reserve Bank or the prescribed authority referred to in sub-section (1) may require any person making any export of goods to which a notification under clause (a) of that sub-section applies to exhibit contracts with his foreign buyer or other evidence to show that the full export value of the goods, or, as the case may be, the value which the exporter, having regard to the prevailing market conditions, expects to receive on the sale of the goods in the overseas market, has been, or will within the prescribed period be, paid in the prescribed manner.

(8) Without prejudice to the provisions of sub-section (1), where the Reserve Bank has permitted any authorised dealer to accept for negotiation or collection of shipping documents covering exports from his constituent [not being a person who has signed the declaration in terms of sub-section (1)], such authorised dealer shall, before accepting such documents for negotiation or collection, require the constituent concerned also to sign such declaration and thereupon such constituent shall be bound to comply with such requisition and the original declarant and such constituent signing the declaration shall each be considered to be the exporter for the purposes of this section, and shall be governed by the provisions thereof accordingly.

(9) Without prejudice to the provisions of sub-section (1), in relation to export of goods to which a notification under clause (a) of that sub-section applies, the Reserve Bank may, for the purpose of ensuring that the full export value of the goods or, as the case may be, the value which the exporter, having regard to the prevailing market conditions, expects to receive on the sale of the goods in the overseas market, is received in proper time or without delay, by general or special order, direct from time to time, that in respect of export of goods to any destination or any class of export transactions or any class of goods or class of exporters, the exporter shall, prior to the export of the goods, comply with any or all of the following conditions as may be specified in the order, namely:—

(a) that any contract or other arrangement for the sale of the goods shall be registered in such manner and with such authority or organisation as may be specified in the order;

(b) that the payment for the goods is covered by an irrevocable letter of credit or by such other arrangement or document as may be specified in the order;

(c) that a copy of the declaration to be furnished to the prescribed authority under sub-section (1) shall be submitted to such authority or organisation as may be specified in the order for certifying that the value of the goods specified in such declaration represents the proper value thereof;

(d) that any declaration to be furnished to the prescribed authority under sub-section (1) shall be submitted to the Reserve Bank for its prior approval, which may, having regard to the circumstances, be given or withheld or may be given subject to such conditions as the Reserve Bank may deem fit to impose:

Provided that no approval shall be withheld by the Reserve Bank under this clause unless the exporter has been given a reasonable opportunity for making a representation in the matter.

(10) Where the Central Government is of opinion that, in respect of any goods or class of goods or class of exporters, or in respect of export to any destination, the practice of exporting goods in accordance with any term to the effect that the goods will be sold on account of the exporter and the account of such sales rendered to the exporter has resulted or is likely to result in the full export value of the goods not being brought into India in the prescribed manner or within the prescribed period, it may, by general or special order, prohibit the export, in accordance with such term, of such goods or class of goods or by such exporters or to such destination.

1 of 1956.

19. (1) Notwithstanding anything contained in section 81 of the Companies Act, 1956, no person shall, except with the general or special permission of the Reserve Bank,—

Regulation of export and transfer of securities.

(a) take or send any security to any place outside India;

(b) transfer any security, or create or transfer any interest in a security, to or in favour of a person resident outside India;

(c) transfer any security from a register in India to a register outside India or do any act which is calculated to secure, or forms part of a series of acts which together are calculated to secure, the substitution for any security which is either in, or registered in, India, of any security which is either outside, or registered outside, India;

(d) issue, whether in India or elsewhere, any security which is registered or to be registered in India, to a person resident outside India;

(e) acquire, hold or dispose of any foreign security.

(2) Where the holder of a security is a nominee, neither he nor any person through whose agency the exercise of all or any of the holder's rights in respect of the security is controlled shall, except with the general or special permission of the Reserve Bank, do any act, whereby he recognises or gives effect to the substitution of another person as the person from whom he directly receives instructions, unless both the person previously instructing and the person substituted for that person were, immediately before the substitution, resident in India.

(3) The Reserve Bank may, for the purpose of securing that the provisions of this section are not evaded, require that the person transferring any security and the person to whom such security is transferred shall subscribe to a declaration that the transferee is not resident outside India.

(4) Notwithstanding anything contained in any other law, no person shall, except with the permission of the Reserve Bank,—

(a) enter any transfer of securities in any register or book in which securities are registered or inscribed if he has any ground for suspecting that the transfer involves any contravention of the provisions of this section, or

(b) enter in any such register or book, in respect of any security, whether in connection with the issue or transfer of the security or otherwise, an address outside India except by way of substitution for

any such address in the same country or for the purpose of any transaction for which permission has been granted under this section with knowledge that it involves entry of the said address, or

(c) transfer any share from a register outside India to a register in India.

(5) Notwithstanding anything contained in any other law, no transfer of any share of a company registered in India made by a person resident outside India or by a national of a foreign State to another person whether resident in India or outside India shall be valid unless such transfer is confirmed by the Reserve Bank on an application made to it in this behalf by the transferor or the transferee.

(6) If the Central Government is of opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette, exempt any transfer referred to in sub-section (5) or class of such transfers from the operation of the provisions of that sub-section, subject to such conditions, if any, as may be specified in the notification.

(7) For the purposes of this section,—

(a) “holder”, in relation to a bearer security, means the person having physical custody of the security; provided that, where a bearer security is deposited with any person in a locked or sealed receptacle from which the person with whom it is deposited is not entitled to remove it without the authority of some other person, that other person shall be deemed to be the holder of the security;

(b) “nominee” means a holder of any security (including a bearer security) or any coupon representing dividends or interest who, as respects the exercise of any rights in respect of the security or coupon, is not entitled to exercise those rights except in accordance with the instructions given by some other person, and a person holding a security or coupon as a nominee shall be deemed to act as nominee for the person who is entitled to give instructions either directly or through the agency of one or more persons, as to the exercise by the holder of the security or coupon of any rights in respect thereof and is not, in so doing, himself under a duty to comply with instructions given by some other person.

Restric-
tions on
payment
in respect
of certain
securi-
ties.

20. Notwithstanding anything contained in any other law or in any contract, agreement or other instrument, the holder of any Government security, as defined in the Public Debt Act, 1944, created and issued for the purpose of raising a public loan before the 15th day of August, 1947, in respect of which the principal or interest or both are for the time being payable outside India in any country or place notified in this behalf by the Central Government, shall not be entitled, except with the general or special permission of the Reserve Bank, to have any such payment made at any place in India.

18 of 1944.

Explanation.—In this section, “holder” shall have the same meaning as in clause (a) of sub-section (7) of section 19.

Custody
of securi-
ties.

21. (1) The Central Government may, by notification in the Official Gazette, order every person by whom or on whose behalf a security or certificate of title to a security specified in the order is held in India to cause the said security or certificate of title to be kept in the custody of an authorised depository named in the order:

Provided that the Reserve Bank may, by order in writing, permit any such security to be withdrawn from the custody of the authorised depository subject to such conditions as may be specified in the order.

(2) No authorised depository may part with any security covered by an order under sub-section (1) without the general or special permission of the Reserve Bank except to, or to the order of, another authorised depository.

(3) Except with the general or special permission of the Reserve Bank, no authorised depository shall—

(a) accept or part with any security covered by an order under sub-section (1) whereby the security is transferred to the name of a person resident outside India, or

(b) do any act whereby he recognises or gives effect to the substitution of another person as the person from whom he directly receives instructions relating to such security unless the person previously so instructing him and the person substituted for that person were, immediately before the substitution, resident in India.

(4) Except with the general or special permission of the Reserve Bank, no person shall purchase, sell or transfer any security, or certificate of title to a security, covered by an order under sub-section (1) unless such security or certificate of title has been deposited in accordance with the order under sub-section (1).

(5) Except with the general or special permission of the Reserve Bank, no capital moneys, interest or dividends in respect of any security covered by an order under sub-section (1) shall be paid in India except to or to the order of the authorised depository having the custody of the security.

(6) For the purposes of this section—

(a) "authorised depository" means a person notified by the Central Government to be entitled to accept the custody of securities and certificates of title to securities, and

(b) "security" includes coupons.

22. The Central Government may, by notification in the Official Gazette, order that except with the general or special permission of the Reserve Bank no person shall, in India, and no person resident in India shall, outside India, create or issue any bearer certificate or coupon or so alter any document that it becomes a bearer certificate or coupon.

Restrictions on issue of bearer securities.

23. (1) Subject to any exemptions that may be contained in the notification, the Central Government may, if it is of opinion that it is expedient so to do for the purpose of strengthening its foreign exchange position, by notification in the Official Gazette,—

Acquisition by Central Government of foreign securities.

(a) order the transfer to itself of any foreign securities specified in the notification at a price so specified, being a price which, in the opinion of the Central Government, is not less than the market value of the securities on the date of the notification, or

(b) direct the owner of any foreign securities specified in the notification to sell or procure the sale of the securities and thereafter to offer or cause to be offered the net foreign exchange proceeds of the sale to the Reserve Bank on behalf of the Central Government or to such person as the Reserve Bank may authorise for the purpose, at such price as the Central Government may fix, being a price, which is not less than the price calculated at the rate of exchange for the time being authorised by the Reserve Bank.

(2) On the issue of a notification under clause (a) of sub-section (1),—

(a) the securities to which the notification relates shall forthwith vest in the Central Government free from any mortgage, pledge or charge, and the Central Government may deal with them in such manner as it thinks fit;

(b) the owner of any of the securities to which the notification relates and any person who is responsible for keeping any registers or books in which any of those securities are registered or inscribed, or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary or as the Central Government or the Reserve Bank may order to be done, for the purpose of securing that—

(i) the securities and any certificates of title relating thereto are delivered to the Central Government and, in the case of registered or inscribed securities, that the securities are registered or inscribed in the name of the Central Government or of such nominee of the Central Government as it may specify, and

(ii) any dividends or interest on those securities becoming payable on or after the date of the issue of the notification are paid to the Central Government or its nominee as aforesaid and where in the case of any security payable to bearer which is delivered in pursuance of the said notification, any coupons representing any such dividends or interest are not delivered with the security, such reduction in the price payable therefor shall be made as the Central Government thinks fit:

Provided that where the price specified in the notification in relation to any security is ex-dividend or ex-interest, this sub-clause shall not apply to that dividend or interest or to any coupon representing it.

(3) A certificate signed by any person authorised in this behalf by the Central Government that any specified securities are securities transferred to the Central Government under this section shall be treated by all persons concerned as conclusive evidence that the securities have been so transferred.

Restric-
tion on
settle-
ment, etc.

24. No person resident in India shall, except with the general or special permission of the Reserve Bank, settle, or make a gift of, any property so that a person who at the time of the settlement or the making of the gift is resident outside India, elsewhere than in the territories notified in this behalf by the Reserve Bank, will have an interest in the property, or exercise any power for payment in favour of a person who

at the time of the exercise of the power is resident outside India elsewhere than in such notified territories:

Provided that any settlement or gift made or any power exercised as aforesaid without the permission of the Reserve Bank shall not be invalid merely on the ground that such permission has not been obtained.

25. (1) No person resident in India shall, except with the permission of the Reserve Bank, acquire or hold or transfer or dispose of by sale, mortgage, lease, gift, settlement or otherwise, any immovable property situate outside India:

Restriction on holding of immovable property outside India.

Provided that nothing in this sub-section shall apply to the acquisition or transfer of any such immovable property by way of lease for a period not exceeding five years.

(2) Any person resident in India and holding any immovable property outside India at the commencement of this Act shall, before the expiry of a period of three months from such commencement or such further period as the Reserve Bank may allow in this behalf, declare such holding to the Reserve Bank in such form and containing such particulars as may be specified by the Reserve Bank.

(3) Notwithstanding anything contained in this Act or in any other law for the time being in force, if the Central Government is satisfied that it is necessary or expedient in the public interest so to do, it may, by order, direct any person holding any immovable property outside India to sell the whole or any part of such property, subject to such terms and conditions as it may deem fit, and require the proceeds of such sale to be received in India through an authorised dealer.

(4) Nothing in this section shall apply to a national of a foreign State.

26. (1) Where there is served on any person resident in India a notice in writing that the Central Government or the Reserve Bank wishes any such requirements as are hereafter mentioned to be complied with by any such company as is specified in *Explanation I* [hereafter in this sub-section and in sub-section (2) referred to as foreign company] and that person can by doing or refraining from doing any act—

Certain provisions as to companies.

(a) cause the foreign company to comply with any of the requirements, or

(b) remove any obstacle to the foreign company complying with any of the requirements, or

(c) render it in any respect more probable that the foreign company will comply with any of the requirements,

then, except so far as permission to the contrary may be given by the Central Government or, as the case may be, by the Reserve Bank, that person shall do or, as the case may be, refrain from doing that act.

(2) The requirements with respect to which a notice under sub-section (1) may be given are as follows, that is to say, the foreign company shall—

(i) furnish to the Central Government or, as the case may be, to the Reserve Bank such particulars as to its assets and business as may be specified in the notice;

(ii) sell or procure the sale to an authorised dealer of any foreign exchange specified in the notice, being foreign exchange which it is entitled to sell or of which it is entitled to procure the sale;

(iii) declare and pay such dividends as may be specified in the notice;

(iv) realise any of its assets specified in the notice in such manner as may be so specified;

(v) refrain from selling or transferring or doing anything which affects its rights or powers in relation to any such instruments or securities as may be specified in the notice.

(3) Except with the general or special permission of the Reserve Bank, no person resident in India shall, in respect of any business outside India, in which the non-resident interest is forty-nine per cent. or less, do any act, whereby the non-resident interest in that business becomes more than forty-nine per cent.

(4) Notwithstanding anything contained in any other law, no transfer of any interest in any business in India made by a person resident outside India to any person also resident outside India shall be valid unless such transfer is confirmed by the Reserve Bank on an application made to it in this behalf by the transferor or the transferee.

(5) Except with the general or special permission of the Reserve Bank, no person resident in India shall transfer any interest in any business in India, or create any interest in such business, to or in favour of a person or company referred to in sub-section (1) of section 29.

(6) Except with the general or special permission of the Central Government, or the Reserve Bank, no person resident in India shall give a guarantee in respect of any debt or other obligation or liability—

(i) of a person resident in India, and due or owing to a person resident outside India, or

(ii) of a person resident outside India.

(7) Except with the general or special permission of the Reserve Bank—

(i) no person resident in India shall lend any money to, or deposit any money with, a firm or company (other than a banking company) in which the non-resident interest is more than forty per cent., and

(ii) no firm or company (other than a banking company) in which the non-resident interest is more than forty per cent., shall borrow money from a person resident in India, or accept a deposit of money from such person.

Explanation I.—The companies referred to in sub-section (1) are companies not incorporated under any law in force in India in the case of which any of the following conditions is fulfilled:—

(a) that the company is one in which the non-resident interest is forty-nine per cent., or less; or

(b) that more than one-half of the sums which, on a liquidation thereof, would be receivable by holders of share or loan capital, would be receivable directly or indirectly by, or for the benefit of, persons resident in India;

(c) that more than one-half of the assets which on a liquidation thereof, would be available for distribution after the payment to

creditors, would be receivable directly or indirectly by, or for the benefit of, persons resident in India; or

(d) that more than one-half—

(i) of the interest payable on its loans and loan capital, if any, or

(ii) of the dividends payable on its preference share capital, if any, or

(iii) of the dividends payable on its share capital, if any, not being preference share capital,

is receivable directly or indirectly by, or for the benefit of, persons resident in India.

Explanation II.—Where the identity of the persons by whom, or for whose benefit, any sum, assets, interests or dividends are directly or indirectly receivable depends on the exercise by any person resident in India of a power vested in him in that behalf, the sum, assets, interest or dividends shall, for the purposes of clause (b) of *Explanation I*, be deemed to be receivable directly or indirectly by, or for the benefit of, persons resident in India.

Explanation III.—For the purposes of this section and sections 28, 29 and 31, “non-resident interest” means participation in the share capital by, or entitlement to the distributable profits of, any individual or company resident outside India, or any company not incorporated under any law in force in India, or any branch of such company whether resident outside India or not.

27. (1) Without prejudice to the provisions of clause (e) of sub-section (1) of section 19, no person resident in India shall, without the previous permission of the Central Government, associate himself with, or participate in, whether as promoter or otherwise, any concern outside India engaged in, or intending to engage in, any activity of a trading, commercial or industrial nature, whether such concern is a body corporate or not.

(2) Any person desiring to get permission under sub-section (1) may make an application to the Central Government in such form, in such manner and containing such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the Central Government may, after making such inquiry as it deems fit, allow the application subject to such conditions, if any, as it may think fit to impose or reject the application:

Provided that no application shall be rejected under this sub-section unless the applicant has been given a reasonable opportunity for making a representation in the matter.

(4) Any permission granted under this section shall also be subject to the condition that the person to whom such permission has been granted shall comply with such requirements as the Reserve Bank may, from time to time, direct.

(5) If any person to whom a permission has been granted under this section does not comply with any condition imposed by the Central Government under sub-section (3) or any requirement directed by the Reserve Bank under sub-section (4) to be complied with, then, without

16 M of Law—41.

Restrictions or persons resident in India associating themselves with or participating in concerns outside India.

4 Subs. by Act 56 of 1974, s. 3 & Sch. II.

prejudice to any other action that may be taken against him under this Act, the Central Government may, by order, revoke the permission granted to him under this section:

Provided that no order under this sub-section shall be made unless the person to be affected thereby has been given a reasonable opportunity for making a representation in the matter.

(6) (a) Every person resident in India who, at the commencement of this Act, is associating himself with, or participating in, whether as promoter or otherwise, any concern referred to in sub-section (1) shall, within a period of ninety days of such commencement or such further period as the Central Government may allow in this behalf, make an application to the Central Government in such form, in such manner and containing such particulars as may be prescribed for permission to continue such association or participation.

(b) The provisions of sub-sections (3) to (5) (both inclusive) shall apply in relation to any application made under this sub-section as they apply in relation to an application made under sub-section (2).

(7) Nothing in this section shall apply to a national of a foreign State.

Explanation.—For the purposes of this section, a person shall not be deemed to be associating himself with, or participating in, whether as promoter or otherwise, in a concern referred to in sub-section (1), merely by reason of the fact that he is an employee in such concern.

Restrictions on the appointment of certain persons and companies as agents or technical or management advisers in India.

28. (1) Without prejudice to the provisions of section 47 and notwithstanding anything contained in any other provision of this Act or the Companies Act, 1956, a person resident outside India (whether a citizen of India or not) or a person who is not a citizen of India but is resident in India, or a company (other than a banking company) which is not incorporated under any law in force in India or in which the non-resident interest is more than forty per cent., or any branch of such company, shall not, except with the general or special permission of the Reserve Bank,—

1 of 1956

(a) act, or accept appointment, as agent in India of any person or company, in the trading or commercial transactions of such person or company; or

(b) act, or accept appointment, as technical or management adviser in India of any person or company; or

(c) permit any trade mark, which he or it is entitled to use, to be used by any person or company for any direct or indirect consideration.

(2) Where any such person or company (including its branch) as is referred to in sub-section (1) acts or accepts appointment as such agent, or technical/management adviser, or permits the use of any such trade mark, without the permission of the Reserve Bank, such acting appointment or permission, as the case may be, shall be void.

(3) Where any such person or company (including its branch) as is referred to in sub-section (1) acts as, or holds the appointment of, any such agent or technical or management adviser as is referred to in that sub-section at the commencement of this Act, or where a permission for

the use of any such trade mark granted by such person or company (including its branch) continues to be valid at such commencement, such person or company (including its branch) shall, within a period of six months from such commencement or such further period as the Reserve Bank may allow in this behalf, make an application to the Reserve Bank in such form and containing such particulars as may be specified by the Reserve Bank for permission to continue to act, or to hold the appointment, as such or, as the case may be, to continue to permit the use of any such trade mark.

(4) On receipt of an application under sub-section (3), the Reserve Bank may, after making such inquiry as it deems fit, either allow the application subject to such conditions, if any, as the Reserve Bank may think fit to impose, or reject the application:

Provided that no application shall be rejected under this sub-section unless the parties who may be affected by such rejection have been given a reasonable opportunity for making a representation in the matter.

(5) Where any application has been rejected under sub-section (4), the acting, appointment or permission, as the case may be, shall be void on the expiry of a period of ninety days, or such other later date as may be specified by the Reserve Bank, from the date of receipt by the person or company (including its branch) concerned of the communication conveying such rejection.

(6) Where no application has been made under sub-section (3) by any such person or company (including its branch) as is referred to in sub-section (1), the Reserve Bank may, by order, direct such person or company (including its branch) to desist from such acting or appointment or, as the case may be, from permitting the use of any such trade mark on the expiry of such period as may be specified in the direction:

Provided that no direction shall be made under this sub-section unless the parties who may be affected by such direction have been given a reasonable opportunity for making a representation in the matter.

(7) Where any direction made under sub-section (6) has not been complied with by any person or company (including its branch), then, without prejudice to any action that may be taken under this Act, the acting, appointment or permission, as the case may be, shall be void with effect from the expiry of the period specified in the direction.

Explanation.—For the purposes of this section,—

(a) "agent" includes any person or company (including its branch) who or which buys any goods with a view to sell such goods before any processing thereof;

(b) "company" means any body corporate and includes a firm or other association of individuals;

(c) "processing" means any art or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation but does not include any process incidental or ancillary to the completion of a manufactured product such as dividing, pressing, compressing, packing, re-packing, labelling, re-labelling, branding or the adoption of any such treatment as is necessary to render such product marketable to the consumer;

(d) "technical or management adviser" includes any person or company (including its branch) required to tender any technical or management advice, even though the tendering of such advice is incidental to any other services required to be rendered by such person or company.

Restrictions on establishment of place of business in India.

29. (1) Without prejudice to the provisions of section 28 and section 47 and notwithstanding anything contained in any other provision of this Act or the provisions of the Companies Act, 1956, a person resident outside India (whether a citizen of India or not) or a person who is not a citizen of India but is resident in India, or a company (other than a banking company) which is not incorporated under any law in force in India or in which the non-resident interest is more than forty per cent. or any branch of such company, shall not, except with the general or special permission of the Reserve Bank,—

1 of 1956.

(a) carry on in India, or establish in India a branch, office or other place of business for carrying on any activity of a trading, commercial or industrial nature, other than an activity for the carrying on of which permission of the Reserve Bank has been obtained under section 28; or

(b) acquire the whole or any part of any undertaking in India of any person or company carrying on any trade, commerce or industry or purchase the shares in India of any such company.

(2) (a) Where any person or company (including its branch) referred to in sub-section (1) carries on any activity referred to in clause (a) of that sub-section at the commencement of this Act or has established a branch, office or other place of business for the carrying on of such activity at such commencement, then, such person or company (including its branch) may make an application to the Reserve Bank within a period of six months from such commencement or such further period as the Reserve Bank may allow in this behalf for permission to continue to carry on such activity or to continue the establishment of the branch, office or other place of business for the carrying on of such activity, as the case may be.

(b) Every application made under clause (a) shall be in such form and contain such particulars as may be specified by the Reserve Bank.

(c) Where any application has been made under clause (a), the Reserve Bank may, after making such inquiry as it may deem fit, either allow the application subject to such conditions, if any, as the Reserve Bank may think fit to impose or reject the application:

Provided that no application shall be rejected under this clause unless the parties who may be affected by such rejection have been given a reasonable opportunity for making a representation in the matter.

(d) Where an application is rejected by the Reserve Bank under clause (c), the person or company (including its branch) concerned shall discontinue such activity or close down the branch, office or other place of business established for the carrying on of such activity, as the case may be, on the expiry of a period of ninety days or such other later date as may be specified by the Reserve Bank from the date of receipt by such person or company (including its branch) of the communication conveying such rejection.

(e) Where no application has been made under clause (a) by any person or company (including its branch), the Reserve Bank may, by order, direct such person or company (including its branch) to discontinue such activity or to close down the branch, office or other place of business established for the carrying on of such activity, as the case may be, on the expiry of such period as may be specified in the direction:

Provided that no direction shall be made under this clause unless the parties who may be affected by such direction have been given a reasonable opportunity for making a representation in the matter.

(3) Notwithstanding anything contained in sub-section (2), the Reserve Bank may, having regard to—

(i) the fact that any person or company (including its branch), referred to in sub-section (1), is carrying on any activity referred to in clause (a) of that sub-section at the commencement of this Act or has established a branch, office or other place of business for the carrying on of such activity at such commencement, in either case, in pursuance of any permission or licence granted by the Central Government; and

(ii) the nature of the activity which is being, or intended to be, carried on by such person or company (including its branch), by order, exempt—

(a) such person or company (including its branch); or

(b) any class of such persons or companies (including their branches),

in relation to such activity as may be specified in the order, from the operation of the provisions of sub-section (2) subject to such conditions as may be specified in the order:

Provided that the Reserve Bank shall not make any order under this sub-section in a case where the activity which is being, or intended to be, carried on is solely of a trading nature.

(4) (a) Where at the commencement of this Act any person or company (including its branch) referred to in sub-section (1) holds any shares in India of any company referred to in clause (b) of that sub-section, then, such person or company (including its branch) shall not be entitled to continue to hold such shares unless before the expiry of a period of six months from such commencement or such further period as the Reserve Bank may allow in this behalf such person or company (including its branch) has made an application to the Reserve Bank in such form and containing such particulars as may be specified by the Reserve Bank for permission to continue to hold such shares.

(b) Where an application has been made under clause (a), the Reserve Bank may, after making such inquiry as it may deem fit, either allow the application subject to such conditions, if any, as the Reserve Bank may think fit to impose or reject the application:

Provided that no application shall be rejected under this clause unless the parties who may be affected by such rejection have been given a reasonable opportunity for making a representation in the matter.

(c) Where an application has been rejected under clause (b), or where no application has been made under clause (a), the Reserve Bank may, if it is of opinion that it is expedient so to do for the purpose of conserving the foreign exchange, direct such person or company (including its branch) to sell or procure the sale of such shares:

Provided that no direction shall be made under this clause unless notice of such direction for a period of not less than ninety days has been given to the person or company (including its branch) to be affected by such direction.

Explanation.—For the purposes of this section, “company” has the same meaning as in clause (b) of the *Explanation* to section 28.

Prior permission of Reserve Bank required for taking up employment, etc., in India by nationals of foreign States.

30. (1) No national of a foreign State shall, without the previous permission of the Reserve Bank—

(i) take up any employment in India, or

(ii) practise any profession or carry on any occupation, trade or business in India,

in a case where such national desires to acquire any foreign exchange (such foreign exchange being intended for remittance outside India) out of any moneys received by him in India by reason of such employment or the practising of such profession or the carrying on of such occupation, trade or business, as the case may be.

(2) Where any national of a foreign State desires to obtain the permission of the Reserve Bank under sub-section (1), he may make an application to the Reserve Bank in such form, in such manner and containing such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the Reserve Bank may, after making such inquiry as it deems fit, allow the application subject to such conditions, if any, as it may think fit to impose or reject the application:

Provided that no application shall be rejected under this sub-section unless the applicant has been given a reasonable opportunity for making a representation in the matter.

Restriction on acquisition, holding, etc., of immovable property in India.

31. (1) No person who is not a citizen of India and no company (other than a banking company) which is not incorporated under any law in force in India or in which the non-resident interest is more than forty per cent. shall, except with the previous general or special permission of the Reserve Bank, acquire or hold or transfer or dispose of by sale, mortgage, lease, gift, settlement or otherwise any immovable property situate in India:

Provided that nothing in this sub-section shall apply to the acquisition or transfer of any such immovable property by way of lease for a period not exceeding five years.

(2) Any person or company referred to in sub-section (1) and requiring a special permission under that sub-section for acquiring, or holding, or transferring, or disposing of, by sale, mortgage, lease, gift, settlement or otherwise any immovable property situate in India may make an application to the Reserve Bank in such form and containing such particulars as may be specified by the Reserve Bank.

(3) On receipt of an application under sub-section (2), the Reserve Bank may, after making such inquiry as it deems fit, either grant or refuse to grant the permission applied for:

Provided that no permission shall be refused unless the applicant has been given a reasonable opportunity for making a representation in the matter:

Provided further that if before the expiry of a period of ninety days from the date on which the application was received by the Reserve Bank, the Reserve Bank does not communicate to the applicant that the permission applied for has been refused, it shall be presumed that the Reserve Bank has granted such permission.

Explanation.—In computing the period of ninety days for the purposes of the second proviso, the period, if any, taken by the Reserve Bank for giving an opportunity to the applicant for making a representation under the first proviso shall be excluded.

(4) Every person and company referred to in sub-section (1) holding at the commencement of this Act any immovable property situate in India shall, before the expiry of a period of ninety days from such commencement or such further period as the Reserve Bank may allow in this behalf, make a declaration in such form as may be specified by the Reserve Bank regarding the immovable property or properties held by such person or company.

32. (1) No airline, shipping company, travel agent or other person shall carry on in India the business of booking passages for foreign travel unless such airline, shipping company, travel agent or other person, as the case may be, holds a valid licence granted in that behalf by the Reserve Bank.

Regulation of booking of passages outside India and restrictions on foreign travels.

(2) Any airline, shipping company, travel agent or other person desiring to carry on the business of booking passages for foreign travel may, before the commencement of such business, make an application to the Reserve Bank in such form and containing such particulars as may be specified by the Reserve Bank.

(3) On receipt of an application under sub-section (2), the Reserve Bank may, having regard to the standing of the applicant in booking passages for foreign travel and such other factors as the Reserve Bank may consider fit in the circumstances of the case, grant, or refuse to grant, a licence:

Provided that no licence shall be refused under this sub-section unless the person affected thereby is given a reasonable opportunity for making a representation in the matter.

(4) Every licence granted under sub-section (3) shall be for such period, and be subject to such conditions, as the Reserve Bank may specify in this behalf.

(5) Any licence granted under sub-section (3) or deemed to be granted under sub-section (6) may be revoked by the Reserve Bank at any time if the Reserve Bank is satisfied that the licensee has not complied with the conditions of the licence or has contravened any of the provisions of this Act or of any rule, notification, order or direction made thereunder:

Provided that no licence shall be revoked under this sub-section unless the person affected thereby is given a reasonable opportunity for making a representation in the matter.

(6) Notwithstanding anything contained in sub-sections (1) to (4), where any permission has been granted under section 18B of the Foreign Exchange Regulation Act, 1947 by the Reserve Bank to any airline, shipping company or travel agent to book passage for any person for a

journey, the whole or part of which is outside India, and such permission is valid at the commencement of this Act, then, such permission shall be deemed to be a licence granted under sub-section (3) in favour of such airline, shipping company or travel agent, as the case may be, for the unexpired portion of the period for which such permission has been granted or, where while granting such permission no period has been specified, for a period of three years from such commencement and thereafter, in either case, the provisions of sub-sections (1) to (4) shall apply to such airline, shipping company or travel agent accordingly.

(7) No airline, shipping company, travel agent or other person shall book a passage for any person for foreign travel unless the booking of such passage has been approved by the Reserve Bank on an application made to it in this behalf in such form and containing such particulars as may be specified by the Reserve Bank and signed by both the person intending to undertake such travel and the person intending to book the passage:

Provided that where the Reserve Bank is satisfied that there are good and sufficient reasons for dispensing with the signature in such application of the person intending to undertake such travel, it may dispense with such signature.

(8) On receipt of an application under sub-section (7), the Reserve Bank may, after making such inquiry as it deems fit, either allow the application subject to such conditions, if any, as the Reserve Bank may think fit to impose or reject the application:

Provided that no application shall be rejected under this sub-section unless the Reserve Bank is satisfied—

(i) that the foreign travel intended to be undertaken by such person involves or is likely to involve the meeting or defraying, in whole or in part, the cost or expenses of his stay outside India, otherwise than out of the foreign exchange acquired by him from an authorised dealer, or

(ii) that such travel involves or affects, or is likely to involve or affect, whether directly or indirectly, the accrual or expenditure of foreign exchange.

(9) No person shall, without the permission of the Reserve Bank,—

(i) remain outside India beyond the date or period; or

(ii) travel to any place outside India other than such place or places,

specified by the Reserve Bank in this behalf in his passport or on the permit for foreign exchange granted to him or on his application for booking the passage, as the case may be.

(10) Where any person acts in contravention of the provisions of sub-section (9), the Reserve Bank may, on an application made to it in this behalf by such person, if it is satisfied that the contravention was due to unforeseen circumstances or due to circumstances beyond his control, by order, condone such act.

(11) If the Reserve Bank is satisfied that it is necessary or expedient in the public interest so to do, it may, by general or special order,—

(i) direct that nothing in sub-section (7) shall apply, or the provisions thereof shall apply, subject to such restrictions and conditions, if any, as may be specified in the order, to any foreign travel or class of foreign travels as may be so specified;

(ii) exempt any person or class of persons from the operation of the provisions of sub-section (9), subject to such restrictions and conditions, if any, as may be specified in the order.

Explanation.—For the purposes of this section, “foreign travel” means a travel, the whole or any part of which is outside India.

33. (1) The Central Government may, at any time by notification in the Official Gazette, direct the owners, subject to such exceptions, if any, as may be specified in the notification, of such foreign exchange or foreign securities or immovable properties held outside India as may be so specified, to submit a return, or from time to time returns, thereof to the Reserve Bank within such period, and giving such particulars, as may be so specified.

Power
to call
for inform-
ation.

(2) Where for the purposes of this Act the Central Government or the Reserve Bank or any officer of Enforcement, not below the rank of a Chief Enforcement Officer, considers it necessary or expedient to obtain and examine any information, book or other document in the possession of any person or which in the opinion of the Central Government or the Reserve Bank or such officer it is possible for such person to obtain and furnish, the Central Government or the Reserve Bank or, as the case may be, such officer may, by order in writing, require any such person (whose name shall be specified in the order) to furnish, or to obtain and furnish, to the Central Government or the Reserve Bank or such officer or any person specified in the order with such information, book or other document and thereupon such person shall be bound to comply with such requisition.

Explanation.—For the purposes of this section, section 34 and sections 36 to 41 (both inclusive), “document” includes Indian currency, foreign exchange and books of account.

34. (1) If any officer of Enforcement authorised in this behalf by the Central Government, by general or special order, has reason to believe that any person has secreted about his person or in anything under his possession, ownership or control any documents which will be useful for, or relevant to, any investigation or proceeding under this Act, he may search that person or such thing and seize such documents.

Power to
search
suspected
persons
and to
seize
docu-
ments.

(2) When any officer of Enforcement is about to search any person under the provisions of this section, the officer of Enforcement shall, if such person so requires, take such person without unnecessary delay to the nearest gazetted officer of Enforcement superior in rank to him or a magistrate.

(3) If such requisition is made, the officer of Enforcement may detain the person making it until he can bring him before the gazetted officer of Enforcement or the magistrate referred to in sub-section (2).

(4) The gazetted officer of Enforcement or the magistrate before whom any such person is brought shall, if he sees no reasonable ground for

search, forthwith discharge the person but otherwise shall direct that search be made.

(5) Before making a search under the provisions of this section, the officer of Enforcement shall call upon two or more persons to attend and witness the search and may issue an order in writing to them or any of them so to do; and the search shall be made in the presence of such persons and a list of all documents seized in the course of such search shall be prepared by such officer and signed by such witnesses.

(6) No female shall be searched by any one excepting a female.

Power
to
arrest.

35. (1) If any officer of Enforcement authorised in this behalf by the Central Government, by general or special order, has reason to believe that any person in India or within the Indian customs waters has been guilty of an offence punishable under this Act, he may arrest such person and shall, as soon as may be, inform him of the grounds for such arrest.

(2) Every person arrested under sub-section (1) shall, without unnecessary delay, be taken to a magistrate.

(3) Where any officer of Enforcement has arrested any person under sub-section (1), he shall, for the purpose of releasing such person on bail or otherwise, have the same powers and be subject to the same provisions as the officer-in-charge of a police station has, and is subject to, under the Code of Criminal Procedure, 1898.

5 of 1898.

Power to
stop and
search
convey-
ances.

36. If any officer of Enforcement authorised in this behalf by the Central Government, by general or special order, has reason to believe that any document which will be useful for, or relevant to, any investigation or proceeding under this Act is secreted in any aircraft or vehicle or on any animal in India or in any vessel in India or within the Indian customs waters, he may at any time stop any such vehicle or animal or vessel or, in the case of an aircraft, compel it to stop or land, and—

(a) rummage and search any part of the aircraft, vehicle or vessel;

(b) examine and search any goods in the aircraft, vehicle or vessel or on the animal;

(c) seize any such document as is referred to above;

(d) break open the lock of any door or package for exercising the powers conferred by clauses (a), (b) and (c), if the keys are withheld.

Power to
search
premises

37. (1) If any officer of Enforcement, not below the rank of an Assistant Director of Enforcement, has reason to believe that any documents which, in his opinion, will be useful for, or relevant to, any investigation or proceeding under this Act, are secreted in any place, he may authorise any officer of Enforcement to search for and seize or may himself search for and seize such documents.

(2) The provisions of the Code of Criminal Procedure, 1898, relating to searches, shall, so far as may be, apply to searches under this section subject to the modification that sub-section (5) of section 165 of the said Code shall have effect as if for the word "Magistrate", wherever it occurs, the words "Director of Enforcement or other officer exercising his powers" were substituted.

5 of 1898.

38. Without prejudice to the provisions of section 34 or section 36 or section 37, if any officer of Enforcement authorised in this behalf by the Central Government, by general or special order, has reason to believe that any document or thing will be useful for, or relevant to, any investigation or proceeding under this Act or in respect of which a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has taken place, he may seize such document or thing.

Power to seize documents, etc.

39. The Director of Enforcement or any other officer of Enforcement authorised in this behalf by the Central Government, by general or special order, may, during the course of any investigation or proceeding under this Act,—

Power to examine persons.

(a) require any person to produce or deliver any document relevant to the investigation or proceeding;

(b) examine any person acquainted with the facts and circumstances of the case.

40. (1) Any gazetted officer of Enforcement shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document during the course of any investigation or proceeding under this Act.

Power to summon persons to give evidence and produce documents.

(2) A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession or under the control of the person summoned.

(3) All persons so summoned shall be bound to attend either in person or by authorised agents, as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and produce such documents as may be required:

Provided that the exemption under section 132 of the Code of Civil Procedure, 1908, shall be applicable to any requisition for attendance under this section.

8 of 1908.

(4) Every such investigation or proceeding as aforesaid shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

45 of 1860.

41. Where in pursuance of an order made under sub-section (2) of section 33 or of the provisions of section 34 or section 36 or section 37 or of a requisition or summons under section 39 or section 40, any document is furnished or seized and any officer of Enforcement has reason to believe that the said document would be evidence of the contravention of any of the provisions of this Act or of any rule, direction or order made thereunder, and that it would be necessary to retain the document in his custody, he may so retain the said document for a period not exceeding one year or if, before the expiry of the said period of one year, any proceedings—

Custody of documents, etc.

(i) under section 51 have been commenced, until the disposal of those proceedings, including the proceedings, if any, before the Appellate Board and the High Court, or

(ii) under section 56 have been commenced before a court, until the document has been filed in the court.

Explanation.—In computing the period of one year during which a document (hereafter in this *Explanation* referred to as the said document) may be retained under this section, in any case where by reason of an injunction or order of any court (whether such injunction or order is in relation to the said document or is in relation to any other document reference to which would be necessary for examining or using the said document),—

(a) the said document could not be examined fully for the purpose of determining whether it would be evidence of the contravention of any of the provisions of this Act or of any rule, direction or order made thereunder, or

(b) the said document could not be used for commencing any proceedings under section 51 or section 56, or

(c) the proceedings under section 51 or section 56 could not be commenced,

the time of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn, shall be excluded.

Encash-
ment of
cheque,
draft, etc.

42. (1) Where—

(i) an investigation is being made into any alleged contravention of the provisions of section 13 or clause (a) of sub-section (1) of section 18 or clause (a) of sub-section (1) of section 19, read with section 67; or

(ii) an investigation is being made into any alleged contravention of any other provision of this Act or of any rule, direction or order made thereunder; or

(iii) any proceeding in respect of any such contravention as is referred to in clause (i) or clause (ii) is pending before an officer of Customs or an officer of Enforcement or a court,

and any draft, cheque (including traveller's cheque) or other instrument being the subject matter of such investigation or proceeding is in the custody of an officer of Customs or of an officer of Enforcement or of a court, then,—

(a) where such draft, cheque (including traveller's cheque) or other instrument is in the custody of an officer of Customs, the Collector of Customs; or

(b) where such draft, cheque (including traveller's cheque) or other instrument is in the custody of an officer of Enforcement, the Director of Enforcement; or

(c) where such draft, cheque (including traveller's cheque) or other instrument is in the custody of a court, the court, on an application made to it in this behalf by the Collector of Customs or, as the case may be, by the Director of Enforcement,

may, by order, direct that the sum due under such draft, cheque (including traveller's cheque) or other instrument be encashed either through the Reserve Bank or such other agency as the Collector of Customs or the Director of Enforcement or the court, as the case may be, deems fit.

(2) Any proceeds realised in pursuance of a direction under sub-section (1) shall be kept in a separate account to be maintained by the prescribed authority in the prescribed manner.

52 of 1962.

(3) Where a direction is made under section 63, or an order has been made under the Customs Act, 1962 to confiscate any draft, cheque (including traveller's cheque) or other instrument the proceeds of which have been realised under sub-section (1), such proceeds shall vest in the Central Government and in all other cases such proceeds shall be paid to such person as may appear to the officer or the court, who or which made the direction under sub-section (1), to be entitled thereto in such currency and in such manner as he or it deems just together with interest at the rate of six per cent. per annum from the date on which such draft, cheque (including traveller's cheque) or other instrument came into his or its custody till the date of payment:

Provided that nothing in this sub-section shall affect the liability of any person, who may receive the whole or any part of the proceeds, to pay the same to the person lawfully entitled thereto.

43. (1) Any officer of Enforcement not below the rank of an Assistant Director of Enforcement specially authorised in writing by the Director of Enforcement in this behalf, or any officer of the Reserve Bank specially authorised in writing by the Reserve Bank in this behalf, may inspect the books and accounts and other documents of any authorised dealer. Inspector

(2) It shall be the duty of every authorised dealer and, where the authorised dealer is a company or a firm, of every director, partner or other officer of the authorised dealer to produce to any officer making an inspection under sub-section (1) all such books, accounts and other documents in his custody or power and to furnish him with any statement or information relating to the affairs of the authorised dealer as the said officer may require of him within such time as the said officer may specify.

(3) Any officer making an inspection under sub-section (1) may examine on oath any authorised dealer or his agent or, where the authorised dealer is a company or a firm, any director, partner or other officer of the authorised dealer in relation to its business.

(4) If any person fails to produce any book, account or other document or to furnish any statement or information relating to the authorised dealer which, under sub-section (2), it is his duty to produce or furnish, or to answer any question relating to the business of the authorised dealer which he is asked by an officer making an inspection under this section, he shall be deemed to have contravened the provisions of this Act.

(5) The provisions of this section shall, so far as may be, apply in relation to a money-changer and to a person to whom a licence has been granted or deemed to have been granted under section 32 as they apply in relation to an authorised dealer.

Prohibition of disclosure of documents or information except in certain cases.

44. (1) If the Director of Enforcement or any other officer of Enforcement not below the rank of an Assistant Director of Enforcement is of opinion that the contents of any documents which have come into his possession or control during the course of any investigation or proceeding under this Act would be useful for, or relevant to, any proceeding which is in progress or may be started under any other law for the time being in force, he may disclose such document or any information contained therein as he thinks fit to an officer duly authorised by or under such other law.

(2) If any officer of Enforcement, except in the discharge in good faith of his duty as such officer in accordance with sub-section (1) or in compliance with any requisition made under any law for the time being in force, discloses any document or information obtained by him in his official capacity, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Power of police officers and other officers to enter, search, etc.

45. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any police officer not below the rank of a Sub-Inspector of Police, or any other officer of the Central Government or a State Government authorised by the Central Government in this behalf may enter any public place and search and arrest without warrant any person found therein who is reasonably suspected of having committed or of committing or of being about to commit a contravention of the provisions of sub-section (1) of section 8.

5 of 1938.

Explanation.—For the purposes of this sub-section, the expression “public place” includes any public conveyance, any hotel, any shop or any other place intended for use by, or accessible to, the public.

(2) Where any person is arrested under sub-section (1) by an officer other than a police officer, such officer shall, without unnecessary delay, take or send the person arrested before a magistrate having jurisdiction in the case or before the officer-in-charge of a police station.

(3) The provisions of the Code of Criminal Procedure, 1898, shall, subject to the provisions of this section, apply, so far as may be, in relation to any entry, search or arrest, made under this section.

5 of 1938.

(4) The provisions of this section shall have effect notwithstanding anything inconsistent therewith contained in any other provision of this Act.

Procedure in respect of foreign exchange or any other goods seized by police officers.

46. (1) Where any police officer seizes any foreign exchange or any other goods which is alleged or suspected to have been stolen, or which is found, in either case, under circumstances which create suspicion of the commission of an offence under this Act, such police officer shall forthwith report the seizure of—

(i) such foreign exchange to the nearest officer of Enforcement, not below the rank of an Assistant Director of Enforcement; and

(ii) such other goods to the nearest officer of Customs, not below the rank of an Assistant Collector of Customs.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, in every case referred to in sub-section (1), the police officer shall, immediately after the dismissal of the complaint or the conclusion of the inquiry or trial, as the case may be, cause—

(i) such foreign exchange to be delivered to an officer of Enforcement, not below the rank of an Assistant Director of Enforcement; and

(ii) such other goods to be conveyed to an officer of Customs, not below the rank of an Assistant Collector of Customs.

47. (1) No person shall enter into any contract or agreement which would directly or indirectly evade or avoid in any way the operation of any provision of this Act or of any rule, direction or order made thereunder.

Contracts
in evasion
of the
Act.

(2) Any provision of, or having effect under, this Act that a thing shall not be done without the permission of the Central Government or the Reserve Bank, shall not render invalid any agreement by any person to do that thing, if it is a term of the agreement that that thing shall not be done unless permission is granted by the Central Government or the Reserve Bank, as the case may be; and it shall be an implied term of every contract governed by the law of any part of India that anything agreed to be done by any term of that contract which is prohibited to be done by or under any of the provisions of this Act except with the permission of the Central Government or the Reserve Bank, shall not be done unless such permission is granted.

(3) Neither the provisions of this Act nor any term (whether express or implied) contained in any contract that anything for which the permission of the Central Government or the Reserve Bank is required by the said provisions shall not be done without that permission, shall prevent legal proceedings being brought in India to recover any sum which, apart from the said provisions and any such term, would be due, whether as debt, damages or otherwise, but—

(a) the said provisions shall apply to sums required to be paid by any judgement or order of any court, as they apply in relation to other sums;

(b) no steps shall be taken for the purpose of enforcing any judgment or order for the payment of any sum to which the said provisions apply except as respects so much thereof as the Central Government or the Reserve Bank, as the case may be, may permit to be paid; and

(c) for the purpose of considering whether or not to grant such permission, the Central Government or the Reserve Bank, as the case may be, may require the person entitled to the benefit of the judgment or order and the debtor under the judgment or order, to produce such documents and to give such information as may be specified in the requisition.

(4) Notwithstanding anything contained in the Negotiable Instruments Act, 1881, neither the provisions of this Act or of any rule, direction or

order made thereunder, nor any condition, whether expressed or to be implied having regard to those provisions, that any payment shall not be made without permission under this Act, shall be deemed to prevent any instrument being a bill of exchange or promissory note.

False statements.

48. No person shall, when complying with any direction or order under section 33 or with any requirement under section 43 or when making any application or declaration to any authority or person for any purpose under this Act, give any information or make any statement which he knows or has reasonable cause to believe to be false, or not true, in any material particular.

Failure to comply with conditions subject to which permissions or licences have been given or granted under the Act to be contravention of the provisions of the Act

49. Where under any provision of this Act any permission or licence has been given or granted to any person subject to any conditions and—

(i) such person fails to comply with all or any of such conditions; or

(ii) any other person abets such person in not complying with all or any of such conditions,

then, for the purposes of this Act,—

(a) in a case referred to in clause (i), such person shall be deemed to have contravened such provision; and

(b) in a case referred to in clause (ii), such other person shall be deemed to have abetted the contravention of such provision.

Penalty.

50. If any person contravenes any of the provisions of this Act [other than section 13, clause (a) of sub-section (1) of section 18 and clause (a) of sub-section (1) of section 19] or of any rule, direction or order made thereunder, he shall be liable to such penalty not exceeding five times the amount or value involved in any such contravention or five thousand rupees, whichever is more, as may be adjudged by the Director of Enforcement or any other officer of Enforcement not below the rank of an Assistant Director of Enforcement specially empowered in this behalf by order of the Central Government (in either case hereinafter referred to as the adjudicating officer).

Power to adjudicate.

51. For the purpose of adjudging under section 50 whether any person has committed a contravention of any of the provisions of this Act (other than those referred to in that section) or of any rule, direction or order made thereunder, the adjudicating officer shall hold an inquiry in the prescribed manner after giving that person a reasonable opportunity for making a representation in the matter and if, on such inquiry, he is satisfied that the person has committed the contravention, he may impose such penalty as he thinks fit in accordance with the provisions of that section.

Appeal to Appellate Board.

52. (1) The Central Government may, by notification in the Official Gazette, constitute an Appellate Board to be called the Foreign Exchange Regulation Appellate Board consisting of a Chairman [being a person who has for at least ten years held a civil judicial post or who has been a member of the Central Legal Service (not below Grade D) for at least

three years or who has been in practice as an advocate for at least ten years] and such number of other members, not exceeding four, to be appointed by the Central Government for hearing appeals against the orders of the adjudicating officer made under section 51.

(2) Any person aggrieved by such order may, after depositing the sum imposed by way of penalty under section 50 and within forty-five days from the date on which the order is served on the person committing the contravention, prefer an appeal to the Appellate Board:

Provided that the Appellate Board may entertain any appeal after the expiry of the said period of forty-five days, but not after ninety days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

Provided further that where the Appellate Board is of opinion that the deposit to be made will cause undue hardship to the appellant, it may, in its own discretion, dispense with such a deposit either unconditionally or subject to such conditions as it may deem fit.

(3) On receipt of an appeal under sub-section (2), the Appellate Board may, after making such further inquiry as it deems fit, confirm, modify or set aside the order appealed against and the decision of the Appellate Board shall, subject to the provisions of section 54, be final and if the sum deposited by way of penalty under sub-section (2) exceeds the amount directed to be paid by the Appellate Board, the excess amount shall be refunded.

(4) The Appellate Board may, for the purpose of examining the legality, propriety or correctness of any order made by the adjudicating officer under section 50 read with section 51 in relation to any proceeding, on its own motion or otherwise, call for the records of such proceeding and make such order in the case as it thinks fit.

(5) No order of the adjudicating officer made under section 50 read with section 51 shall be varied by the Appellate Board so as to prejudicially affect any person without giving such person a reasonable opportunity for making a representation in the matter; and subject thereto, the Appellate Board shall follow such procedure, in respect of the proceedings before it, as may be prescribed.

(6) The powers and functions of the Appellate Board may be exercised and discharged by Benches consisting of two members and constituted by the Chairman of the Appellate Board:

Provided that if the members of the Bench differ on any point or points, they shall state the point or points on which they differ and refer the same to a third member (to be specified by the Chairman) for hearing on such point or points and such point or points shall be decided according to the opinion of that member:

Provided further that it shall be competent for the Chairman or any other member of the Appellate Board authorised by the Chairman in this behalf to exercise the powers and discharge the functions of the Appellate Board in respect of any appeal against an order imposing a penalty of an amount not exceeding fifty thousand rupees.

Powers of the adjudicating officer and the Appellate Board to summon witnesses, etc.

53. (1) Without prejudice to any other provision contained in this Act, the adjudicating officer and the Appellate Board shall have all the powers of a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

5 of 1908.

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) The adjudicating officer or the Appellate Board while exercising any powers under this Act shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898.

5 of 1898.

Appeal to High Court.

54. An appeal shall lie to the High Court only on questions of law from any decision or order of the Appellate Board under sub-section (3) or sub-section (4) of section 52:

Provided that the High Court shall not entertain any appeal under this section if it is filed after the expiry of sixty days of the date of communication of the decision or order of the Appellate Board, unless the High Court is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Explanation.—In this section and in section 55, “High Court” means—

(i) the High Court within the jurisdiction of which the aggrieved party ordinarily resides or carries on business or personally works for gain; and

(ii) where the Central Government is the aggrieved party, the High Court within the jurisdiction of which the respondent, or in a case where there are more than one respondent, any of the respondents, ordinarily resides or carries on business or personally works for gain.

Continuance of proceeding in the event of death or insolvency.

55. (1) Where—

(i) a penalty has been imposed under section 50 read with section 51 by the adjudicating officer on any person and no appeal against the order imposing such penalty has been preferred to the Appellate Board; or

(ii) any such appeal has been preferred to the Appellate Board, and—

(a) in a case referred to in clause (i), such person dies or is adjudicated an insolvent before preferring an appeal to the Appellate Board; or

(b) in a case referred to in clause (ii), such person dies or is adjudicated an insolvent during the pendency of the appeal,

then, it shall be lawful for the legal representatives of such person, or the official assignee or the official receiver, as the case may be, to prefer an appeal to the Appellate Board, or as the case may be, to continue the appeal before the Appellate Board, in place of such person and the provisions of section 52 shall, so far as may be, apply or continue to apply to such appeal.

(2) Where—

(i) after the passing of a decision or order by the Appellate Board, no appeal has been preferred to the High Court under section 54; or

(ii) any such appeal has been preferred to the High Court,

and—

(a) in a case referred to in clause (i), the person entitled to file the appeal dies or is adjudicated an insolvent before preferring an appeal to the High Court; or

(b) in a case referred to in clause (ii), the person who had filed the appeal dies or is adjudicated an insolvent during the pendency of the appeal before the High Court,

then, it shall be lawful for the legal representatives of such person, or the official assignee or the official receiver, as the case may be, to prefer an appeal to the High Court or to continue the appeal before the High Court in place of such person and the provisions of section 54 shall, so far as may be, apply or continue to apply to such appeal.

(3) The powers of the official assignee or the official receiver under sub-section (1) or sub-section (2) shall be exercised by him subject to the provisions of the Presidency-towns Insolvency Act, 1909, or the Provincial Insolvency Act, 1920, as the case may be.

5 of 1909.
5 of 1920.

56. (1) Without prejudice to any award of penalty by the adjudicating officer under this Act, if any person contravenes any of the provisions of this Act [other than section 13, clause (a) of sub-section (1) of section 18, clause (a) of sub-section (1) of section 19, sub-section (2) of section 44 and sections 57 and 58], or of any rule, direction or order made thereunder, he shall, upon conviction by a court, be punishable,—

Offences
and prose-
cutions.

(i) in the case of an offence the amount or value involved in which exceeds one lakh of rupees, with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months;

(ii) in any other case, with imprisonment for a term which may extend to three years or with fine or with both.

(2) If any person convicted of an offence under this Act [not being an offence under section 13 or clause (a) of sub-section (1) of section 18

or clause (a) of sub-section (1) of section 19 or sub-section (2) of section 44 or section 57 or section 58] is again convicted of an offence under this Act [not being an offence under section 13 or clause (a) of sub-section (1) of section 18 or clause (a) of sub-section (1) of section 19 or sub-section (2) of section 44 or section 57 or section 58], he shall be punishable for the second and for every subsequent offence with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

(3) Where a person having been convicted of an offence under this Act [not being an offence under section 13 or clause (a) of sub-section (1) of section 18 or clause (a) of sub-section (1) of section 19 or sub-section (2) of section 44 or section 57 or section 58] is again convicted of an offence under this Act [not being an offence under section 13 or clause (a) of sub-section (1) of section 18 or clause (a) of sub-section (1) of section 19 or sub-section (2) of section 44 or section 57 or section 58], the court by which such person is convicted may, in addition to any sentence which may be imposed on him under this section, by order, direct that that person shall not carry on such business as the court may specify, being a business which is likely to facilitate the commission of such offence, for such period not exceeding three years, as may be specified by the court in the order.

(4) For the purposes of sub-sections (1) and (2), the following shall not be considered as adequate and special reasons for awarding a sentence of imprisonment for a term of less than six months, namely:—

(i) the fact that the accused has been convicted for the first time of an offence under this Act;

(ii) the fact that in any proceeding under this Act, other than a prosecution, the accused has been ordered to pay a penalty or the goods in relation to such proceedings have been ordered to be confiscated or any other penal action has been taken against him for the same offence;

(iii) the fact that the accused was not the principal offender and was acting merely as a carrier of goods or otherwise was a secondary party in the commission of the offence;

(iv) the age of the accused.

(5) For the purposes of sub-sections (1) and (2), the fact that an offence under this Act has caused no substantial harm to the general public or to any individual shall be an adequate and special reason for awarding a sentence of imprisonment for a term of less than six months.

(6) Nothing in the first proviso to section 188 of the Code of Criminal Procedure, 1898, shall apply to any offence punishable under this section.

57. If any person fails to pay the penalty imposed by the adjudicating officer or the Appellate Board or the High Court or fails to comply with any of his or its directions or orders, he shall, upon conviction by a court, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Penalty for contravention of order made by adjudicating officer, Appellate Board and High Court.

58. (1) Any officer of Enforcement exercising powers under this Act or any rule made thereunder who,—

Vexatious search, etc., by officers of Enforcement.

(a) without reasonable ground of suspicion, searches or causes to be searched any place, premises, aircraft, vehicle or vessel; or

(b) vexatiously detains or searches or arrests any person,

shall, for every such offence, upon conviction by a court, be punishable with fine which may extend to two thousand rupees.

(2) Any person wilfully and maliciously giving false information and so causing an arrest or a search to be made under this Act shall, upon conviction by a court, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

59. (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation.—In this section, “culpable mental state” includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact.

(2) For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

(3) The provisions of this section shall, so far as may be, apply in relation to any proceeding before an adjudicating officer as they apply in relation to any prosecution for an offence under this Act.

60. (1) The Central Government may, if it is of opinion (the reasons for such opinion being recorded in writing) that with a view to obtaining the evidence of any person appearing to have been directly or indirectly concerned in or privy to the contravention of any of the provisions of this Act or of any rule, direction or order made thereunder, it is necessary or expedient so to do, tender to such person immunity from prosecution for any offence under this Act or under the Indian Penal Code, or under any other Central Act for the time being in force and also from the imposition of any penalty under this Act on condition of his making a full

Power to tender immunity from prosecution.

and true disclosure of the whole circumstances relating to such contravention.

(2) A tender of immunity made to, and accepted by, the person concerned, shall, to the extent to which the immunity extends, render him immune from prosecution for any offence in respect of which tender was made or from the imposition of any penalty under this Act.

(3) If it appears to the Central Government that any person to whom immunity has been tendered under this section has not complied with the condition on which the tender was made or is wilfully concealing anything or is giving false evidence, the Central Government may record a finding to that effect, and thereupon the immunity shall be deemed to have been withdrawn and such person may be tried for the offence in respect of which the tender of immunity was made or for any other offence of which he appears to have been guilty in connection with the same matter and shall also become liable to the imposition of any penalty under this Act to which he would otherwise have been liable.

Cogni-
zance of
offences.

61. (1) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class and for any presidency magistrate to pass a sentence of imprisonment for a term exceeding two years or of fine exceeding two thousand rupees on any person convicted of an offence punishable under section 56.

5 of 1898.

(2) No court shall take cognizance—

(i) of any offence punishable under sub-section (2) of Section 44 or sub-section (1) of section 58,—

(a) where the offence is alleged to have been committed by an officer of Enforcement not lower in rank than an Assistant Director of Enforcement, except with the previous sanction of the Central Government;

(b) where the offence is alleged to have been committed by an officer of Enforcement lower in rank than an Assistant Director of Enforcement, except with the previous sanction of the Director of Enforcement; or

(ii) of any offence punishable under section 56 or section 57, except upon complaint in writing made by—

(a) the Director of Enforcement; or

(b) any officer authorised in writing in this behalf by the Director of Enforcement or the Central Government; or

(c) any officer of the Reserve Bank authorised by the Reserve Bank by a general or special order:

Provided that where any such offence is the contravention of any of the provisions of this Act or of any rule, direction or order made thereunder which prohibits the doing of an act without permission, no such complaint shall be made unless the person accused of the offence has been given an opportunity of showing that he had such permission.

5 of 1898.

62. Subject to the provisions of section 45 and notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under section 56 shall be deemed to be non-cognizable within the meaning of that Code.

Certain offences to be non-cognizable.

63. Any court trying a contravention under section 56 and the adjudicating officer adjudging any contravention under section 51 may, if it or he thinks fit and in addition to any sentence or penalty which it or he may impose for such contravention, direct that any currency, security or any other money or property in respect of which the contravention has taken place shall be confiscated to the Central Government and further direct that the foreign exchange holdings, if any, of the person committing the contravention or any part thereof, shall be brought back into India or shall be retained outside India in accordance with the directions made in this behalf.

Confiscation of currency, security, etc.

Explanation.—For the purposes of this section, property in respect of which contravention has taken place shall include—

(a) deposits in a bank, where the said property is converted into such deposits;

(b) Indian currency, where the said property is converted into that currency;

(c) any other property which has resulted out of the conversion of that property.

64. (1) Whoever makes preparation to contravene any of the provisions of this Act [other than section 13, clause (a) of sub-section (1) of section 18, clause (a) of sub-section (1) of section 19, sub-section (2) of section 44 and sections 57 and 58] or of any rule, direction or order made thereunder and from the circumstances of the case it may be reasonably inferred that if not prevented by circumstances independent of his will, the contravention as aforesaid would have taken place, shall, for the purposes of section 56, be deemed to have contravened that provision, rule, direction or order, as the case may be.

Preparation, attempt, etc.

(2) Whoever attempts to contravene, or abets any contravention of, any of the provisions of this Act [other than section 13, clause (a) of sub-section (1) of section 18, clause (a) of sub-section (1) of section 19, sub-section (2) of section 44 and sections 57 and 58] or of any rule, direction or order made thereunder, shall, for the purposes of this Act, be deemed to have contravened that provision, rule, direction or order, as the case may be.

65. Clerical or arithmetical mistakes in any decision or order passed by the Appellate Board or the adjudicating officer under this Act, or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Appellate Board or the adjudicating officer or his successor in office, as the case may be:

Correction of clerical errors, etc.

Provided that where any correction proposed to be made under this section will have the result of prejudicially affecting any person no such correction shall be made—

(i) after the expiry of a period of two years from the date of such decision or order; and

(ii) unless the person affected thereby is given a reasonable opportunity for making a representation in the matter.

Applica-
tion of
section
562 of the
Code of
Crimi-
nal Pro-
cedure,
1898 and
of the
Probation
of Offen-
ders Act,
1958.

66. (1) Nothing contained in section 562 of the Code of Criminal Procedure, 1898, or in the Probation of Offenders Act, 1958 shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age.

5 of 1898.
20 of 1958.

(2) The provisions of sub-section (1) shall have effect notwithstanding anything contained in sub-section (4) of section 56.

Applica-
tion of
the
Customs
Act, 1962.

67. The restrictions imposed by or under section 13, clause (a) of sub-section (1) of section 18 and clause (a) of sub-section (1) of section 19 shall be deemed to have been imposed under section 11 of the Customs Act, 1962, and all the provisions of that Act shall have effect accordingly.

52 of 1962.

Offences
by com-
panies.

68. (1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be deemed to be guilty of the contravention 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 punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(i) "company" means any body corporate and includes a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm.

Power of
court to
publish
name,
place of
business,
etc., of
companies
convicted
under
the Act.

69. (1) Where any company is convicted under this Act for contravention of any of the provisions thereof or of any rule, direction or order made thereunder, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspapers or in such other manner as the court may direct.

(2) No publication under sub-section (1) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(3) The expenses of any publication under sub-section (1) shall be recoverable from the company as if it were a fine imposed by the court.

Explanation.—For the purposes of this section, “company” has the same meaning as in clause (i) of the *Explanation* to section 68.

70. (1) Where any penalty imposed on any person under this Act is not paid,—

Recovery of sums due to Government.

(i) the adjudicating officer may deduct the amount so payable from any money owing to such person which may be under the control of any officer of Enforcement; or

(ii) the adjudicating officer may recover the amount so payable by detaining or selling any goods belonging to such person which are under the control of any officer of Enforcement; or

(iii) if the amount cannot be recovered from such person in the manner provided in clause (i) or clause (ii), the adjudicating officer may prepare a certificate signed by him specifying the amount due from such person and send it to the Collector of the district in which such person owns any property or resides or carries on his business and the said Collector on receipt of such certificate shall proceed to recover from the said person the amount specified thereunder as if it were an arrear of land revenue.

(2) Where the terms of any bond or other instrument executed under this Act or any rule made thereunder provide that any amount due under such instrument may be recovered in the manner laid down in sub-section (1), the amount may, without prejudice to any other mode of recovery, be recovered in accordance with the provisions of that sub-section.

(3) The several modes of recovery specified in this section shall not affect in any way—

(i) any other law for the time being in force relating to the recovery of debts due to the Government; or

(ii) the right of the Government to institute a suit for the recovery of the penalty due to the Government,

and it shall be lawful for the Central Government to have recourse to any such law or suit notwithstanding that the amount is to be recovered by any mode specified in this section.

71. (1) Where any person is prosecuted or proceeded against for contravening any of the provisions of this Act or of any rule, direction or order made thereunder which prohibits him from doing an act without permission, the burden of proving that he had the requisite permission shall be on him.

Burden of proof in certain cases.

(2) Where any person is prosecuted or proceeded against for contravening the provisions of sub-section (3) of section 8, the burden of proving that the foreign exchange acquired by such person has been used for

the purpose for which permission to acquire it was granted shall be on him.

(3) If any person is found or is proved to have been in possession of any foreign exchange exceeding in value two hundred and fifty rupees, the burden of proving that the foreign exchange came into his possession lawfully shall be on him.

Presump-
tion as
to docu-
ments in
certain
cases.

72. Where any document—

(i) is produced or furnished by any person or has been seized from the custody or control of any person, in either case, under this Act or under any other law, or

(ii) has been received from any place outside India (duly authenticated by such authority or person and in such manner as may be prescribed) in the course of investigation of any offence under this Act alleged to have been committed by any person,

and such document is tendered in any proceedings under this Act in evidence against him, or against him and any other person who is proceeded against jointly with him, the court or the adjudicating officer, as the case may be, shall—

(a) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document executed or attested, that it was executed or attested by the person by whom it purports to have been so executed or attested;

(b) admit the document in evidence notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence;

(c) in a case falling under clause (i), also presume, unless the contrary is proved, the truth of the contents of such document.

73. (1) For the purposes of this Act and of any rules, directions or orders made thereunder—

(a) in the case of any person who, having been resident in India, ceases to be such, the Reserve Bank may, by order, declare the territory in which such person shall be treated as being resident;

(b) in the case of any person resident in India who leaves India, the Reserve Bank may give a direction to any bank that until the direction is revoked, any sum, from time to time, standing to the credit of that person and any security held on his behalf at any office or branch of that bank in India specified in the direction shall not be dealt with except with the permission of the Reserve Bank;

(c) a firm or the branch of a firm shall be treated in all respects as if such firm or branch were a body corporate resident where it is situated:

(d) subject to the provisions of clause (c), a branch of any business, whether carried on by a body corporate or otherwise, shall be treated in all respects as if the branch were a body corporate resident where the branch is situated;

(e) the making of any book entry or other statement regarding a debit against a branch of any business in favour of the head office or any other branch of that business shall be treated as the acknowledgment of a debt whereby a right is created in favour of a person resident where the head office or other branch is situated.

(2) Nothing in this Act relating to the payment of any price or sum by the Central Government shall be construed as requiring the Central Government to pay that price or sum otherwise than in Indian currency or otherwise than in India.

(3) The Reserve Bank may give directions in regard to the making of payment and the doing of other acts by bankers, authorised dealers, money-changers, stock brokers, persons referred to in sub-section (1) of section 32 or other persons, who are authorised by the Reserve Bank to do anything in pursuance of this Act in the course of their business, as appear to it to be necessary or expedient for the purpose of securing compliance with the provisions of this Act and of any rules, directions or orders made thereunder.

(4) Subject to any other express provision in this behalf contained in this Act, where any provision of this Act requires the permission of the Reserve Bank for doing anything under such provision, the Reserve Bank may specify the form in which an application for such permission shall be made and the particulars which such application shall contain;

Provided that different forms and different particulars may be specified in respect of applications for permission under different provisions of this Act.

74. The Reserve Bank may, with the previous approval of the Central Government, by order, delegate any of its powers or functions—

Delegation.

(i) under section 8, 9, 10 or 11 or sub-clause (b) of clause (A) of sub-section (2) of section 18 or sub-section (7) of section 18 to any authorised dealer; or

(ii) under section 8 or 9 to any money-changer,

subject to such restrictions, conditions and limitations as may be specified in the order.

75. For the purposes of this Act, the Central Government may, from time to time, give to the Reserve Bank such general or special directions as it thinks fit, and the Reserve Bank shall, in the discharge of its functions under this Act, comply with any such directions.

Power of Central Government to give directions.

Factors to be taken into account by the Central Government and the Reserve Bank while giving or granting permissions or licences under the Act.

76. Save as otherwise expressly provided in this Act, the Central Government or the Reserve Bank, as the case may be, shall, while giving or granting any permission or licence under this Act, have regard to all or any of the following factors, namely:—

- (i) conservation of the foreign exchange resources of the country;
- (ii) all foreign exchange accruing to the country is properly accounted for;
- (iii) the foreign exchange resources of the country are utilised as best to subserve the common good; and
- (iv) such other relevant factors as the circumstances of the case may require.

Certain officers to assist officers of Enforcement.

77. The following officers are hereby empowered and required to assist the officers of Enforcement in the enforcement of this Act, namely:—

- (a) officers of the Customs Department;
- (b) officers of the Central Excise Department;
- (c) officers of Police;
- (d) officers of the Central or State Government employed at any port or airport;
- (e) such other officers of the Central or State Government or a local authority as are specified by the Central Government in this behalf by notification in the Official Gazette.

Bar of legal proceedings.

78. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Reserve Bank or any officer of Government or of the Reserve Bank or any other person exercising any powers or discharging any functions or performing any duties under this Act, for anything in good faith done or intended to be done under this Act or any rule, direction or order made thereunder.

Power to make rules.

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

(2) Without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the forms and the circumstances of their use for the purposes of this Act;
- (b) prescribe the procedure to be followed by the authorised dealers and money-changers and by persons applying for permission to do anything for the doing of which permission is necessary under this Act;

(c) prescribe the manner in which inquiries may be held, and orders may be served, under this Act and the procedure to be followed in respect of the proceedings before the adjudicating officer or the Appellate Board;

(d) provide, subject to such conditions as may be specified therein, for the publication of names and other particulars of persons who have been found guilty of any contravention of the provisions of this Act, or of any rule, direction or order made thereunder;

(e) provide for any other matter which is to be or may be prescribed under this Act.

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

80. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything 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 two years from the commencement of this Act.

of 1947.

81. (1) The Foreign Exchange Regulation Act, 1947 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal—

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or notice made or issued, or any appointment, confirmation or declaration made or any licence, permission, authorisation or exemption granted or any document or instrument executed or any direction given or any proceedings taken or any confiscation adjudged or any penalty or fine imposed) under the Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;

(b) the provisions of section 60 of this Act shall apply in relation to the contravention of any of the provisions of the Act hereby repealed or of any rule, direction or order made thereunder;

(c) any appeal preferred to the Foreign Exchange Regulation Appellate Board under sub-section (2) of section 23E of the Act hereby repealed but not disposed of before the commencement of this Act and any appeal that may be preferred to the said Board against any order made or to be made under section 23 of the Act hereby repealed may be disposed of by any member of the Appellate

Board constituted under this Act in accordance with the provisions of sub-section (6) of section 52 of this Act;

(d) every appeal from any decision or order of the Foreign Exchange Regulation Appellate Board under sub-section (3) or sub-section (4) of section 23E of the Act hereby repealed shall, if not filed before the commencement of this Act, be filed before the High Court within a period of sixty days of such commencement:

Provided that the High Court may entertain any such appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period.

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

Rep. by Act 38 of 1973, S. 2 + Sch.

THE FOREIGN AWARDS (RECOGNITION AND ENFORCEMENT) AMENDMENT ACT, 1973

NO. 47 OF 1973

[26th November, 1973.]

An Act to amend the Foreign Awards (Recognition and Enforcement) Act, 1961.

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

1. This Act may be called the Foreign Awards (Recognition and Enforcement) Amendment Act, 1973.

Short title.

2. For section 3 of the Foreign Awards (Recognition and Enforcement) Act, 1961, the following section shall be substituted, namely:—

Amendment of Act 45 of 1961.

“3. Notwithstanding anything contained in the Arbitration Act, 1940, or in the Code of Civil Procedure, 1908, if any party to an agreement to which Article II of the Convention set forth in the Schedule applies, or any person claiming through or under him commences any legal proceedings in any court against any other party to the agreement or any person claiming through or under him in respect of any matter agreed to be referred to arbitration in such agreement, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other step in the proceedings, apply to the Court to stay the proceedings and the Court, unless satisfied that the agreement is null and void, inoperative or incapable of being performed or that there is not, in fact, any dispute between the parties with regard to the matter agreed to be referred, shall make an order staying the proceedings.”

Stay of proceedings in respect of matters to be referred to arbitration.

10 of 1940
5 of 1908.

THE STATE BANK LAWS (AMENDMENT) ACT, 1973

NO. 48 OF 1973

[26th November, 1973.]

An Act further to amend the State Bank of India Act, 1955 and the State Bank of India (Subsidiary Banks) Act, 1959.

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the State Bank Laws (Amendment) Act, 1973.

(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.

CHAPTER II

AMENDMENTS TO THE STATE BANK OF INDIA ACT, 1955

Amendment of section 2

2. In section 2 of the State Bank of India Act, 1955 (hereinafter in this Chapter referred to as the State Bank Act), after clause (i), the following clause shall be inserted, namely:—

(j) "workman" has the meaning assigned to it in the Industrial Disputes Act, 1947.

Amendment of section 19.

3. In section 19 of the State Bank Act, in sub-section (1), after clause (c), the following clauses shall be inserted, namely:—

"(ca) one director, from among the employees of the State Bank, who are workmen, to be appointed by the Central Government in the manner provided in the rules made under this Act;

(cb) one director, from among such of the employees of the State Bank, as are not workmen, to be appointed by the Central Government in the manner provided in the rules made under this Act;”.

4. In section 20 of the State Bank Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment of section 20.

“(3A) A director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19 shall hold office for such term, not exceeding three years, as the Central Government may specify and thereafter until his successor shall have been duly appointed, and shall be eligible for re-appointment.”.

5. In section 21 of the State Bank Act, in sub-section (1), in clause (e), for the words “the secretary and treasurer”, the words “the chief general manager” shall be substituted.

Amendment of section 21.

6. In section 21B of the State Bank Act,—

Amendment of section 21B.

(i) for the words, brackets, figures and letters “in relation to any business that may be carried on or transacted by the State Bank under sub-section (1) of section 32 and clauses (i) (excluding the proviso), (ii), (iii), (v) to (ix), (xi), (xii) to (xv), (xvii), (xviii), (xixb) and (xixc) of section 33 and shall”, the words, brackets, letters and figures “in relation to the business of banking and the forms of business set out in clauses (a), (b), (e), (f), (g), (h), (i), (k) and (l) of sub-section (1) of section 6 of the Banking Regulation Act, 1949, and such other forms of business referred to in sub-section (1) of the said section 6, as may be approved by the Central Board in this behalf and shall also” shall be substituted;

10 of 1949.

(ii) the following proviso shall be added at the end, namely:—

“Provided that a Local Board shall transact the businesses of borrowing of money and the acquiring, holding, issuing on commission, under-writing and dealing in stock, funds, shares, debentures, debenture stock, bonds, obligations, securities and investments, only if the Central Board approves any of such businesses in this behalf and confers or assigns any of such businesses to the Local Board.”.

7. In section 22 of the State Bank Act,—

Amendment of section 22.

(i) in clause (d) of sub-section (1), for the words “secretary and treasurer”, the words “chief general manager” shall be substituted;

(ii) after clause (d) of sub-section (1), the following clause shall be inserted, namely:—

“(da) in the case of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19,—

(i) he is not serving in the State Bank or has not been serving in it for a continuous period of at least five years; and

(ii) he is of such age that there is a likelihood of his attaining the age of superannuation during his term of office as a director; or”;

(iii) in the proviso to clause (h) of sub-section (1), for the words “Provided that”, the following shall be substituted, namely:—

“Provided that in the case of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19, the disqualification mentioned in clause (d) shall not operate:

Provided further that”.

Amendment of section 24.

8. In section 24 of the State Bank Act, in sub-section (3),—

(i) for the words, brackets and letter “nominated under clause (d)”, the words, brackets and letters “appointed under clause (ca) or clause (cb) or nominated under clause (d)” shall be substituted;

(ii) for the word “nominate”, the words “appoint or nominate, as the case may be,” shall be substituted.

Amendment of section 25.

9. In section 25 of the State Bank Act,—

(i) in sub-section (2), for the words “of a member of a Local Board other than the secretary and treasurer”, the words, brackets, letters and figures “a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19 or of a member of a Local Board other than the chief general manager” shall be substituted;

(ii) in sub-section (3), for the words “under this section”, the words, brackets and figure “under sub-section (2)” shall be substituted;

(iii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Where any vacancy occurs before the expiry of the term of office of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19, such vacancy shall be filled in accordance with the said clause (ca) or, as the case may be, clause (cb), and the director so appointed shall hold office for the period specified under sub-section (3A) of section 20.”.

Amendment of section 31

10. In section 31 of the State Bank Act,—

(i) in the proviso to sub-section (3),—

(a) in clause (ii), the word “or” shall be added at the end;

REPEALED

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

“(iii) an officer or other employee of the State Bank, if he is a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 19.”;

(ii) in sub-section (4),—

(a) the words “, other than a managing director” shall be omitted;

(b) for the words “any such director”, the words “any director” shall be substituted.

11. In section 31A of the State Bank Act, in sub-section (4), for the words “other than the secretary and treasurer”, the words “other than the chief general manager” shall be substituted.

Amendment of section 31A.

12. For section 33 of the State Bank Act, the following section shall be substituted, namely:—

Substitution of new section for section 33.

“33. Subject to the other provisions contained in this Act, the State Bank may 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 of the other forms of business specified in sub-section (1) of section 6 of that Act.”.

Other business which the State Bank may transact.

13. In section 34 of the State Bank Act, sub-sections (1), (2), (3) and (5) shall be omitted.

Amendment of section 34.

14. In section 39 of the State Bank Act, after the words “and balanced”, the word “as” shall be inserted.

Amendment of section 39.

15. In section 40 of the State Bank Act,—

Amendment of section 40.

(i) in sub-section (1), for the words “within two months from the date on which its accounts are closed and balanced”, the words, figures and letters “within three months from the 31st day of December, as on which its books are closed and balanced” shall be substituted;

(ii) to sub-section (1), the following proviso shall be added, namely:—

“Provided that the Central Government may, after consultation with the Reserve Bank, extend the said period of three months by such further period, not exceeding three months, as it may think fit.”.

16. In section 41 of the State Bank Act,—

Amendment of section 41.

(i) in sub-section (1), for the words “audited by two auditors”, the words “audited by two or more auditors” shall be substituted;

10 of 1949.

(ii) in sub-section (7), after clause (e), the following *Explanations* shall be deemed to have been inserted on and from the 1st day of December, 1964, namely:—

Explanation 1.—For the purposes of this Act,—

(a) the balance-sheet shall not be treated as not disclosing a true and fair view of the affairs of the State Bank, and

(b) the profit and loss account shall not be treated as not showing a true balance of profit or loss for the period covered by such account,

merely by reason of the fact that the balance-sheet or, as the case may be, the profit and loss account, does not disclose any matters which are, by the provisions of the Banking Regulation Act, 1949, read with the relevant provisions of this Act, not required to be disclosed.

10 of 1949.

Explanation 2.—For the purposes of this Act, the accounts of the State Bank shall not be deemed as having not been properly drawn up on the ground merely that they do not disclose certain matters if—

(i) those matters are such as the State Bank is, by virtue of any provision contained in the Banking Regulation Act, 1949, read with the relevant provisions of this Act, or any other Act, not required to disclose; and

10 of 1949.

(ii) the provisions referred to in clause (i) are specified in the balance-sheet and profit and loss account of the State Bank or in the auditors' report.”.

Amend-
ment of
section 42.

17. In section 42 of the State Bank Act, in sub-section (1),—

(i) after the words “shall be held”, the words “in each year” shall be inserted;

(ii) the words “before the end of March in each year” shall be omitted;

(iii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that such annual general meeting shall be held before the expiry of six weeks from the date on which the balance-sheet, together with the profit and loss account and auditors' report, is, under sub-section (1) of section 40, forwarded to the Central Government or to the Reserve Bank, whichever date is earlier.”.

Amend-
ment of
section 49.

18. In section 49 of the State Bank Act,—

(i) in sub-section (1), for the words “make rules to carry out the purposes of this Act”, the words “make rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act” shall be substituted;

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

“(c) the manner of appointment of a director under clause (ca) or clause (cb) of sub-section (1) of section 19, and all other matters connected therewith or incidental thereto.”.

19. In section 50 of the State Bank Act,—

Amend-
ment of
section 50.

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

“(q) the terms, conditions, stipulations, restrictions and limitations, if any, in the transaction by the State Bank of its businesses in regard to the advancing or lending of money or the discounting or purchase of any instrument, negotiable or otherwise, with or without reference to any security, purpose, amount, period or otherwise;”;

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

“(2A) All regulations made under this section shall have effect from such earlier or later date as may be specified in the regulations.”.

CHAPTER III

AMENDMENTS TO THE STATE BANK OF INDIA (SUBSIDIARY BANKS) ACT, 1959

38 of 1959. 20. In section 2 of the State Bank of India (Subsidiary Banks) Act, 1959, (hereinafter in this Chapter referred to as the Subsidiary Banks Act), after clause (l), the following clause shall be inserted, namely:—

Amend-
ment of
section 2.

14 of 1947. (m) “workman” has the meaning assigned to it in the Industrial Disputes Act, 1947.”.

21. In the Subsidiary Banks Act, except in section 23 and sub-section (3) of section 49, for the words “general manager”, wherever they occur, the words “managing director” shall be substituted.

Substitu-
tion of
“manag-
ing direc-
tor” for
“general
manager”.

22. In section 25 of the Subsidiary Banks Act, in sub-section (1),—

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

Amend-
ment of
section 25.

“(aa) the managing director appointed under sub-section (1) of section 29, or under section 32;”;

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

“(ca) one director, from among the employees of the subsidiary bank, who are workmen, to be appointed by the Central Government in the manner provided in the rules made under this Act;

“(cb) one director, from among such of the employees of the subsidiary bank as are not workmen, to be appointed by the Central Government in the manner provided in the rules made under this Act;”.

23. In section 26 of the Subsidiary Banks Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 26.

“(2A) A director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25 shall hold office for such term, not

exceeding three years, as the Central Government may specify and thereafter until his successor shall have been duly appointed, and shall be eligible for re-appointment."

Amend-
ment of
section 27.

24. In section 27 of the Subsidiary Banks Act, in sub-section (1),—

(i) in clause (d), after the words "the subsidiary bank," the words "other than the office of the managing director" shall be inserted;

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

"(da) in the case of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25,—

(i) he is not serving in the subsidiary bank or has not been serving in it for a continuous period of at least five years; and

(ii) he is of such age that there is a likelihood of his attaining the age of superannuation during his term of office as a director; or";

(iii) in the second proviso, for the words "Provided further that", the following shall be substituted, namely:—

"Provided further that in the case of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25, the disqualification mentioned in clause (d) shall not operate:

Provided also that".

Amend-
ment of
section 30.

25. In section 30 of the Subsidiary Banks Act, in the proviso, after the words "the chairman of the State Bank", the words "or the managing director of the subsidiary bank" shall be inserted.

Amend-
ment of
section 31.

26. In section 31 of the Subsidiary Banks Act, in sub-section (2), for the words, brackets and letter "nominated under clause (e)", the words, brackets and letters "appointed under clause (ca) or clause (cb) or nominated under clause (e)" shall be substituted.

Amend-
ment of

27. In section 33 of the Subsidiary Banks Act,—

(i) in sub-section (1), after the words "director of a subsidiary bank", the words, brackets, letters and figures "other than the managing director or a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25" shall be inserted;

(ii) in sub-section (2), for the words "under this section", the words, brackets and figure "under sub-section (1)" shall be substituted;

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

"(3) Where any vacancy occurs before the expiry of the term of office of a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25, such vacancy shall be filled in accordance with the said clause (ca) or, as the case may be,

clause (cb), and the director so appointed shall hold office for the period specified under sub-section (2A) of section 26."

28 In section 34 of the Subsidiary Banks Act, in the proviso to sub-section (5),—

Amendment of section 34.

(i) in clause (ii), the word "or" shall be added at the end;

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

"(iii) an officer or other employee of the State Bank, or any other institution, if he is the managing director appointed under sub-section (1) of section 29 or under section 32; or

(iv) an officer or other employee of the subsidiary bank, if he is a director appointed under clause (ca) or clause (cb) of sub-section (1) of section 25."

29. In section 37 of the Subsidiary Banks Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 37.

"(1) Subject to the other provisions contained in this Act, a subsidiary bank may 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 of the other forms of business specified in sub-section (1) of section 6 of that Act."

10 of 1949.

30. In section 39 of the Subsidiary Banks Act, after the words "and balanced", the word "as" shall be inserted.

Amendment of section 39.

31. In section 41 of the Subsidiary Banks Act, in sub-section (7),—

Amendment of section 41.

(i) in clause (a), for the words "exhibit a true and correct view", the words "exhibit a true and fair view" shall be substituted;

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

"Explanation 1.—For the purposes of this Act,—

(a) the balance-sheet shall not be treated as not disclosing a true and fair view of the affairs of the subsidiary bank, and

(b) the profit and loss account shall not be treated as not showing a true balance of profit or loss for the period covered by such account,

merely by reason of the fact that the balance-sheet or, as the case may be, the profit and loss account, does not disclose any matters which are, by the provisions of the Banking Regulation Act, 1949, read with the relevant provisions of this Act, not required to be disclosed.

10 of 1949.

Explanation 2.—For the purposes of this Act, the accounts of the subsidiary bank shall not be deemed as having not been properly drawn up on the ground merely that they do not disclose certain matters if—

(i) those matters are such as the subsidiary bank is, by virtue of any provision contained in the Banking Regula-

tion Act, 1949, read with the relevant provisions of this Act, or any other Act, not required to disclose, and 10 of 1949.

(ii) the provisions referred to in clause (i) are specified in the balance-sheet and profit and loss account of the subsidiary bank or in the auditor's report."

Amend-
ment of
section 43.

32. In section 43 of the Subsidiary Banks Act, in sub-section (1),—

(i) in clause (a), for the words "within three months from the date on which its accounts are closed and balanced", the words, figures and letters "within three months from the 31st day of December as on which its books are closed and balanced" shall be substituted;

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

"Provided that the Reserve Bank may, after consultation with the State Bank, extend the said period of three months by such further period, not exceeding three months, as it may think fit."

Amend-
ment of
section 44.

33. In section 44 of the Subsidiary Banks Act,—

(i) in sub-section (1), for the words "annually before the end of March", the words "in each year" shall be substituted;

(ii) to sub-section (1), the following proviso shall be added, namely:—

"Provided that such annual general meeting shall be held before the expiry of six weeks from the date on which the balance-sheet, together with the profit and loss account and auditor's report, is, under sub-section (1) of section 43, forwarded to the State Bank, or to the Reserve Bank, whichever date is earlier."

Amend-
ment of
section 62.

34. In section 62 of the Subsidiary Banks Act,—

(i) in sub-section (1), for the words "make rules to give effect to the provisions of this Act", the words "make rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act" shall be substituted;

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

"(g) the manner of appointment of a director under clause (ca) or clause (cb) of sub-section (1) of section 25, and all other matters connected therewith or incidental thereto."

Amend-
ment of
section 63.

35. In section 63 of the Subsidiary Banks Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) All regulations made under this section shall have effect from such earlier or later date as may be specified in the regulations."

Rep. by Act 38 of 1973, S. 2 & Sch. I

THE CODE OF CIVIL PROCEDURE (AMENDMENT)
ACT, 1973

No. 49 OF 1973

[29th November, 1973]

An Act further to amend the Code of Civil Procedure, 1908.

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

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1973. Short title.

5 of 1908.

2. For section 109 of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), the following section shall be substituted, namely:— Substitution of new section for section 109.

“109. Subject to the provisions in Chapter IV of Part V of the Constitution and such rules as may, from time to time, be made by the Supreme Court regarding appeals from the Courts of India, and to the provisions hereinafter contained, an appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court, if the High Court certifies— When appeals lie to the Supreme Court.

(i) that the case involves a substantial question of law of general importance; and

(ii) that in the opinion of the High Court the said question needs to be decided by the Supreme Court.”

3. Section 110 of the said Code shall be omitted.

Omission of section 110.

Amendment of the First Schedule.

4. In the First Schedule to the said Code,—

(1) in Order XLV,—

(a) in rule 3, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Every petition shall state the grounds of appeal and pray for a certificate—

(i) that the case involves a substantial question of law of general importance, and

(ii) that in the opinion of the Court the said question needs to be decided by the Supreme Court.”;

(b) rules 4 and 5 shall be omitted;

(2) in Appendix G, in Form No. 12, for the portion beginning with the words “TAKE notice” and ending with the words “the Supreme Court.”, the following shall be substituted, namely:—

“TAKE notice that.....has applied to this Court for a certificate—

(i) that the case involves a substantial question of law of general importance, and

(ii) that in the opinion of this Court the said question needs to be decided by the Supreme Court.”.

THE AUTHORISED TRANSLATIONS (CENTRAL LAWS)
ACT, 1973

No. 50 OF 1973

[5th December, 1973.]

An Act to provide for authorised translations of Central laws in certain languages.

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

1. (1) This Act may be called the Authorised Translations (Central Laws) Act, 1973. 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. A translation in any language (other than Hindi) specified in the Eighth Schedule to the Constitution, published under the authority of the President in the Official Gazette,— Authorised translations of Central laws in certain languages.

(a) of any Central Act or of any Ordinance promulgated by the President, or

(b) of any order, rule, regulation or bye-law issued under the Constitution or under any Central Act,

shall be deemed to be the authorised translation thereof in such language.

3. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

↓ 1.7.1981 : Vide Notifn. No. S.O. 482 (E), dated 15.6.1981, Gaz. of India, Exty., Pt. II, Sec. 3(ii), p. 796.

THE TEXTILES COMMITTEE (AMENDMENT) ACT, 1973

No. 51 OF 1973

[11th December, 1973.]

An Act to amend the Textiles Committee Act, 1963

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

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the Textiles Committee (Amendment) Act, 1973.

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

Amend-
ment of
section 1.

2. In section 1 of the Textiles Committee Act, 1963 (hereinafter referred to as the principal Act), in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted. 41 of 1963.

Amend-
ment of
section 2.

3. In section 2 of the principal Act,—

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

'(ba) "fibre" means man-made fibre including regenerated cellulose rayon, nylon and the like;';

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

'(ca) "handloom industries" has the meaning assigned to it in the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953;'; 12 of 1953.

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

'(da) "powerloom" means a loom which is worked by power as defined in clause (g) of section 2 of the Factories Act, 1948, 63 of 1948.

and which is used or capable of being used only for weaving cloth wholly or partly out of cotton yarn or woollen yarn, or fibre, or any kind of mixed yarn;

(db) "powerloom industry" means an industry in which a manufacturer of textiles has at any time during the period fixed by the Committee under clause (a) of sub-section (5) of section 5A, not more than fifty powerlooms (without any spinning plants) in the factory or factories owned, controlled or managed by him.

Explanation.—For the purposes of this clause, the expression "factory" has the meaning assigned to it in the Factories Act, 1948;";

(iv) for clause (g), the following clause shall be substituted, namely:—

'(g) "textiles" means any fabric or cloth or yarn or garment or any other article made wholly or in part of—

(i) cotton; or

(ii) wool; or

(iii) silk; or

(iv) artificial silk or other fibre,

and includes fibre;'

4. After section 2 of the principal Act, the following section shall be inserted, namely:—

"2A. Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence in that State."

Insertion
of new
section
2A.

Construc-
tion of
references
to any
law not
in force,
or any
function-
ary not in
existence,
in the
State
of
Jammu
and
Kashmir.

5. In sub-section (2) of section 4 of the principal Act,—

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

"(c) establish or adopt or recognise standard specifications for—

(i) textiles, and

(ii) packing materials used in the packing of textiles or textile machinery,

for the purposes of export and for internal consumption and affix suitable marks on such standardised varieties of textiles and packing materials;";

Amend-
ment of
section 4.

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

“(da) provide for training in the techniques of quality control to be applied to textiles or textile machinery;”;

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

“(iii) packing materials used in the packing of textiles or textile machinery;”.

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

Insertion
of new
sections
5A, 5B, 5C,
5D, 5E
and
5F.

Imposi-
tion of
cess on
textiles
and
textile
machi-
nery
manufac-
tured in
India.

“5A. (1) There shall be levied and collected as a cess for the purposes of this Act, a duty of excise on all textiles and on all textile machinery manufactured in India at such rate, not exceeding one per cent. *ad valorem* as the Central Government may, by notification in the Official Gazette, fix:

Provided that no such cess shall be levied on textiles manufactured from out of handloom or powerloom industry.

(2) The duty of excise levied under sub-section (1) shall be in addition to any cess or duty leviable on textiles or textile machinery under any other law for the time being in force.

(3) The duty of excise levied under sub-section (1) shall be collected by the Committee, in accordance with the rules made in this behalf, from every manufacturer of textiles or textile machinery (hereafter in this section and in sections 5C and 5D referred to as the manufacturer).

(4) The manufacturer shall pay to the Committee the amount of the duty of excise levied under sub-section (1) within one month from the date on which he receives a notice of demand therefor from the Committee.

(5) For the purpose of enabling the Committee to assess the amount of the duty of excise levied under sub-section (1),—

(a) the Committee shall, by notification in the Gazette of India, fix the period in respect of which assessments shall be made; and

(b) every manufacturer shall furnish to the Committee a return, not later than fifteen days after the expiry of the period to which the return relates, specifying the total quantity of textiles or textile machinery manufactured by him during the said period and such other particulars as may be prescribed.

(6) If any manufacturer fails to furnish the return referred to in sub-section (5) within the time specified therein, or furnishes a return which the Committee has reason to believe is incorrect or defective, the Committee may assess the amount of the duty of excise in such manner as may be prescribed.

(7) Any manufacturer aggrieved by an assessment made under this section may appeal to the Tribunal, constituted under section 5B for cancellation or modification of the assessment.

5B. The Central Government may, by notification in the Official Gazette, constitute a Tribunal consisting of one person, who is or has been, or is qualified for appointment as a Judge of a High Court and who is not connected with the Committee to exercise the powers and discharge the functions conferred or imposed on the Tribunal by or under this Act.

Consti-
tution
of
Tribunal.

5C. (1) An appeal under sub-section (7) of section 5A may be preferred to the Tribunal within one month from the date on which the notice of demand regarding the assessment is served on the manufacturer:

Hearing
of
appeals
by
Tribunal.

Provided that the Tribunal may admit an appeal after the expiration of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring it within that period.

(2) Every appeal referred to in sub-section (1) shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied with such fees as may be prescribed.

(3) The Tribunal shall fix a day and place for the hearing of the appeal and shall give notice of the same to the appellant and to the Committee.

(4) The Tribunal may, after giving the appellant and the Committee an opportunity of being heard, pass such orders thereon as it thinks fit:

Provided that no order enhancing the assessment shall be made unless the appellant has had a reasonable opportunity of showing cause against such enhancement.

(5) The Tribunal shall send a copy of any order passed under this section to the appellant and to the Committee and such order shall be final.

(6) In discharging the functions under this section, the Tribunal may, subject to any rules that may be made in this behalf, follow such procedure as it thinks fit.

(7) The Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

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

(b) requiring the discovery and production of any documents;

(c) receiving evidence on affidavits;

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

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

(f) any other matter which may be prescribed.

(8) The expenses of the Tribunal shall be borne by the Central Government.

Recovery of duty of excise.

5D. If any manufacturer fails to pay the duty of excise levied under section 5A, within the period specified in sub-section (4) of that section, or where an appeal has been preferred by him against an order of assessment under sub-section (7) of section 5A, within one month from the date of disposal of such appeal, the duty payable by him shall be recoverable as an arrear of land revenue.

Power to exempt.

5E. If the Central Government is of opinion that in the interests of trade or in the public interest it is necessary so to do, it may, by notification in the Official Gazette, exempt such variety of textiles or such textile machinery as may be specified in the notification from the whole or any part of the duty of excise leviable under section 5A.

Payment of proceeds of cess to the Committee.

5F. The proceeds of the duty of excise collected under section 5A, reduced by the cost of collection as determined by the Central Government, shall first be credited to the Consolidated Fund of India and the Central Government may, after due appropriation made by Parliament by law, pay to the Committee from out of such proceeds, such sums of money as it thinks fit for being utilised for the purposes of this Act."

Amendment of section 7.

7. In sub-section (1) of section 7 of the principal Act, after clause (a), the following clause shall be inserted, namely:—

"(aa) the proceeds of the duty of excise made over to the Committee by the Central Government under section 5F;"

Amendment of section 8.

8. In section 8 of the principal Act, for sub-sections (2) and (3), the following sub-section shall be substituted, namely:—

"(2) A Standing Committee or an *ad hoc* Committee constituted under sub-section (1) may include persons who are not members of the Committee, but their number shall not exceed one-half of its strength."

Amendment of section 12.

9. In sub-section (1) of section 12 of the principal Act,—

(i) clause (b) shall be omitted, and clause (c) shall be re-lettered as clause (b);

(ii) in clause (b) as so re-lettered,—

(a) for the word "other", the word "special" shall be substituted;

(b) after the words "the manufacturers", the words "or exporters" shall be inserted;

(iii) after clause (b) as so re-lettered, the following proviso shall be inserted, namely:—

"Provided that no fees shall be levied in respect of inspection and examination of textiles on which a duty of excise is leviable under this Act:"

(iv) in the existing proviso, for the words "Provided that", the words "Provided further that" shall be substituted.

Amendment of section 22.

10. In section 22 of the principal Act,—

(a) in sub-section (2),—

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

“(da) the manner in which the duty of excise leviable under section 5A may be assessed, paid or collected, and the manner in which any refund of such duty paid or collected in excess of the amount due may be made;

(db) the conditions of service of the person constituting the Tribunal under section 5B;

(dc) the form and the manner in which an appeal to the Tribunal constituted under section 5B may be preferred and verified, the fees payable on such appeals and the procedure to be followed by the Tribunal in disposing of such appeals;”;

(ii) in clause (e), the words “for inspection and examination” shall be omitted;

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

“(j) any other matter which has to be, or may be, prescribed.”;

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

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

THE MATERNITY BENEFIT (AMENDMENT) ACT, 1973

NO. 52 OF 1973

[11th December, 1973.]

An Act further to amend the Maternity Benefit Act, 1961.

Enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Maternity Benefit (Amendment) Act, 1973.

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

Amend-
ment of
section 1.

2. In section 1 of the Maternity Benefit Act, 1961 (hereinafter referred to as the principal Act), in sub-section (3), for clause (a), the following clause shall be substituted, namely:—

“(a) in relation to mines and to any other establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, by the Central Government; and”.

Amend-
ment of
section 2.

3. In section 2 of the principal Act, in sub-section (1), for the words “including any such establishment belonging to Government;”, the words “including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;” shall be substituted.

4. In section 3 of the principal Act—

Amendment of section 3.

(i) in clause (a), after the words "being a mine," the words "or an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances," shall be inserted;

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

'(e) "establishment" means—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances; or

(v) an establishment to which the provisions of this Act have been declared under sub-section (1) of section 2 to be applicable;'

5. In section 28 of the principal Act, in sub-section (3), for the words "or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following," the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid," shall be substituted.

Amendment of section 28.

THE PRESS COUNCIL (AMENDMENT) ACT, 1973

No. 53 OF 1973

[14th December, 1973]

An Act further to amend the Press Council Act, 1965.

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

Short title and commencement.

1. (1) This Act may be called the Press Council (Amendment) Act, 1973.

(2) It shall be deemed to have come into force on the 27th day of September, 1973.

Amendment of section 5.

2. In section 5 of the Press Council Act, 1965 (hereinafter referred to as the principal Act), for sub-section (1A), the following sub-section shall be substituted, namely:—

34 of 1965.

“(1A) Notwithstanding the expiry of the period of office specified by sub-section (1), the Chairman and other members holding office as such on the 30th day of September, 1973, shall continue to hold such office until the 30th day of June, 1974:

Provided that nothing in this sub-section shall apply to a member—

(a) who ceases to be a member before the 30th day of June, 1974, by reason of the provisions of sub-section (2); or

(b) whose term of office expires before that date by reason of the provisions of sub-section (3); or

(c) who is deemed to have vacated his seat before that date by reason of the provisions of sub-section (3A); or

(d) who is deemed to have vacated his office before that date by reason of the provisions of sub-section (4).”

Repeal and saving.

3. (1) The Press Council (Amendment) Ordinance, 1973, is hereby repealed.

2 of 1973.

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

THE INDIAN RAILWAYS (SECOND AMENDMENT) ACT, 1973

No. 54 OF 1973

[14th December, 1973.]

An Act further to amend the Indian Railways Act, 1890.

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

1. This Act may be called the Indian Railways (Second Amendment) Act, 1973.

Short title:

9 of 1890.

2. In section 82A of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), in sub-section (2), for the words "twenty thousand rupees", the words "fifty thousand rupees" shall be substituted.

Amendment of section 82A.

3. In section 82J of the principal Act,—

Amendment of section 82J.

(a) in sub-section (2), for clauses (ii) and (iii), the following clauses shall be substituted, namely:—

(ii) the compensation payable for death;

(iii) the nature of the injuries for which compensation shall be paid and the amount of such compensation;

(b) in sub-section (3)—

(i) for the words "or in two successive sessions", the words "or in two or more successive sessions" shall be substituted;

(ii) for the words "in which it is so laid or the session immediately following", the words "immediately following the session or the successive sessions aforesaid" shall be substituted.

THE PAYMENT OF BONUS (SECOND AMENDMENT)
ACT, 1973

No. 55 OF 1973

[14th December, 1973.]

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

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

Short title.

1. This Act may be called the Payment of Bonus (Second Amendment) Act, 1973.

Amendment of section 19.

~~2. In section 19 of the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act), sub-section (8) shall be omitted and shall be deemed to have been omitted with effect from the 1st day of September, 1973.~~

24 of 1965.

Portion of bonus credited in the provident fund account to be refunded.

3. Where, in pursuance of the provisions of section 19 of the principal Act, any portion of the bonus paid to an employee in respect of the accounting year commencing on any day in the year 1972 had been remitted by the employer before the commencement of this Act to the authority maintaining the provident fund account of such employee for crediting the same in that account, such authority shall, notwithstanding anything contained in any other law (including any scheme) for the time being in force, refund such portion to the employee.

4 Repealed by Act 38 of 1978, S.2 + Sch. I

**THE ALCOCK ASHDOWN COMPANY LIMITED
(ACQUISITION OF UNDERTAKINGS)
ACT, 1973**

(No. 56 of 1973)

[14th December, 1973.]

An Act to provide for the acquisition of the undertakings of the Alcock Ashdown Company Limited for the purpose of ensuring rational and co-ordinated development and production of goods essential to the needs of the country in general, and defence department in particular and for matters connected therewith or incidental thereto.

WHEREAS Alcock Ashdown Company Limited were engaged in boat building, ship repairs and the production of marine diesel engines, and were also engaged in the production of goods which are essential to the needs of the country, such as, light and heavy structurals, transmission line towers, railway points and crossings, grey iron castings and also other goods needed by the maritime and other industries;

AND WHEREAS as a result of heavy losses suffered by the company, an order has been made by the High Court at Bombay for the winding up of the company;

AND WHEREAS there has been a complete closure of the work of the undertakings owned by the company from after January, 1971;

AND WHEREAS it is urgently necessary to bring the undertakings owned by the company into operation so that the interests of the country in general, and the defence department in particular, may not be adversely affected by reason of the stoppage of production and supply of goods produced by the company;

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

Short title. 1. This Act may be called the Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973.

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

(a) "appointed day" means the date on which this Act comes into force;

(b) "company" means the Alcock Ashdown Company Limited, being a company as defined in the Companies Act, 1956, and having its registered office in the State of Maharashtra;

1 of 1956.

(c) "Court" means the High Court at Bombay;

(d) words and expressions used herein and not defined but defined in the Companies Act, 1956, have the meanings respectively assigned to them in that Act.

1 of 1956.

Undertakings of the company to vest in the Central Government.

3. On and from the appointed day, the undertakings of the company shall, by virtue of this Act, be transferred to, and shall vest in, the Central Government.

General effect of vesting.

4. (1) The undertakings of the company 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 in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All property included as aforesaid in the undertakings which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trusts, obligations, mortgages, charges, liens and other incumbrances affecting it, and any attachment, injunction or any decree or order of any court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(3) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any business of the undertakings of the company is pending by or against the company, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the company or of anything contained in this Act but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the company.

4. Ins. by Act 33 of 1974, s. 2 (w.e.f. 14-12-1973).

5. (1) Notwithstanding any decree, judgment or order of any court or anything contained in any other law for the time being in force, the Receiver, Official Liquidator of the company or any other person, in whose possession or custody or under whose control the undertakings of the company or any part thereof may be, shall deliver possession of the undertakings of the company or such part thereof as may be in his possession, custody or control to the Central Government forthwith.

Duty to deliver possession of the undertakings and documents relating thereto.

(2) The Receiver, Official Liquidator or any other person who has, on the appointed day, in his possession or under his custody or control any books, documents or other papers relating to the undertakings of the company which have vested, under section 3, in the Central Government, shall be liable to account for the said books, document or other papers to the Central Government or to such person as the Central Government may specify in this behalf.

(3) The Central Government may take, or cause to be taken, all necessary steps for securing possession of the undertakings which have vested in it under section 3.

6. (1) The company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all the properties and assets of the company, as on the appointed day, pertaining to the undertakings which have vested in the Central Government under section 3.

Duty to furnish particulars.

(2) So much of the obligation of the company under sub-section (1) as relates to the properties and assets of the company in the possession, custody or control of the Receiver shall be discharged by him and so much of that obligation as relates to the properties and assets in the possession, custody or control of the Official Liquidator shall be discharged by the Official Liquidator.

7. (1) The Central Government shall deposit, in cash, in Court, to the credit of the company, an amount equal to the sum of rupees one crore for the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the company.

Payment of amount.

(2) For the avoidance of doubts, it is hereby declared that the liabilities of the company in relation to the undertakings which have vested in the Central Government under section 3, shall be met from the amount referred to in sub-section (1).

(3) In meeting the liabilities of the company in relation to the undertakings which have vested in the Central Government under section 3, the Court shall distribute the amount referred to in sub-section (1) amongst the creditors of the company, whether secured or unsecured, in accordance with their rights and interests, and if there is any surplus left after such distribution, amongst the contributories of the company in accordance with the rights and interests of such contributories.

8. The undertakings, which have vested in the Central Government under section 3, shall be managed on behalf of the Central Government by such person or body of persons (including one or more Government companies, whether in existence at the commencement of this Act or incorporated thereafter) as may be nominated by the Central Government

Management and administration of the undertakings.

in this behalf, and such person or body of persons shall carry on the management in accordance with such regulations as may be made by the Central Government in this behalf.

Penalties.

9. (1) Any person who—

(a) having in his possession, custody or control any property forming part of the undertakings of the company, wrongfully withholds such property from the Central Government; or

(b) wrongfully obtains possession of any property forming part of the undertakings of the company which have vested in the Central Government under this Act; or

(c) wilfully withholds or fails to furnish to the Central Government as required by sub-section (2) of section 5 any document which may be in his possession, custody or control; or

(d) wilfully fails to furnish an inventory as required under section 6; or

(e) when required to furnish such inventory, furnishes any particulars therein which are false and which he either knows or believes to be false or does not believe to be true,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:

Provided that the court trying any offence under clause (a) or clause (b) or clause (c) of this sub-section may, at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the court any property wrongfully withheld or wrongfully obtained or any document wilfully withheld or not furnished.

(2) No court shall take cognizance of any offence punishable under this section except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

**Offences
by com-
panies.**

10. (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 any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

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

11. No suit, prosecution or other legal proceeding shall lie against the Central Government or an officer or other employee serving in connection with the affairs of the undertakings of the company for anything which is in good faith done or intended to be done under this Act.

Protection
of action
taken in
good
faith.

12. (1) The Central Government may, by notification in the Official Gazette, make regulations with regard to the matters specified in section 8.

Power to
make
regula-
tions.

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

Ref. by Act 97 of 1976, S. 37 (W. e. & L. I. 1975)

THE BURN COMPANY AND INDIAN STANDARD WAGON
COMPANY (TAKING OVER OF MANAGEMENT)
ACT, 1973

No. 57 OF 1973

[17th December, 1973]

An Act to provide for the taking over, in the public interest, of the management of the undertakings of certain companies, pending nationalisation of such undertakings, with a view to ensuring rational and co-ordinated development and production of rolling stock, other products of iron and steel industry and other goods needed by such industry, and for matters connected therewith or incidental thereto.

WHEREAS Burn and Company Limited and Indian Standard Wagon Company Limited, which are inter-linked both financially and production-wise, are engaged in the production of goods which are vital to the needs of the economy of the country, such as, railway wagons and components thereof, steel structurals, iron castings, forgings and the like and also other goods needed by the iron and steel industry;

AND WHEREAS there has been a substantial fall in the production of goods by both the companies by reason of the mismanagement of the affairs thereof, and such fall in production has adversely affected the production of goods which are vital to the needs of the economy of the country as also the fulfilment of contracts for the supply of railway wagons to countries abroad;

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

CHAPTER I

PRELIMINARY

Short title

1. This Act may be called the Burn Company and Indian Standard Wagon Company (Taking Over of Management) Act, 1973.

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

Defini-
tions.

(a) "appointed day" means the date on which this Act comes into force;

(b) "Custodian" means the person appointed under section 4 to take over the management of the undertakings of the two companies;

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

(d) "two companies" means Burn and Company Limited and Indian Standard Wagon Company Limited, being companies as defined in the Companies Act, 1956 and both having their registered offices at 12, Mission Row, Calcutta-1;

1 of 1956.

(e) 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.

CHAPTER II

MANAGEMENT OF THE UNDERTAKINGS OF THE TWO COMPANIES

3. (1) On and from the appointed day, the management of the undertakings of the two companies shall vest in the Central Government.

Manage-
ment of
the under-
takings of
the two
companies
to vest
in Central
Govern-
ment.

(2) The undertakings of each of the two companies shall be deemed to include all assets, rights leaseholds (including mining leases, if any), powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works, mines, workshops, projects, washeries, smelters, ropeways, stores, instruments, machinery, aircraft, locomotives, automobiles and other vehicles, cash balances, reserve fund, investments and book debts and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership, possession, power or control of each of the two companies, whether within or without India, and all books of account, registers, maps, plans, sections, drawings, records of survey and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the business and affairs of each of the two companies in relation to the undertakings owned by each of them, and in force immediately before the appointed day, shall be deemed to have terminated on the appointed day.

(4) All persons in charge of the management, including persons holding offices as directors, managers or any other managerial personnel of each of the two companies, immediately before the appointed day, shall be deemed to have vacated their offices as such on the appointed day.

Rep by Act of 1976, § 32 (W. & I. J. 1975)

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(5) Notwithstanding anything contained in any law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3), or who ceases to hold any office by reason of the provisions contained in sub-section (4), shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the loss of office, as the case may be.

Custodian
of the
two
companies.

4 (1) The Central Government may, as soon as it is convenient administratively so to do, appoint any person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Custodian of the undertakings of the two companies for the purpose of taking over the management thereof, and the Custodian shall carry on the management of the undertakings of the two companies for and on behalf of the Central Government.

(2) The Central Government may also appoint a person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Additional Custodian of the undertakings of the two companies for assisting the Custodian in the exercise of his powers and duties under this Act.

(3) The Additional Custodian shall function under the direction, supervision and control of the Custodian and the Custodian may delegate all or such of the powers as he may think fit to the Additional Custodian.

(4) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Custodian as to his powers and duties as the Central Government deems to be desirable in the circumstances of the case, and the Custodian may also apply to the Central Government at any time for instructions as to the manner in which the Custodian shall conduct the management of the undertakings of the two companies or in relation to any other matter arising in the course of such management.

(5) Subject to the other provisions of this Act and to the control of the Central Government, the Custodian shall be entitled, notwithstanding anything contained in the Companies Act, 1956, to exercise all the powers of the Board of Directors of the two companies (including the power to dispose of any properties or assets of the two companies) whether such powers are derived from the Companies Act, 1956, or from the memorandum and articles of association of either of the two companies or from any other source.

1 of 1956.

(6) Every person having possession, custody or control of any property forming part of the undertaking of either of the two companies shall deliver forthwith such property to the Custodian or to any officer or other employee of the Central Government or the concerned company, as may be authorised by the Central Government in this behalf.

(7) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the

undertaking of either of the two companies, including the minutes books containing the resolutions of the persons in charge of the management thereof before the appointed day, the current cheque books relating to the undertaking of such company, any letters, memoranda, notes or other communications between him and such company shall, notwithstanding anything contained in any law for the time being in force, be liable to account for the books, papers and other documents (including such minutes books, cheque books, letters, memoranda, notes or other communications) to the Custodian and shall deliver them up to the Custodian or to any such person (being an officer or other employee of the Central Government or either of the two companies) as may be authorised by the Central Government in this behalf.

(8) Every person in charge of the management of the undertaking of either of the two companies immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Custodian a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) forming part of the undertaking of such company immediately before the appointed day and of all the liabilities and obligations of such company in relation to its undertaking subsisting immediately before that day and also of all agreements entered into by such company in relation to its undertaking and in force immediately before that day.

(9) The Custodian and the Additional Custodian shall receive from the funds of the undertakings of the two companies such remuneration as the Central Government may fix.

5. (1) The two companies shall be given by the Central Government an amount in cash, for the vesting in it, under section 3, of the management of the undertakings of such companies.

Payment of amount.

(2) For every month during which the management of the undertakings of the two companies remains vested in the Central Government, the amount referred to in sub-section (1) shall be computed at the rate of—

(a) rupees fifty thousand per annum in the case of Burn and Company Limited; and

(b) rupees twenty-five thousand per annum in the case of Indian Standard Wagon Company Limited.

CHAPTER III

MISCELLANEOUS

6. (1) Notwithstanding anything contained in the Companies Act, 1956, or in the memorandum or articles of association of either of the two companies, so long as the management of the undertakings of the two companies remains vested in the Central Government,—

Applica-
tion of
Act 1 of
1956.

(a) it shall not be lawful for the shareholders of either of the two companies or any other person to nominate or appoint any person to be a director of such company;

(b) no resolution passed at any meeting of the shareholders of either of the two companies on or after the appointed day shall be given effect to unless approved by the Central Government;

(c) no proceeding for the winding up of either of the two companies or for the appointment of a liquidator or receiver in respect thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1), and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Companies Act, 1956, shall continue to apply to the two companies in the same manner as it applied thereto before the appointed day.

1 of 1956.

Penal-
ties.

7. (1) Any person, who—

(a) having in his possession or custody or under his control any property forming part of the undertaking of either of the two companies, wrongfully withholds such property from the Custodian or any person authorised under this Act, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains any property forming part of the undertakings of the two companies or either of them or removes or destroys it, or

(d) wilfully withholds or fails to deliver any books, papers or other documents which may be in his possession, power or custody or under his control to the Custodian or any person authorised under this Act, or

(e) fails, without any reasonable cause, to furnish information or particulars as provided in sub-section (8) of section 4,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or an officer authorised by that Government in this behalf.

Offences by
com-
panies.

8. (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 any offence under this Act has been committed by a company and it is

proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

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

9. In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by either of the two companies in respect of any matter arising out of any transaction in relation to the undertaking of any of such companies, the time during which this Act is in force shall be excluded.

Exclusion from limitation of the period of operation of Act.

10. The provisions of this Act or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court.

Act to have overriding effect.

11. (1) No suit, prosecution or other legal proceeding shall lie against the Custodian, Additional Custodian or any officer or other employee of the Central Government or of either of the two companies for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or the Custodian or the Additional Custodian or any of the officers or other employees of the Central Government or of either of the two companies for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

12. (1) If the Central Government is satisfied, after such inquiry as it may think fit, that any contract or agreement entered into at any time within three years immediately preceding the appointed day, between either of the two companies or managing or other director of any such company and any other person, in so far as such contract or agreement relates to the undertaking of either of the two companies, has been entered into in bad faith, or is detrimental to the interests of the undertaking of the concerned company, it may make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Contracts, etc., in bad faith may be cancelled or varied.

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(2) Any person aggrieved by an order made under sub-section (1) may make an application to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the concerned company is situated for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

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(Taking Over of Management)

Avoidance
of
voluntary
transfers.

13. Any transfer of property, movable or immovable, or any delivery of goods made by or on behalf of either of the two companies (not being a transfer or delivery made in the ordinary course of its business or in favour of a purchaser in good faith and for valuable consideration), if made within a period of six months immediately preceding the appointed day shall be void against the Central Government or the Custodian, as the case may be.

Power to
terminate
contracts
of
employ-
ment.

14. If the Custodian is of opinion that any contract of employment entered into by either of the two companies or any managing agent or managing or other director of either of the two companies, at any time before the appointed day is unduly onerous, he may, by giving to the employee one month's notice in writing or the salary or wages for one month in lieu thereof, terminate such contract of employment.

Power
to make
rules.

15. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

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

THE CENTRAL EXCISES AND SALT (SECOND AMENDMENT) ACT, 1973

No. 58 of 1973

[19th December, 1973.]

An Act further to amend the Central Excises and Salt Act, 1944.

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

1. (1) This Act may be called the Central Excises and Salt (Second Amendment) Act, 1973.

Short title and commencement.

(2) It shall be deemed to have come into force on the 3rd day of November, 1973.

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

Amendment of the First Schedule.

(i) in Item No. 6, for the entry in the third column, the entry "Two thousand rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;

(ii) in Item No. 7, for the entry in the third column, the entry "Four hundred and sixty-five rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted.

3. (1) The Central Excises and Salt (Amendment) Ordinance, 1973, 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.

1 of 1944.

Ord. 3 of 1973.

THE HOMOEOPATHY CENTRAL COUNCIL ACT, 1973

ARRANGEMENT OF SECTIONS

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE HOMOEOPATHY CENTRAL COUNCIL ACT, 1973

No. 59 of 1973

[19th December, 1973.]

An Act to provide for the constitution of a Central Council of Homoeopathy and the maintenance of a Central Register of Homoeopathy and for matters connected therewith.

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

CHAPTER I

PRELIMINARY

Short
title,
extent
and
com-
mence-
ment.

1. (1) This Act may be called the Homoeopathy Central Council Act, 1973.

(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 in this behalf for such State and different dates may be appointed for different States and for different provisions of this Act.

Defini-
tions.

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

(a) "Board" means a Board, Council, Examining Body or Faculty of Homoeopathy (by whatever name called) constituted by the State Government under any law for the time being in force regulating the

award of medical qualifications in, and registration of practitioners of, Homoeopathy;

(b) "Central Council" means the Central Council of Homoeopathy constituted under section 3;

(c) "Central Register of Homoeopathy" means the register maintained by the Central Council under this Act;

(d) "Homoeopathy" means the Homoeopathic system of medicine and includes the use of Biochemic remedies;

(e) "medical institution" means any institution within or without India which grants degrees, diplomas or licences in Homoeopathy;

(f) "prescribed" means prescribed by regulations;

(g) "recognised medical qualification" means any of the medical qualifications, in Homoeopathy, included in the Second or the Third Schedule;

(h) "regulation" means a regulation made under section 33;

(i) "State Register of Homoeopathy" means a register or registers maintained under any law for the time being in force in any State regulating the registration of practitioners of Homoeopathy;

(j) "University" means any University in India established by law and having a Faculty of Homoeopathy and includes a University in India established by law in which instruction, teaching, training or research in Homoeopathy is provided.

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

CHAPTER II

THE CENTRAL COUNCIL AND ITS COMMITTEES

3. (1) The Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Central Council consisting of the following members, namely:—

(a) such number of members not exceeding five as may be determined by the Central Government in accordance with the provisions of the First Schedule from each State in which a State Register of Homoeopathy is maintained, to be elected from amongst themselves by persons enrolled on that register as practitioners of Homoeopathy;

(b) one member from each University to be elected from amongst themselves by the members of the Faculty or Department (by whatever name called) of Homoeopathy of that University;

Provided that until any such Faculty or Department of Homoeopathy is started in at least seven Universities, the Central Government may nominate such number of members not exceeding seven as may be determined by the Central Government from amongst the teaching staff of medical institutions within India, so however, that the total number of members so nominated and elected under this clause shall in no case exceed seven;

(c) such number of members, not exceeding forty per cent. of the total number of members elected under clauses (a) and (b), as may be nominated by the Central Government, from amongst persons having special knowledge or practical experience in respect of Homoeopathy or other related disciplines:

Provided that until members are elected under clause (a) or clause (b) in accordance with the provisions of this Act and the rules made thereunder, the Central Government shall nominate such number of members, being persons qualified to be chosen as such under the said clause (a) or clause (b), as the case may be, as that Government thinks fit; and references to elected members in this Act shall be construed as including references to members so nominated.

(2) The President and the Vice-President of the Central Council shall be elected by the members of the Central Council from amongst themselves in such manner as may be prescribed:

Provided that for two years from the first constitution of the Central Council, the President and the Vice-President shall be nominated by the Central Government from amongst the members of the Central Council and the President and the Vice-President so nominated shall, notwithstanding anything contained in sub-section (1) of section 7, hold office during the pleasure of the Central Government.

Mode of election.

4. (1) An election under clause (a) or clause (b) of sub-section (1) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf.

(2) Where any dispute arises regarding any election to the Central Council, it shall be referred to the Central Government whose decision shall be final.

Restriction on elections and membership.

5. (1) No person shall be eligible for election to the Central Council unless he possesses any of the medical qualifications included in the Second or the Third Schedule, is enrolled on any State Register of Homoeopathy and resides in the State concerned.

(2) No person may at the same time serve as a member in more than one capacity.

Incorporation of Central Council.

6. The Central Council shall be a body corporate by the name of the Central Council of Homoeopathy having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

Term of office of President, Vice-President and members of Central Council.

7. (1) The President, Vice-President or a member of the Central Council shall hold office for a term of five years from the date of his election or nomination, as the case may be, or until his successor shall have been duly elected or nominated, whichever is longer.

(2) A person who holds, or who has held, office as President or Vice-President of the Central Council, shall be eligible for re-election to that office once, but only once.

(3) Members of the Central Council shall be eligible for re-election or re-nomination.

(4) An elected or nominated member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Central Council, from three consecutive ordinary meetings of the Central Council or, in the case of a member elected under clause (a) of sub-section (1) of section 3, if he ceases to be enrolled on the concerned State Register of Homoeopathy, or in the case of a member elected under clause (b) of that sub-section, if he ceases to be a member of the Faculty or Department (by whatever name called) of Homoeopathy of the University concerned.

(5) A casual vacancy in the Central Council shall be filled by election or nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.

(6) Where the said term of five years is about to expire in respect of any member, a successor may be elected or nominated at any time within three months before the said term expires but he shall not assume office until the said term has expired.

8. (1) The Central Council shall meet at least once in each year at such time and place as may be appointed by the Central Council.

Meetings
of
Central
Council.

(2) Unless otherwise prescribed, one-third of the total number of members of the Central Council shall form a quorum, and all the acts of the Central Council shall be decided by a majority of the members present and voting.

9. (1) The Central Council shall constitute from amongst its members an Executive Committee and such other committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act.

The Executive
Committee
and other
committees.

(2) (i) The Executive Committee (hereafter in this section referred to as the Committee), shall consist of the President and Vice-President, who shall be members *ex officio*, and not less than five and not more than seven members who shall be elected by the Central Council from amongst its members.

(ii) The President and the Vice-President shall be the President and Vice-President respectively of the Committee.

(iii) In addition to the powers and duties conferred and imposed upon it by this Act, the Committee shall exercise and discharge such powers and duties as the Central Council may confer or impose upon it by any regulations which may be made in this behalf.

10. (1) The committees constituted under section 9 shall meet at least twice in each year at such time and place as may be appointed by the Central Council.

Meetings
of
committees.

(2) Unless otherwise prescribed, one-third of the total number of members of a committee shall form a quorum, and all the acts of the committee shall be decided by a majority of the members present and voting.

Officers
and
other em-
ployees
of Central
Council.

11. The Central Council shall—

- (a) appoint a Registrar who shall also act as Secretary;
- (b) employ such other persons as it deems necessary to carry out the purposes of this Act;
- (c) require and take from the Registrar or from any other employee, such security for the due performance of his duties as the Central Council deems necessary; and
- (d) with the previous sanction of the Central Government, fix the remuneration and allowances to be paid to the President, Vice-President and members of the Central Council and to the members of the committees thereof and determine the conditions of service of the employees of the Central Council.

Vacancies
in the
Central
Council
and com-
mittees
thereof.
not to
invali-
date acts,
etc.

12. No act or proceeding of the Central Council or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Central Council or the committee, as the case may be.

CHAPTER III

RECOGNITION OF MEDICAL QUALIFICATIONS

Recogni-
tion of
medical
qualifi-
cation
granted
by
certain
medical
institu-
tions in
India.

13. (1) The medical qualifications granted by any University, Board or other medical institution in India which are included in the Second Schedule shall be recognised medical qualifications for the purposes of this Act.

(2) Any University, Board or other medical institution in India which grants a medical qualification not included in the Second Schedule may apply to the Central Government to have any such qualification recognised, and the Central Government, after consulting the Central Council, may, by notification in the Official Gazette, amend the Second Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification only when granted after a specified date.

Recogni-
tion of
medical
qualifi-
cations
granted
by
medical
institu-
tions in
States or
countries
outside
India.

14. (1) The medical qualifications granted by medical institutions outside India which are included in the Third Schedule shall be recognised medical qualifications for the purposes of this Act.

(2) (a) The Central Council may enter into negotiations with the authority in any State or country outside India, which by the law of such State or country is entrusted with the maintenance of a Register of practitioners of Homoeopathy, for settling of a scheme of reciprocity for the recognition of medical qualifications in Homoeopathy, and in pursuance of any such scheme, the Central Government may, by notification in the Official Gazette, amend the Third Schedule so as to include therein any medical qualification which the Central Council has decided should be recognised, and any such notification may also direct that an entry shall

be made in the last column of the Third Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(b) Where the Council has refused to recommend any medical qualification which has been proposed for recognition by any authority referred to in clause (a) and that authority applies to the Central Government in this behalf, the Central Government, after considering such application and after obtaining from the Council a report; if any, as to the reasons for any such refusal, may, by notification in the Official Gazette, declare that such qualification shall be a recognised medical qualification and the provisions of clause (a) shall apply accordingly.

15. (1) Subject to the other provisions contained in this Act, any medical qualification included in the Second or the Third Schedule shall be sufficient qualification for enrolment on any State Register of Homoeopathy.

(2) No person, other than a practitioner of Homoeopathy who possesses a recognised medical qualification and is enrolled on a State Register or the Central Register of Homoeopathy,—

(a) shall hold office as Homoeopathic physician or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practise Homoeopathy in any State;

(c) shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner;

(d) shall be entitled to give any evidence at any inquest or any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to Homoeopathy.

(3) Nothing contained in sub-section (2) shall affect—

(a) the right of a practitioner of Homoeopathy enrolled on a State Register of Homoeopathy to practise Homoeopathy in any State merely on the ground that, on the commencement of this Act, he does not possess a recognised medical qualification;

(b) the privileges (including the right to practise Homoeopathy) conferred by or under any law relating to registration of practitioners of Homoeopathy for the time being in force in any State, on a practitioner of Homoeopathy enrolled on a State Register of Homoeopathy;

(c) the right of a person to practise Homoeopathy in a State in which, on the commencement of this Act, a State Register of Homoeopathy is not maintained if, on such commencement, he has been practising Homoeopathy for not less than five years;

(d) the rights conferred by or under the Indian Medical Council Act, 1956 [including the right to practise medicine as defined in clause (f) of section 2 of the said Act] or the Indian Medicine Central Council Act, 1970 of persons possessing any qualifications included in the respective Schedules to the said Act.

Rights of persons possessing qualifications included in Second or the Third Schedule to be enrolled.

1 of 1872.

102 of 1956.

48 of 1970.

(4) Any person who acts in contravention of any provision of subsection (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Power to require information as to courses of study and examinations.

16. Every University, Board or medical institution in India which grants a recognised medical qualification shall furnish such information as the Central Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

Inspectors at examinations.

17. (1) The Central Council shall appoint such number of medical inspectors as it may deem requisite to inspect any medical college, hospital or other institution where education in Homoeopathy is given, or to attend any examination held by any University, Board or medical institution for the purpose of recommending to the Central Government recognition of medical qualifications granted by that University, Board or medical institution.

(2) The medical inspectors shall not interfere with the conduct of any training or examination, but shall report to the Central Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education in Homoeopathy, as the case may be, or on the sufficiency of every examination which they attend.

(3) The Central Council shall forward a copy of any such report to the University, Board or medical institution concerned, and shall also forward a copy with the remarks of the University, Board or medical institution thereon, to the Central Government.

Visitors at examinations.

18. (1) The Central Council may appoint such number of visitors as it may deem requisite to inspect any medical college, hospital or other institution where education in Homoeopathy is given or to attend any examination for the purpose of granting recognised medical qualification.

(2) Any person, whether he is a member of the Central Council or not, may be appointed as a visitor under this section but a person who is appointed as an inspector under section 17 for any inspection or examination shall not be appointed as a visitor for the same inspection or examination.

(3) The visitors shall not interfere with the conduct of any training or examination, but shall report to the President of the Central Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education in Homoeopathy or on the sufficiency of every examination which they attend.

(4) The report of a visitor shall be treated as confidential unless in any particular case the President of the Central Council otherwise directs:

Provided that if the Central Government requires a copy of the report of a visitor, the Central Council shall furnish the same.

19. (1) When upon report by the inspector or the visitor, it appears to the Central Council—

With-
drawal of
recogni-
tion.

(a) that the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, any University, Board or medical institution, or

(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such University, Board or medical institution or in any college or other institution affiliated to the University,

do not conform to the standard prescribed by the Central Council, the Central Council shall make a representation to that effect to the Central Government.

(2) After considering such representation, the Central Government may send it to the Government of the State in which the University, Board or medical institution is situated and the State Government shall forward it along with such remarks as it may choose to make to the University, Board or medical institution, with an intimation of the period within which the University, Board or medical institution may submit its explanation to the State Government.

(3) On the receipt of the explanation, or, where no explanation is submitted within the period fixed, then, on the expiry of that period, the State Government shall make its recommendations to the Central Government.

(4) The Central Government, after making such further inquiry, if any, as it may think fit, may, by notification in the Official Gazette, direct that an entry shall be made in the Second Schedule against the said medical qualification declaring that it shall be a recognised medical qualification only when granted before a specified date, or that the said medical qualification if granted to students of a specified college or institution affiliated to any University shall be recognised medical qualification only when granted before a specified date or, as the case may be, that the said medical qualification shall be recognised medical qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date.

20. (1) The Central Council may prescribe the minimum standards of education in Homoeopathy, required for granting recognised medical qualifications by Universities, Boards or medical institutions in India.

Minimum
standards
of educa-
tion in
Homoep-
athy.

(2) Copies of the draft regulations and of all subsequent amendments thereof shall be furnished by the Central Council to all State Governments and the Central Council shall, before submitting the regulations or any amendment thereof, as the case may be, to the Central Government for sanction, take into consideration the comments of any State Government received within three months from the furnishing of the copies as aforesaid.

CHAPTER IV

THE CENTRAL REGISTER OF HOMOEOPATHY

The
Central
Register
of
Homoeo-
pathy.

21. (1) The Central Council shall cause to be maintained in the prescribed manner, a register of practitioners of Homoeopathy to be known as the Central Register of Homoeopathy which shall contain—

(a) in Part I, the names of all persons who are for the time being enrolled on any State Register of Homoeopathy and possess any of the recognised medical qualifications;

(b) in Part II, the names of all persons, other than those included in Part I, who are for the time being enrolled on any State Register of Homoeopathy.

(2) It shall be the duty of the Registrar of the Central Council to keep and maintain the Central Register of Homoeopathy in accordance with the provisions of this Act and of any orders made by the Central Council, and from time to time to revise the register and publish it in the Gazette of India and in such other manner as may be prescribed.

(3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a copy 1 of 1872. published in the Gazette of India.

Supply of
copies of
State
Register
of
Homoeo-
pathy.

22. Each Board shall supply to the Central Council three printed copies of the State Register of Homoeopathy as soon as may be after the commencement of this Act and subsequently after the first day of April of each year, and each Board shall inform the Central Council without delay of all additions to, and other amendments in, the State Register of Homoeopathy made from time to time.

Regis-
tration
in the
Central
Register
of
Homoeo-
pathy.

23. The Registrar of the Central Council may on receipt of the report of registration of a person in a State Register of Homoeopathy or on application made in the prescribed manner by any person, enter his name in the Central Register of Homoeopathy, provided that the Registrar is satisfied that the person concerned is eligible under this Act for such registration.

Pro-
fessional
conduct.

24. (1) The Central Council may prescribe standards of professional conduct and etiquette and a code of ethics for practitioners of Homoeopathy.

(2) Regulations made by the Central Council under sub-section (1) may specify which violations thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct, and such provision shall have effect notwithstanding anything contained in any law for the time being in force.

Removal
of names
from the
Central
Register
of
Homoeo-
pathy.

25. (1) If the name of any person enrolled on a State Register of Homoeopathy is removed therefrom in pursuance of any power conferred by or under any law relating to registration of practitioners of Homoeopathy for the time being in force in any State, the Central Council shall direct the removal of the name of such person from the Central Register of Homoeopathy.

(2) Where the name of any person has been removed from a State Register of Homoeopathy on any ground other than that he is not possessed of the requisite medical qualifications or where any application by the said person for restoration of his name to the State Register of Homoeopathy has been rejected, he may appeal in the prescribed manner and subject to such conditions, including conditions as to the payment of a fee, as may be prescribed, to the Central Government whose decision, which shall be given after consulting the Central Council, shall be binding on the State Government and on the authorities concerned with the preparation of the State Register of Homoeopathy.

26. (1) Subject to the conditions and restrictions laid down in this Act regarding practice of Homoeopathy by persons possessing certain recognised medical qualifications, every person whose name is for the time being borne on Part I of the Central Register of Homoeopathy shall be entitled according to his qualifications to practise Homoeopathy, in any part of India and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances or any fees to which he may be entitled.

Privileges of persons who are enrolled on the Central Register of Homoeopathy.

(2) Subject to the provisions of sub-section (3) of section 15, any person whose name is for the time being borne on Part II of the Central Register of Homoeopathy, may practise Homoeopathy in any State, other than the State where he is enrolled on the State Register of Homoeopathy, with the previous approval of the Government of the State where he intends to practise.

27. (1) If any person whose name is entered in the Central Register of Homoeopathy obtains any title, diploma or other qualification for proficiency in Homoeopathy, which is a recognised medical qualification, he shall, on application made in this behalf in the prescribed manner, be entitled to have an entry stating such other title, diploma or other qualification made against his name in the Central Register of Homoeopathy either in substitution for or in addition to any entry previously made.

Registration of additional qualifications.

(2) The entries in respect of any such person in a State Register of Homoeopathy shall be altered in accordance with the alterations made in the Central Register of Homoeopathy.

28. Every person registered in the Central Register of Homoeopathy shall notify any transfer of the place of his residence or practice to the Central Council and to the Board concerned, within ninety days of such transfer, failing which his right to participate in the election of members to the Central Council or a Board shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein.

Persons enrolled on Central Register of Homoeopathy to notify change of place of residence or practice.

CHAPTER V

MISCELLANEOUS

Information to be furnished by Central Council and publication thereof. Commission of inquiry.

29. (1) The Central Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Government as that Government may require.

(2) The Central Government may publish in such manner as it may think fit, any report, copy, abstract or other information furnished to it under this section or under section 18.

30. (1) Whenever it is made to appear to the Central Government that the Central Council is not complying with any of the provisions of this Act, the Central Government may refer the particulars of the complaint to a commission of inquiry consisting of three persons, two of whom shall be appointed by the Central Government, one being a Judge of a High Court, and one by the Central Council, and such commission shall proceed to inquire in a summary manner and to report to the Central Government as to the truth of the matters charged in the complaint, and in case of any charge of default or of improper action being found by the commission to have been established, the commission shall recommend the remedies, if any, which are in its opinion necessary.

(2) The Central Government may require the Central Council to adopt the remedies so recommended within such time as, having regard to the report of the commission, it may think fit, and if the Central Council fails to comply with any such requirement, the Central Government may amend the regulations of the Central Council, or make such provision or order or take such other steps as may seem necessary to give effect to the recommendations of the commission.

(3) A commission of inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a civil court under the Code of Civil Procedure, 1908.

5 of 1908.

Protection of action taken in good faith.

31. No suit, prosecution or other legal proceeding shall lie against the Government, the Central Council or a Board or any committee thereof or any officer or servant of the Government or the Central Council or the Board or the committee aforesaid for anything which is in good faith done or intended to be done under this Act.

Power to make rules.

32. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall

be without prejudice to the validity of anything previously done under that rule.

33. The Central Council may, with the previous sanction of the Central Government, make regulations generally to carry out the purposes of this Act, and, without prejudice to the generality of this power, such regulations may provide for—

Power to
make
regula-
tions.

(a) the manner of election of the President and the Vice-President of the Central Council;

(b) the management of the property of the Central Council and the maintenance and audit of its accounts;

(c) the resignation of members of the Central Council;

(d) the powers and duties of the President and Vice-President,

(e) the summoning and holding of meetings of the Central Council and the committees thereof, the times and places where such meetings are to be held, and the conduct of business thereat and the number of members necessary to constitute a quorum;

(f) the functions of the committees constituted under section 9;

(g) the tenure of office, and the powers and duties of the Registrar and other officers and servants of the Central Council;

(h) the qualifications, appointment, powers and duties of, and procedure to be followed by, inspectors and visitors;

(i) the courses and period of study of practical training to be undertaken, the subjects of examination and the standards of proficiency therein to be obtained, in any University, Board or medical institution for grant of recognised medical qualification;

(j) the standards of staff, equipment, accommodation, training and other facilities for education in Homoeopathy;

(k) the conduct of professional examinations, qualifications of examiners and the conditions of admission to such examinations;

(l) the standards of professional conduct and etiquette and code of ethics to be observed by practitioners of Homoeopathy;

(m) the particulars to be stated, and the proof of qualifications to be given in applications for registration under this Act;

(n) the manner in which and the conditions subject to which an appeal under section 25 may be preferred;

(o) the fees to be paid on applications and appeals under this Act; and

(p) any matter for which under this Act provision may be made by regulations.

THE FIRST SCHEDULE

[See section 3 (1) (a)]

1. The Central Government shall, by notification in the Official Gazette, determine the number of seats allocated in the Central Council of Homoeopathy in each State on the following basis, namely:—

(a) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 100 but does not exceed 10,000 .. 1 seats.

(b) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 10,000 but does not exceed 20,000 .. 2 seats.

(c) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 20,000 but does not exceed 30,000 .. 3 seats.

(d) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 30,000 but does not exceed 40,000 .. 4 seats.

(e) Where the number of persons enrolled on a State Register of Homoeopathy system exceeds 40,000 .. 5 seats.

2. For every subsequent election to the Central Council under clause (a) of sub-section (1) of section 3, the Central Government shall, by notification in the Official Gazette, determine the number of seats allocated in the Central Council of Homoeopathy on the basis laid down in paragraph 1 above.

THE SECOND SCHEDULE

(See section 13)

RECOGNISED MEDICAL QUALIFICATIONS IN HOMOEOPATHY GRANTED BY UNIVERSITIES, BOARDS OR MEDICAL INSTITUTIONS IN INDIA

Name of University, Board or Medical Institution	Recognised medical qualification	Abbreviation for registration	Remarks
1	2	3	4
ANDHRA PRADESH			
1. Andhra Provincial Homoeopathic Medical College, Gudivada.	Diploma in Homoeopathic Medicine.	D.H.M.	April, 1949 to March, 1969.
2. Dr. Gururaju Government Homoeopathic Medical College, Gudivada.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From April, 1970 onwards.
3. Board of Indian Medicine, Hyderabad.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From October, 1971.

1	2	3	4
BIHAR			
4. Bihar State Board of Homoeopathic Medicine.	Diploma in Medicine and Surgery.	D.M.S.	Since 1961.
	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1971 onwards.
DELHI			
5. Board of Homoeopathic System of Medicine, Delhi.	Diploma in Homoeopathic Science.	D.H.S.	From 1965 to 1970-71.
	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1971 onwards.
KARNATAKA			
6. The Homoeopathic Medical College, Belgaum.	Licentiate of the Court of Examiners in Homoeopathy.	L.C.E.H.	From June, 1971 to December, 1971.
7. Court of Examiners in Homoeopathic Education, Bangalore.	Licentiate of the Court of Examiners in Homoeopathy.	L.C.E.H.	From January, 1973.
	Graduate of the Court of Examiners in Homoeopathy.	G.C.E.H.	From January, 1973.
KERALA			
8. Board of Examiners in Homoeopathy, Government of Kerala.	Diploma in Homoeopathic Medicine.	D.H.M.	From 1962 onwards.
9. Royal College of Homoeopathic Physicians, Ernakulam.	Licentiate of Royal College of Homoeopathic Physicians.	L.R.C.H.P.	Up to 1966-67.
MADHYA PRADESH			
10. The Board of Homoeopathic and Biochemic Systems of Medicine, Madhya Pradesh.	Diploma in Homoeopathy and Biochemistry.	D.H.B.	From 1960 onwards.
MAHARASHTRA			
11. The Court of Examiners of Homoeopathic and Biochemic Systems of Medicine, Bombay.	Licentiate of the Court of Examiners in Homoeopathy.	L.C.E.H.	From December, 1961 onwards.
	Diploma in Homoeopathy and Biochemistry.	D.H.B.	From October, 1955 onwards.
12. Court of Examiners in Homoeopathy.	Fellow of the Court of Examiners in Homoeopathy.	F.C.E.H.	In May, 1958 only.
ORISSA			
13. Orissa Board of Homoeopathic Medicine, Bhubaneswar.	Diploma in Homoeopathic Medicine and Surgery.	D.H.M.S.	From 1972 onwards.
TAR PRADESH			
14. State Board of Homoeopathic Medicine, U.P., Lucknow.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	In 1961 to 1963.
	Bachelor of Medicine and Surgery.	B.M.S.	From 1958 to 1960 and from 1970 onwards.
	Certificate of Homoeopathic Practice.	C.H.P.	
15. Agra University, Agra.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1965 to 1967.

1	2	3	4
16. Kanpur University, Kanpur.	Graduate of Homoeopathic Medicine and Surgery.	G.H.M.S.	From 1967 onwards.
17. National Homoeopathic Medical College and Hospital, Lucknow.	..	H.L.M.S.	From 1923 to 1936.
		H.M.D.	From 1925 to 1942.
		H.M.B.	From 1924 to 1949.
		B.M.S.	From 1950 to 1957.
18. Homoeopathic Medical College, Lucknow.		H.M.B.	From 1931 to 1936.

WEST BENGAL

19. The Council of Homoeopathic Medicine, West Bengal.	Diploma in Medicine and Surgery.	D.M.S.	From 1965 onwards.
20. General Council and State Faculty of Homoeopathic Medicine, West Bengal.	Diploma in Medicine and Surgery.	D.M.S.	From 1943 to 1964.
21. Calcutta Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Up to 1936.
	Bachelor of Medicine and Bachelor of Surgery.	B.M.B.S.	From 1936 to 1942.
22. Bengal Allen Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine and Surgery.	B.H.M.S.	Up to 1942.
	Master of Homoeopathic Medicine and Surgery.	M.H.M.S.	Up to 1942.
	Licentiate in Homoeopathic Medicine and Surgery.	L.H.M.S.	Up to 1942.
23. Dunham Homoeopathic Medical College, Calcutta.	Member of Dunham College of Homoeopathy.	M.D.C.H.	Up to 1942.
24. Ashutosh Homoeopathic Medical College, Calcutta.	Practitioner of Rational System of Medicine.	P.R.S.M.	Up to 1942.
	Practitioner of Healing Art.	P.H.A.	Up to 1942.
25. Herring Homoeopathic Medical College, Calcutta.	Licentiate of the Rational Homoeopathic Society.	L.R.H.S.	Up to 1942.
26. Regular Homoeopathic Medical College, Calcutta.	Licentiate in Homoeopathic Medicine and Surgery.	H.L.M.S.	Up to 1942.
27. Central Homoeopathic College, Calcutta.	..	H.L.M.S.	1910.
		H.M.B.	1910.
28. Bengal Homoeopathic Medical College, Calcutta.	Bachelor of Homoeopathic Medicine.	H.M.B.	Up to 1942.

THE THIRD SCHEDULE

(See section 14)

QUALIFICATIONS GRANTED BY MEDICAL INSTITUTIONS OUTSIDE INDIA

Name of University, Board or Medical Institution	Recognised medical qualification	Abbreviation for regis- tration	Remarks
1	2	3	4
1. Faculty of Homoeopathy, London.	Diploma of the Faculty of Homoeopathy.	D.F. Hom.	..
2. Faculty of Homoeopathy, London.	Member of the Faculty of Homoeopathy.	M.F. Hom.	..
3. Faculty of Homoeopathy, London.	Fellow of the Faculty of Homoeopathy.	F.F. Hom.	..

THE ADVOCATES (AMENDMENT) ACT, 1973

No. 60 of 1973

[22nd December, 1973]

An Act further to amend the Advocates Act, 1961.

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

Short title and commencement.

1. (1) This Act may be called the Advocates (Amendment) Act, 1973.

(2) It shall come into force on such ⁴date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1.

2. In section 1 of the Advocates Act, 1961 (hereinafter referred to as 25 of 1961. the principal Act),—

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

“(2) It extends to the whole of India.”;

(b) in sub-section (3), for the words “shall come into force”, the words, brackets and figure “shall, in relation to the territories other than those referred to in sub-section (4), come into force” shall be substituted;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) This Act shall, in relation to the State of Jammu and Kashmir and the Union territory of Goa, Daman and Diu, come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different provisions of this Act.”.

3. Section 2 of the principal Act shall be re-numbered as sub-section (f) of that section, and

Amendment of section 2.

(1) in sub-section (1) as so re-numbered,—

(a) clause (f) shall be omitted;

(b) in clause (g),—

(i) after the words, brackets and figure “except in sub-section (1)”, the words, brackets, figure and letter “and sub-section (1A)” shall be inserted;

(ii) in sub-clause (ii), for the words “the High Court of Punjab”, the words “the High Court of Delhi” shall be substituted;

(2) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir or in the Union territory of Goa, Daman and Diu, shall, in relation to that State or that territory, be construed as a reference to the corresponding law, if any, in force in that State or that territory, as the case may be.”.

4. In section 3 of the principal Act,—

Amendment of section 3.

(a) in sub-section (1),—

(i) in clause (a), after the word “Gujarat,” the words “Jammu and Kashmir,” shall be inserted;

(ii) in clause (ccc), for the words “the Union territory of Dadra and Nagar Haveli,” the words “the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu,” shall be substituted;

(b) in sub-section (2),—

(i) in clause (a), after the words “the Additional Solicitor-General of India, *ex-officio*,” the words “in the case of the State Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura, the Advocate-General of each of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura, *ex-officio*; in the case of the State Bar Council of Punjab and Haryana, the Advocate-General of each of the States of Punjab and Haryana, *ex-officio*,” shall be inserted;

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

“(b) in the case of a State Bar Council with an electorate not exceeding five thousand, fifteen members, in the case of a State Bar Council with an electorate exceeding five

thousand but not exceeding ten thousand, twenty members, and in the case of a State Bar Council with an electorate exceeding ten thousand, twenty-five members, elected in accordance with the system of proportional representation by means of the single transferable vote from amongst advocates on the electoral roll of the State Bar Council:";

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

"(6) Nothing in clause (b) of sub-section (2) shall affect the representation of elected members in any State Bar Council as constituted immediately before the commencement of the Advocates (Amendment) Act, 1973, until that State Bar Council is reconstituted in accordance with the provisions of this Act."

Amendment of section 4.

5. In section 4 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) No person shall be eligible for being elected as a member of the Bar Council of India unless he possesses the qualifications specified in the proviso to sub-section (2) of section 3;"

(b) in clause (i) of sub-section (3), after the words "his election", the words "or till he ceases to be a member of the State Bar Council, whichever is earlier" shall be inserted.

Amendment of section 6.

6. In section 6 of the principal Act,—

(a) in sub-section (1), after clause (e), the following clauses shall be inserted, namely:—

"(ee) to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest;

"(eee) to organise legal aid to the poor in the prescribed manner;"

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

"(2) A State Bar Council may constitute one or more funds in the prescribed manner for the purpose of—

(a) giving financial assistance to organise welfare schemes for the indigent, disabled or other advocates;

(b) giving legal aid or advice in accordance with the rules made in this behalf.

(3) A State Bar Council may receive any grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2) which shall be credited to the appropriate fund or funds constituted under that sub-section."

7. Section 7 of the principal Act shall be re-numbered as sub-section (1) of that section, and Amendment of section 7.

(a) in sub-section (1) as so re-numbered,—

(i) clause (a) shall be omitted;

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

"(ia) to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest;

(ib) to organise legal aid to the poor in the prescribed manner;

(ic) to recognise on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate under this Act;"

(b) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) The Bar Council of India may constitute one or more funds in the prescribed manner for the purpose of—

(a) giving financial assistance to organise welfare schemes for indigent, disabled or other advocates;

(b) giving legal aid or advice in accordance with the rules made in this behalf.

(3) The Bar Council of India may receive any grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2) which shall be credited to the appropriate fund or funds constituted under that sub-section."

8. After section 7 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 7A.

"7A. The Bar Council of India may become a member of international legal bodies such as the International Bar Association or the International Legal Aid Association, contribute such sums as it thinks fit to such bodies by way of subscription or otherwise and authorise expenditure on the participation of its representatives in any international legal conference or seminar." Membership in international bodies.

Insertion of new section 9A.

9. After section 9 of the principal Act, the following section shall be inserted, namely:—

Constitution of legal aid committees.

“9A. (1) A Bar Council may constitute one or more legal aid committees each of which shall consist of such number of members, not exceeding nine but not less than five, as may be prescribed.

(2) The qualifications, the method of selection and the term of office of the members of a legal aid committee shall be such as may be prescribed.”.

Insertion of new section 10A.

10. Section 10A of the principal Act shall be re-numbered as section 10B and before section 10B as so re-numbered, the following section shall be inserted, namely:—

Transaction of business by Bar Councils and committees thereof.

“10A. (1) The Bar Council of India shall meet at New Delhi.

(2) A State Bar Council shall meet at its headquarters.

(3) The Committees other than disciplinary committees constituted by the Bar Councils shall meet at the headquarters of the respective Bar Councils.

(4) Every Bar Council and every committee thereof except the disciplinary committees shall observe such rules of procedure in regard to the transaction of business at their meetings as may be prescribed.

(5) The disciplinary committees constituted under section 9 shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at their meetings as may be prescribed.”.

Amendment of section 12.

11. In section 12 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) As soon as may be practicable at the end of each financial year, but not later than the 31st day of December of the year next following, a State Bar Council shall send a copy of its accounts together with a copy of the report of the auditors thereon to the Bar Council of India and shall cause the same to be published in the Official Gazette.

(4) As soon as may be practicable at the end of each financial year, but not later than the 31st day of December of the year next following, the Bar Council of India shall send a copy of its accounts together with a copy of the report of the auditors thereon to the Central Government and shall cause the same to be published in the Gazette of India.”.

Amendment of section 15.

12. In section 15 of the principal Act, in sub-section (2),—

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

“(a) the election of members of the Bar Council by secret ballot including the conditions subject to which persons can exercise the right to vote by postal ballot, the preparation and revision of electoral rolls and the manner in which the results of election shall be published;”.

(b) clause (b) shall be omitted;

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

“(ga) the constitution of one or more funds by a Bar Council for the purpose of giving financial assistance or giving legal aid or advice referred to in sub-section (2) of section 6 and sub-section (2) of section 7;

(gb) organisation of legal aid and advice to the poor, constitution and functions of committees and sub-committees for that purpose and description of proceedings in connection with which legal aid or advice may be given;”;

(d) in clause (h), the words “the times and places where such meetings are to be held” shall be omitted.

13. In section 16 of the principal Act, in sub-section (2), for the words “experience and standing at the Bar”, the words “standing at the Bar or special knowledge or experience in law” shall be substituted. Amendment of section 16.

14. In section 17 of the principal Act,—

(a) in clause (a) of sub-section (1), for the words “and who, within the prescribed time”, the words, figures and letters “including persons, being citizens of India, who before the 15th day of August, 1947, were enrolled as advocates under the said Act in any area which before the said date was comprised within India as defined in the Government of India Act, 1935, and who at any time” shall be substituted; Amendment of section 17.

(b) in sub-section (3), clause (c) shall be omitted.

15. For section 20 of the principal Act the following section shall be substituted, namely:— Substitution of new section for section 20.

“20. (1) Notwithstanding anything contained in this Chapter, every advocate who was entitled as of right to practise in the Supreme Court immediately before the appointed day and whose name is not entered in any State roll may, within the prescribed time, express his intention in the prescribed form to the Bar Council of India for the entry of his name in the roll of a State Bar Council and on receipt thereof the Bar Council of India shall direct that the name of such advocate shall, without payment of any fee, be entered in the roll of that State Bar Council, and the State Bar Council concerned shall comply with such direction. Special provision for enrolment of certain Supreme Court advocates.

(2) Any entry in the State roll made in compliance with the direction of the Bar Council of India under sub-section (1) shall be made in the order of seniority determined in accordance with the provisions of sub-section (3) of section 17.

(3) Where an advocate referred to in sub-section (1) omits or fails to express his intention within the prescribed time, his name shall be entered in the roll of the State Bar Council of Delhi.”

Amendment of section 21.

16. In section 21 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Subject as aforesaid, if any dispute arises with respect to the seniority of any person, it shall be referred to the State Bar Council concerned for decision.”

Substitution of new section for section 22.

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

Certificate of enrolment.

“22. (1) There shall be issued a certificate of enrolment in the prescribed form by the State Bar Council to every person whose name is entered in the roll of advocates maintained by it under this Act.

(2) Every person whose name is so entered in the State roll shall notify any change in the place of his permanent residence to the State Bar Council concerned within ninety days of such change.”

Amendment of section 24

18. In section 24 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (c),—

(I) in sub-clause (i), for the figures, letters and words “28th day of February, 1963”, the figures, letters and words “12th day of March, 1967” shall be substituted;

(II) for sub-clause (iii), the following sub-clauses shall be substituted, namely:—

“(iii) after the 12th day of March, 1967, save as provided in sub-clause (iia), after undergoing a three-year course of study in law from any University in India which is recognised for the purposes of this Act by the Bar Council of India; or

(iia) after undergoing a course of study in law, the duration of which is not less than two academic years commencing from the academic year 1967-68 or any earlier academic year from any University in India which is recognised for the purposes of this Act by the Bar Council of India; or”;

(III) for the words “he is a barrister”, the following shall be substituted, namely:—

“he is a barrister and is called to the Bar on or before the 31st day of December, 1976; or has obtained such other foreign qualification in law as is recognised by the Bar Council of India for the purpose of admission as an advocate under this Act”;

(ii) clause (d) shall be omitted;

(iii) for clause (f), the following clause shall be substituted, namely:—

“(f) he has paid, in respect of the enrolment, stamp duty, if any, chargeable under the Indian Stamp Act, 1899, and an enrolment fee payable to the State Bar Council of two hundred and fifty rupees: 2 of 1899.

Provided that where such person is a member of the Scheduled Castes or the Scheduled Tribes and produces a certificate to that effect from such authority as may be prescribed, the enrolment fee payable by him to the State Bar Council shall be one hundred and twenty-five rupees.”;

(b) in sub-section (3),—

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

“(aa) before the 1st day of December, 1961, was entitled otherwise than as an advocate to practise the profession of law (whether by way of pleading or acting or both) by virtue of the provisions of any law, or who would have been so entitled had he not been in public service on the said date; or”;

(ii) clause (b) shall be omitted.

19. After section 24 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 24A.

“24A. (1) No person shall be admitted as an advocate on a State roll—

Disqualification for enrolment.

(a) if he is convicted of an offence involving moral turpitude;

(b) if he is convicted of an offence under the provisions of the Untouchability (Offences) Act, 1955:

22 of 1955

Provided that the disqualification for enrolment as aforesaid shall cease to have effect after a period of two years has elapsed since his release.

(2) Nothing contained in sub-section (1) shall apply to a person who having been found guilty is dealt with under the provisions of the Probation of Offenders Act, 1958.”.

20 of 1958.

20. For section 26A of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 26A.

“26A. A State Bar Council may remove from the State roll the name of any advocate who is dead or from whom a request has been received to that effect.”.

Power to remove names from roll.

21. In section 28 of the principal Act, in sub-section (2),—

Amendment of section 28.

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

“(a) the time within which and form in which an advocate shall express his intention for the entry of his name in the roll of a State Bar Council under section 20”;

(b) clause (b) shall be omitted.

22. In section 30 of the principal Act, for the words “common roll”, the words “State roll” shall be substituted.

Amendment of section 30.

Amendment of section 34.

23. In section 34 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The High Court shall make rules for fixing and regulating by taxation or otherwise the fees payable as costs by any party in respect of the fees of his adversary’s advocate upon all proceedings in the High Court or in any Court subordinate thereto.”

Amendment of section 35.

24. In section 35 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The State Bar Council may, either of its own motion or on application made to it by any person interested, withdraw a proceeding pending before its disciplinary committee and direct the inquiry to be made by any other disciplinary committee of that State Bar Council.”;

(b) in sub-section (2), the words “, if it does not summarily reject the complaint,” shall be omitted;

(c) in the *Explanation*, after the words “In this section”, the words and figures “section 37 and section 38” shall be inserted.

Amendment of section 36.

25. In section 36 of the principal Act,—

(a) in sub-section (1), the words “on the common roll” shall be omitted;

(b) in sub-section (2), for the words “of its own motion”, the words “either of its own motion or on a report by any State Bar Council or on an application made to it by any person interested” shall be substituted;

(c) in sub-section (4), for the words “before the Bar Council of India”, the words “before the disciplinary committee of the Bar Council of India” shall be substituted.

Insertion of new sections 36A and 36B.

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

Changes in constitution of disciplinary committees.

“36A. Whenever in respect of any proceedings under section 35 or section 36, a disciplinary committee of the State Bar Council or a disciplinary committee of the Bar Council of India ceases to exercise jurisdiction and is succeeded by another committee which has and exercises jurisdiction, the disciplinary committee of the State Bar Council or the disciplinary committee of the Bar Council of India, as the case may be, so succeeding may continue the proceedings from the stage at which the proceedings were so left by its predecessor committee.

Disposal of disciplinary proceedings.

36B. (1) The disciplinary committee of a State Bar Council shall dispose of the complaint received by it under section 35 expeditiously and in each case the proceedings shall be concluded within a period of one year from the date of the receipt of the complaint or the date of initiation of the proceedings at the instance of the State Bar Council, as the case may be, failing which such proceedings shall stand transferred to the Bar Council of India which may dispose of the same as if it were a proceeding withdrawn for inquiry under sub-section (2) of section 36.

(2) Notwithstanding anything contained in sub-section (1), where on the commencement of the Advocates (Amendment) Act, 1973, any proceedings in respect of any disciplinary matter against an advocate is pending before the disciplinary committee of a State Bar Council, that disciplinary committee of the State Bar Council shall dispose of the same within a period of six months from the date of such commencement or within a period of one year from the date of the receipt of the complaint or, as the case may be, the date of initiation of the proceedings at the instance of the State Bar Council, whichever is later, failing which such proceedings shall stand transferred to the Bar Council of India for disposal under sub-section (1)."

27. In section 37 of the principal Act,—

Amendment of section 37.

(a) in sub-section (1), after the words and figures "under section 35", the words "or the Advocate-General of the State" shall be inserted;

(b) in sub-section (2),—

(i) after the words "such order", the brackets and words "(including an order varying the punishment awarded by the disciplinary committee of the State Bar Council)" shall be inserted;

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

"Provided that no order of the disciplinary committee of the State Bar Council shall be varied by the disciplinary committee of the Bar Council of India so as to prejudicially affect the person aggrieved without giving him reasonable opportunity of being heard."

28. In section 38 of the principal Act,—

Amendment of section 38.

(a) after the words and figures "or section 37", the words "or the Attorney-General of India or the Advocate-General of the State concerned, as the case may be," shall be inserted;

(b) after the words "such order", the brackets and words "(including an order varying the punishment awarded by the disciplinary committee of the Bar Council of India)" shall be inserted;

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

"Provided that no order of the disciplinary committee of the Bar Council of India shall be varied by the Supreme Court so as to prejudicially affect the person aggrieved without giving him a reasonable opportunity of being heard."

29. For section 39 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 39.

Application of sections 5 and 12 of Limitation Act, 1963. Amendment of section 40.

“39. The provisions of sections 5 and 12 of the Limitation Act, 1963, shall, so far as may be, apply to appeals under section 37 and section 38.” 36 of 1963,

30. Section 40 of the principal Act shall be re-numbered as sub-section (1) of that section, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Where an application is made for stay of the order before the expiration of the time allowed for appealing therefrom under section 37 or section 38, the disciplinary committee of the State Bar Council, or the disciplinary committee of the Bar Council of India, as the case may be, may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit.”

Amendment of section 41.

31. In section 41 of the principal Act,—

(a) in sub-section (1),—

(i) clause (b) shall be omitted; and

(ii) the words “or the common roll, as the case may be” shall be omitted;

(b) sub-section (2) shall be omitted.

Amendment of section 42.

32. In section 42 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) Notwithstanding the absence of the Chairman or any member of a disciplinary committee on a date fixed for the hearing of a case before it, the disciplinary committee may, if it so thinks fit, hold or continue the proceedings on the date so fixed and no such proceedings and no order made by the disciplinary committee in any such proceedings shall be invalid merely by reason of the absence of the Chairman or member thereof on any such date:

Provided that no final orders of the nature referred to in sub-section (3) of section 35 shall be made in any proceeding unless the Chairman and other members of the disciplinary committee are present.

(5) Where no final orders of the nature referred to in sub-section (3) of section 35 can be made in any proceedings in accordance with the opinion of the Chairman and the members of a disciplinary committee either for want of majority opinion amongst themselves or otherwise, the case, with their opinion thereon, shall be laid before the Chairman of the Bar Council concerned or if the Chairman of the Bar Council is acting as the Chairman or a member of the disciplinary committee, before the Vice-Chairman of the Bar Council, and the said Chairman or the Vice-Chairman of the Bar Council, as the case may be, after such hearing as he thinks fit, shall deliver his opinion and the final order of the disciplinary committee shall follow such opinion.”

33. After section 42 of the principal Act, the following section shall be inserted, namely:—

“42A. The provisions of section 42 shall, so far as may be, apply in relation to the Bar Council of India, the enrolment committee, the election committee, the legal aid committee, or any other committee of a Bar Council as they apply in relation to the disciplinary committee of a Bar Council.”

34. In section 44 of the principal Act, after the words “review any order”, the words “within sixty days of the date of that order,” shall be inserted.

35. After section 46 of the principal Act, the following section shall be inserted, namely:—

“46A. The Bar Council of India may, if it is satisfied that any State Bar Council is in need of funds for the purpose of performing its functions under this Act, give such financial assistance as it deems fit to that Bar Council by way of grant or otherwise.”

36. In section 48 of the principal Act, after the words “a member of a Bar Council”, the words “or any committee thereof” shall be inserted.

37. After section 48A of the principal Act, the following section shall be inserted, namely:—

“48AA. The Bar Council of India or any of its committees, other than its disciplinary committee, may of its own motion or otherwise review any order, within sixty days of the date of that order, passed by it under this Act.”

38. Section 49 of the principal Act shall be re-numbered as sub-section (1) of that section, and

(a) in sub-section (1) as so re-numbered,—

(1) for clause (af), the following clause shall be substituted, namely:—

“(af) the minimum qualifications required for admission to a course of degree in law in any recognised University;”;

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

“(gg) the form of dresses or robes to be worn by advocates, having regard to the climatic conditions, appearing before any court or tribunal;”;

(3) in the existing proviso,—

(i) for the words “Provided that”, the words “Provided further that” shall be substituted,

(ii) before the proviso as so amended, the following proviso shall be inserted, namely:—

“Provided that no rules made with reference to clause (e) or clause (gg) shall have effect unless they have been approved by the Chief Justice of India;”;

Insertion of new section 42A.

Powers of Bar Council of India and other committees.

Amendment of section 44.

Insertion of new section 46A.

Financial assistance to State Bar Council.

Amendment of section 48.

Insertion of new section 48AA.

Review.

Amendment of section 49.

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in the first proviso to sub-section (1), any rules made with reference to clause (c) or clause (gg) of the said sub-section and in force immediately before the commencement of the Advocates (Amendment) Act, 1973, shall continue in force until altered or repealed or amended in accordance with the provisions of this Act.”

Amendment of section 49A.

39. In section 49A of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

Insertion of new sections 58AC, 58AD, 58AE and 58AF.

40. After section 58AB of the principal Act, the following sections shall be inserted, namely:—

Special provisions with respect to certain persons enrolled by Uttar Pradesh State Bar Council.

“58AC. Notwithstanding anything contained in this Act or any judgment, decree or order of any court, every person who was enrolled as an advocate by the High Court during the period beginning with the 2nd day of January, 1962 and ending on the 25th day of May, 1962 and was subsequently admitted as an advocate on the State roll by the State Bar Council of Uttar Pradesh shall be deemed to have been validly admitted as an advocate on that State roll from the date of his enrolment by the High Court and accordingly entitled to practise the profession of law (whether by way of pleading or acting or both).

Special provisions with respect to certain persons migrating to India.

58AD. Notwithstanding the repeal by this Act of the provisions of the Legal Practitioners Act, 1879, or of any other law relating to the admission and enrolment of legal practitioners (hereafter in this section referred to as such Act or law), every person who migrates to the territory of India from any area which, before the 15th day of August, 1947, was comprised within India as defined in the Government of India Act, 1935, and who has, before such migration, been a pleader, mukhtar or revenue agent in any such area under any law in force therein, may be admitted and enrolled under the relevant provisions of such Act or law as a pleader, mukhtar or, as the case may be, revenue agent, if he—

18 of 1879.

(a) makes an application for the purpose to the appropriate authority under such Act or law; and

(b) is a citizen of India and fulfils other conditions, if any, specified in this behalf by the appropriate authority aforesaid.

and notwithstanding the repeal by this Act of the relevant provisions of such Act or law, every pleader, mukhtar or revenue agent so enrolled shall have the same rights as respects practice in any court or revenue office or before any other authority or person and be subject to the disciplinary jurisdiction of the same authority to which he would be subject under the relevant provisions of such Act or law as if they had not been repealed and accordingly, those provisions shall have effect in relation to such persons.

58AE. (1) Notwithstanding anything contained in this Act, all persons who, immediately before the date on which the provisions of Chapter III are brought into force in the Union territory of Goa, Daman and Diu, were entitled to practise the profession of law (whether by way of pleading or acting or both) under any law in force in the said Union territory or who would have been so entitled had they not been in public service on the said date, shall, for the purpose of clause (a) of sub-section (1) of section 17, be deemed to be persons who were entered as advocates on the roll of a High Court under the Indian Bar Councils Act, 1926, and every such person may, on an application made in this behalf within such time as may be specified by the Bar Council of Maharashtra, be admitted as an advocate on the State roll maintained in respect of the said Union territory:

Provided that the provisions of this sub-section shall not apply to any person who, on the date of the application aforesaid, was not a citizen of India.

(2) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter IV are brought into force in the Union territory of Goa, Daman and Diu, was practising the profession of law (whether by way of pleading or acting or both or in any other way) by virtue of the provisions of any law in force in the said Union territory, or who does not elect to be or is not qualified to be enrolled as an advocate under sub-section (1), shall notwithstanding the repeal by this Act of the relevant provisions of such law, continue to enjoy the same rights as respects practice in any court or revenue office or before any other authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed, or, as the case may be, to which he was subject, immediately before the said date and accordingly the relevant provisions of the law aforesaid shall have effect in relation to such persons as if they had not been repealed.

(3) On the date on which this Act or any part thereof comes into force in the Union territory of Goa, Daman and Diu, the law in force in that Union territory which corresponds to this Act or such part and which does not stand repealed by virtue of the provisions of section 50 of this Act, shall also stand repealed.

58AF. (1) Notwithstanding anything contained in this Act, all advocates who, immediately before the date on which the provisions of Chapter III are brought into force in the State of Jammu and Kashmir, were entitled to practise in the High Court of that State, or who would have been so entitled had they not been in public service on the said date, shall, for the purpose of clause (a) of sub-section (1) of section 17, be deemed to be persons who were entered as advocates on the roll of a High Court under the Indian Bar Councils Act, 1926, and every such person may, on an application made

Special provisions in relation to the Union territory of Goa, Daman and Diu.

Special provisions in relation to Jammu and Kashmir.

in this behalf within such time as may be specified by the Bar Council of India, be admitted as an advocate on the State roll maintained in respect of the said State.

(2) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter III are brought into force in the State of Jammu and Kashmir, was entitled otherwise than as an advocate to practise the profession of law (whether by way of pleading or acting or both) by virtue of the provisions of any law in force in the said State, or who would have been so entitled had he not been in public service on the said date, may be admitted as an advocate on the State roll maintained in respect of the said State, if he—

(i) makes an application for such enrolment in accordance with the provisions of this Act; and

(ii) fulfils the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1) of section 24.

(3) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter IV are brought into force in the State of Jammu and Kashmir, was practising the profession of law (whether by way of pleading or acting or both or in any other way) by virtue of the provisions of any law in force therein, or who does not elect to be or is not qualified to be enrolled as an advocate under sub-section (1) or sub-section (2), shall, notwithstanding the repeal by this Act of the relevant provisions of such law, continue to enjoy the same rights as respects practice in any court or revenue office or before any other authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed, or, as the case may be, to which he was subject, immediately before the said date and accordingly the relevant provisions of the law aforesaid shall have effect in relation to such persons as if they had not been repealed.

(4) On the date on which this Act or any part thereof comes into force in the State of Jammu and Kashmir, the law in force in that State which corresponds to this Act or such part thereof which does not stand repealed by virtue of the provisions of section 50 of this Act, shall also stand repealed."

THE APPROPRIATION (RAILWAYS) No. 4 ACT, 1973

No. 61 of 1973

[22nd December, 1973]

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 1973-74 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 4 Act, 1973. 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-one crores, twenty-four lakhs and six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74, in respect of the services relating to Railways specified in column 2 of the Schedule. Issue of Rs. 21,24,06,000 out of the Consolidated Fund of India for the financial year 1973-74.

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	Railway Board	2,44,000	..	2,44,000
2	Miscellaneous Expenditure	4,92,000	..	4,92,000
4	Working Expenses—Adminis- tration	3,08,51,000	..	3,08,51,000
5	Working Expenses—Repairs and Maintenance	8,77,54,000	..	8,77,54,000
6	Working Expenses—Opera- ting Staff	7,80,35,000	..	7,80,35,000
7	Working Expenses—Opera- tion (Fuel)	5,05,000	..	5,05,000
8	Working Expenses—Opera- tion other than Staff and Fuel	27,96,000	..	27,96,000
9	Working Expenses—Miscel- laneous Expenses	11,24,000	..	11,24,000
10	Working Expenses—Staff Welfare	94,02,000	..	94,02,000
14	Construction of New Lines— Capital and Depreciation Reserve Fund	12,00,000	..	12,00,000
15	Open Line Works—Capital Depreciation Reserve Fund and Development Fund	3,000	..	3,000
	TOTAL	21,24,06,000	..	21,24,06,000

THE KONKAN PASSENGER SHIPS (ACQUISITION)
ACT, 1973

No. 62 of 1973

[22nd December, 1973]

An Act to provide for the acquisition and transfer of the Konkan passenger ships in order to serve better the needs of the maritime passengers of the Konkan coastal region and for matters connected therewith or incidental thereto.

WHEREAS Messrs. Chowgule Steamships Limited, a company, was running the Konkan coastal passenger shipping service;

AND WHEREAS the Konkan coastal passenger shipping service, which was suspended owing to the monsoons, was to be resumed by the said company by the first week of September, 1973, but has not yet been resumed, and the non-resumption of such passenger service is causing undue hardship to the maritime passengers of the Konkan coastal region;

AND WHEREAS complaints have been received by the Central Government to the effect that the Konkan coastal passenger shipping service was not being run by the said company according to schedule and that the said service was irregular, unpunctual and undependable;

AND WHEREAS in the interests of the maritime passengers of the Konkan coastal region it is urgently necessary to resume the Konkan coastal passenger shipping service and for that purpose to acquire the ships, known as "Konkan Sevak" and "Sarita" with which the said passenger shipping service was being run by the said company.

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

CHAPTER I

PRELIMINARY

Short
title
and
commence-
ment.

1. (1) This Act may be called the Konkan Passenger Ships (Acquisition) Act, 1973.

(2) It shall be deemed to have come into force on the 7th day of November, 1973.

Defini-
tions.

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

(a) "appointed day" means the 7th day of November, 1973;

(b) "company" means the Chowgule Steamships Limited, being a company as defined in the Companies Act, 1956, and having its registered office in the Union territory of Goa, Daman and Diu;

1 of 1956.

(c) "Government company" has the meaning assigned to it by section 617 of the Companies Act, 1956;

1 of 1956.

(d) "Konkan coast" means that part of the western coast of India which is commonly known as the "Konkan coast";

(e) "Konkan passenger ships" means the passenger ships, known as "Konkan Sevak" and "Sarita" and owned by the company.

(2) Words and expressions used in this Act and not defined but defined in the Merchant Shipping Act, 1958, have the meanings respectively assigned to them in that Act.

44 of 1958.

CHAPTER II

ACQUISITION OF THE KONKAN PASSENGER SHIPS

Acquisition
of the
Konkan
passenger
ships.

3. On the appointed day, the ownership of the Konkan passenger ships shall, by virtue of this Act, stand transferred to, and vest in, the Central Government free from all incumbrances.

4. (1) Notwithstanding anything contained in section 3, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by an order in writing, that the ownership in relation to the Konkan passenger ships shall, instead of continuing to vest in the Central Government, vest in that Government company either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the direction.

Power of Central Government to direct vesting of Konkan passenger ships in a Government company.

(2) Where an order vesting the ownership of the Konkan passenger ships in any Government company is made under sub-section (1), all the rights, liabilities and obligations of the Central Government in relation to such ships shall, on and from the date of such vesting, be deemed to have become the rights, liabilities and obligations, respectively, of the Government company.

5. (1) For the purposes of section 3, the Konkan passenger ships shall be deemed to include all assets, rights, powers, authorities, privileges and all properties in the ships, all rights under any policy of insurance, licence or any other instrument, and all other properties belonging to or held for the purpose of running, the ships (or for which any order has been placed by the company), including fuels, stores, machinery apparatus, navigational aids, maps, charts, spare tail shafts, spare propellers and other spare parts, whether on board or on the shore.

General effect of vesting.

(2) If on the appointed day any suit, appeal or other proceeding of whatever nature in relation to any business of the company relating to the Konkan coastal passenger shipping service or the Konkan passenger ships is pending by or against the company, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the Konkan passenger ships, or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the company.

6. (1) On and from the appointed day, a permanent lease shall be deemed to have been granted by the company in favour of the Central Government or the Government company, as the case may be, in respect of every property, movable and immovable (including jetties, wharves and other property needed for navigational purposes), on the shores of the Konkan coast and owned and used by the company immediately before the suspension of the Konkan coastal passenger shipping service for running the said service.

Central Government to become the lessee in respect of shore properties, etc.

(2) The lease referred to in sub-section (1) shall be held by the Central Government or the Government company, as the case may be, on such terms and conditions and on the payment of such rent as may be mutually agreed upon by and between the company and the Central Government or the Government company, and in default of such agreement, as may be determined by the principal civil court of original jurisdiction within the local limits of whose jurisdiction the property in question is situated.

(3) Where any property, movable or immovable (including jetties, wharves and other property needed for navigational purposes), on the shores of the Konkan coast was used by the company for running the

Konkan coastal passenger shipping service and was held by it, immediately before the appointed day, under any lease or other agreement, the Central Government or the Government company, as the case may be, shall be deemed to have become substituted in place of the company as the lessee of such property or as party to such other agreement, as the case may be, and shall hold such lease or other agreement on the same terms and conditions on which it was being held by the company immediately before the appointed day.

Central Government or Government company not to be liable for prior liabilities.

7. (1) Every liability of the company in relation to the Konkan passenger ships in respect of any period prior to the appointed day shall be enforceable against it and not against the Central Government or the Government company.

(2) For the removal of doubts, it is hereby declared that—

(a) no claim for wages, provident fund, pension, gratuity, cesses, taxes or wharfage or any other dues in respect of any period prior to the appointed day in relation to the Konkan passenger ships shall be enforceable against the Central Government or the Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to the Konkan passenger ships or any of them, whether passed before or after the appointed day, in relation to any matter, claim or dispute which arose before the appointed day shall be enforceable against the Central Government or the Government company;

(c) no liability for the contravention of any provision of law for the time being in force, made before the appointed day, shall be enforceable against the Central Government or the Government company.

Duty to deliver possession of Konkan passenger ships.

8. (1) Notwithstanding any decree, judgment or order of any court or anything contained in any other law for the time being in force or in any contract or other instrument, the company or any other person having possession of the Konkan passenger ships, shall deliver possession of such ships to the Central Government or the Government company forthwith.

(2) The Central Government may take or cause to be taken all necessary steps for securing possession of the Konkan passenger ships, the ownership of which has vested in it under section 3.

(3) Any person having in his possession, custody or control any books, documents or other papers relating to the Konkan passenger ships or any of them shall be liable to account for the said books, documents or other papers to the Central Government or to such person as that Government may specify in this behalf:

Provided that where common books, documents or other papers are maintained by the company in relation to the Konkan passenger ships or any of them and other ships, copies of so much of the books, documents and other papers as relate to the Konkan passenger ships or any of them shall be delivered forthwith to the Central Government or the person specified by that Government.

9. The company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory, as on the appointed day, of the assets, instruments, apparatus and all other properties, whether on board or on the shores or elsewhere, in relation to the Konkan passenger ships.

Duty to furnish inventory of articles on the ships.

CHAPTER III

PAYMENT OF AMOUNT

10. (1) The company shall be given by the Central Government, in cash,—

Payment of amount.

(a) for the vesting in it, under section 3, of the ownership of the Konkan passenger ships, and

(b) for the vesting in it, under section 6, of the rights specified therein,

an amount equal to a sum of rupees ninety lakhs.

(2) In addition to the amount specified in sub-section (1), the Central Government shall re-imburse the company to the extent of the expenses actually incurred by it for the annual survey of the Konkan passenger ships for the year 1973.

11. (1) Out of the amount referred to in section 10, the Central Government shall deduct, in the first instance, any amount due from the company to the Shipping Development Fund Committee in relation to the Konkan passenger ships and shall pay the sum so deducted to that Committee, and on such payment, the liability of the company in relation to the said ships shall, to the extent of such payment, stand discharged.

Amount due to the Shipping Development Fund Committee to be deducted in the first instance.

(2) The deductions referred to in sub-section (1) shall have priority over all other creditors, whether secured or unsecured.

CHAPTER IV

MISCELLANEOUS

12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act or any decree or order of any court, tribunal or other authority.

Effect of Act on other laws.

13. (1) Every contract entered into by the company for any service, sale or supply in relation to the Konkan passenger ships and in force immediately before the appointed day shall, on and from the expiry of thirty days from the appointed day, cease to have effect as against the Central Government or the Government company unless such contract is, before the expiry of the said period of thirty days, ratified, in writing, by the Central Government or the Government company, as the case may be, and in ratifying such contract the Central Government or the Government company may make such alterations or modifications therein as the circumstances of the case may require:

Contracts, etc., cease to have effect unless ratified by the Central Government or Government company.

Provided that the Central Government or the Government company shall not omit to ratify a contract unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Konkan coastal passenger shipping service.

(2) The Central Government or the Government company shall not omit to ratify a contract or make any alteration or modification therein except after giving to the parties to the contract a reasonable opportunity of being heard, and except after recording, in writing, its reasons for refusal to ratify the contract or for the alteration or modification of the contract.

Penalties.

14. Any person who,—

(a) having in his possession, custody or control any property forming part of the Konkan passenger ships or any of them, wrongfully withholds such property from the Central Government or the Government company, or

(b) wrongfully obtains possession of, or retains, any property forming part of the Konkan passenger ships or any of them, or

(c) wilfully withholds or fails to furnish to the Central Government or any person specified by that Government, any document, or copy or part thereof, relating to the Konkan passenger ships or any of them which may be in his possession, custody or control or fails to deliver to the Central Government or the Government company any assets, books of account, registers or other documents in his custody relating to the Konkan passenger ships or any of them or copy of the relevant part of such documents, or

(d) wilfully fails to furnish an inventory as required by section 9, or furnishes an inventory which he knows, or has reasonable cause to believe, to be false, or

(e) wrongfully removes or destroys any property forming part of the Konkan passenger ships or any of them or prefers any claim which he knows, or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Offences by companies.

15. (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 any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

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

16. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Government company or any of its officers or other employees for anything which is in good faith done or intended to be done under this Act.

Protection
of action
taken in
good
faith.

17. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no court shall take cognizance of any offence against this Act except on a complaint, in writing, made by the Central Government or any officer authorised in this behalf by that Government.

Cognizance
of offences.

18. (1) The Central Government may, by notification in the Official Gazette, direct that all or any of the powers exercisable by it under this Act may also be exercised by such person or persons as may be specified in the notification.

Delegation
of powers.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

19. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to
make
rules.

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

20. (1) The Konkan Passenger Ships (Acquisition) Ordinance, 1973, is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed (including any declaration or order made thereunder), shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE APPROPRIATION (No. 4) ACT, 1973

No. 63 OF 1973

[25th December, 1973]

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, 1972 in excess of the amounts granted for those services and for that year.

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

1. This Act may be called the Appropriation (No. 4) Act, 1973.

Short
title.
Issue of
Rs. 1,77,65,
94,957 out
of the
Consoli-
dated
Fund of
India to
meet
certain
excess
expendi-
ture for
the year
ended on
the 31st
March,
1972.

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 hundred and seventy-seven crores, sixty-five lakhs, ninety-four thousand, nine hundred and fifty-seven 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, 1972, 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, 1972.

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.
2	Defence Services, Effective— Army	84,95,36,194	..	84,95,36,194
3	Defence Services, Effective— Navy	2,09,19,266	..	2,09,19,266
4	Defence Services, Effective— Air Force	11,48,88,770	..	11,48,88,770
5	Defence Services, Non- Effective	51,34,251	..	51,34,251
20	Mint	2,90,412	..	2,90,412
24	Other Revenue Expenditure of the Ministry of Finance	1,20,26,693	..	1,20,26,693
37	Medical and Public Health	..	2,277	2,277
41	Police	1,89,04,053	..	1,89,04,053
46	Delhi	96,75,441	..	96,75,441
49	Tribal Areas	2,35,38,976	..	2,35,38,976
51A	Mizoram	18,60,162	..	18,60,162
64	Director General, Mines Safety	1,20,885	..	1,20,885
66	Expenditure on Displaced Persons	31,29,00,198	..	31,29,00,198
74	Roads	2,29,75,935	53,824	2,30,29,759
78	Ministry of Steel and Mines	12,930	..	12,930
86	Public Works	3,30,41,247	..	3,30,41,247
93	Posts and Telegraphs—Dividend to General Revenues, Ap- propriations to Reserve Funds and Repayment of Loans from General Revenues	14,50,03,512	..	14,50,03,512
107	Other Revenue Expenditure of the Department of Sup- ply	40,825	..	40,825
111	Defence Capital Outlay	15,76,38,941	..	15,76,38,941
125	Other Capital Outlay of the Ministry of Health and Family Planning	3,19,20,592	..	3,19,20,592
126	Capital Outlay in Union terri- tories and Tribal Areas	1,57,25,472	16,799	1,57,42,271
132	Capital Outlay of the Ministry of Labour and Rehabilita- tion	..	2,292	2,292
135	Capital Outlay on Ports.	..	2,91,762	2,91,762
141	Delhi Capital Outlay	..	73,248	73,248
	TOTAL	1,77,61,54,755	4,40,202	1,77,65,94,957

THE APPROPRIATION (No. 5) ACT, 1973

No. 64 OF 1973

[25th December, 1973]

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 1973-74.

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

Short
title.

1. This Act may be called the Appropriation (No. 5) Act, 1973.

Issue of
Rs. 2,84,81,
14,000 out
of the
Consoli-
dated
Fund of
India for
the year
1973-74.

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 two hundred and eighty-four crores, eighty-one lakhs and fourteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74, 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 Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Agriculture			
	Revenue	1,000	..	1,000
7	Department of Food			
	Revenue	1,30,00,00,000	..	1,30,00,00,000
15	Foreign Trade			
	Revenue	4,000	..	4,000
	Capital	1,35,00,00,000	..	1,35,00,00,000
35	Currency, Coinage and Mint			
	Capital	1,29,000	..	1,29,000
44	Ministry of Heavy Industry			
	Revenue	5,00,000	..	5,00,000
46	Ministry of Home Affairs			
	Revenue	..	35,000	35,000
62	Broadcasting			
	Revenue	..	2,98,000	2,98,000
71	Ministry of Petroleum and Chemicals			
	Capital	1,000	..	1,000
76	Roads			
	Capital	..	1,57,45,000	1,57,45,000
78	Road and Inland Water Transport			
	Capital	4,14,00,000	..	4,14,00,000
90	Atomic Energy Research and Development			
	Capital	10,00,01,000	..	10,00,01,000
98	Department of Space			
	Revenue	3,40,00,000	..	3,40,00,000
	Capital	60,00,000	..	60,00,000
	TOTAL	2,83,20,36,000	1,60,78,000	2,84,81,14,000

THE ORISSA APPROPRIATION (No. 4) ACT, 1973

No. 65 of 1973

[25th December, 1973]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Orissa for the services of the financial year 1973-74.

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

Short
title.

1. This Act may be called the Orissa Appropriation (No. 4) Act, 1973.

Issue
of Rs.
18,97,62,000
from and
out of the
Consoli-
dated
Fund of
the State
of Orissa
for the
financial
year
1973-74.

2. From and out of the Consolidated Fund of the State of Orissa 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 Order made by the President on the 9th day of November, 1973 under article 357 of the Constitution and published with the notification of the Government of India in the Ministry of Finance No. S. O. 689 (E) of the said date] to the sum of eighteen crores, ninety-seven lakhs and sixty-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1973-74, 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 the State of Orissa 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)

i	2	3				
		No. of Vote	Services and purposes	Sums not exceeding		
				Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.		
4-A	Expenditure relating to the Rural Development Department	1,21,51,000	..	1,21,51,000		
5	Community Development Projects, etc.	65,92,000	1,000	65,93,000		
9	Ministers, Civil Secretariat and Other Expenditure relating to the Finance Department	77,000	1,000	78,000		
11	Expenditure relating to the Education Department	40,04,000	16,000	40,20,000		
13	Land Revenue.	6,85,000	2,90,000	9,75,000		
16	District Administration and Other Expenditure relating to the Revenue Department	2,76,29,000	..	2,76,29,000		
17	Expenditure relating to the Industries Department	19,88,000	13,000	20,01,000		
17-A	Mines	1,60,000	..	1,60,000		
21	Tribal and Rural Welfare	3,11,000	1,000	3,12,000		
23	Public Health	11,00,000	7,000	11,07,000		
24	Irrigation	2,23,01,000	..	2,23,01,000		
24-A	Lift Irrigation	20,77,000	..	20,77,000		
25	Public Works	1,72,05,000	..	1,72,05,000		
30	Transport Schemes	80,000	..	80,000		
34	Expenditure relating to the Urban Development Department.	45,39,000	16,000	45,55,000		
35	Animal Husbandry	18,70,000	..	18,70,000		
37	Agriculture	29,04,000	1,000	29,05,000		
42	Compensation for Abolition of Zamindari System and Other Expenditure relating to Revenue Department	80,00,000	..	80,00,000		

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
43	Multi-purpose River, Irrigation and Electricity Schemes	3,32,02,000	2,90,000	3,34,92,000
46	Road and Water Transport Schemes	5,50,000	..	5,50,000
48	Capital Outlay on Industrial Development	99,01,000	..	99,01,000
56	Capital Expenditure relating to Rural Development Department	3,18,00,000	..	3,18,00,000
	TOTAL	18,91,26,000	6,36,000	18,97,62,000

THE INCOME-TAX (AMENDMENT) ACT, 1973

No. 66 OF 1973

[25th December, 1973]

An Act further to amend the Income-tax Act, 1961.

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

1. This Act may be called the Income-tax (Amendment) Act, 1973.

Short title.

43 of 1961.

~~2. In the Income-tax Act, 1961 (hereinafter referred to as the principal Act),—~~

~~Amendment of sections 269D and 269P.~~

(a) in section 269D, in sub-section (1), in the first proviso, and in sub-clause (i) of clause (a) of the second proviso, for the words "six months", the words "nine months" shall be, and shall be deemed always to have been, substituted;

(b) in section 269P, in sub-section (1), the following shall be inserted at the end with effect from the 1st day of January, 1974, namely:—

'Provided that the provisions of this sub-section shall not apply in relation to any document which purports to transfer any immovable property for an apparent consideration not exceeding ten thousand rupees.

Explanation.—For the purposes of this proviso, "apparent consideration" shall have the meaning assigned to it in clause (a) of section 269A subject to the modifications that for the expressions "immovable property transferred" and "instrument of transfer" occurring in that clause, the expressions "immovable property purported to be transferred" and "document purporting to transfer such immovable property" shall, respectively, be substituted.

3. (1) No notice for the initiation of proceedings for the acquisition of any immovable property under Chapter XXA of the principal Act which was issued by the competent authority before the commencement of this Act for publication in the Official Gazette, in the exercise of or the purported exercise of the powers under section 269D of the principal Act, shall be called in question merely on the ground that such notice was not published in the Official Gazette before the expiration of a period of six months from the end of the month in which the instrument of transfer in respect of such property was registered under the Registration Act, 1908, if such notice was either published in the Official Gazette before the expiration of a period of nine months from the end of the month in which the instrument of transfer in respect of such property was register-

Validation.

16 of 1908.

4 Repealed, by Act 38 of 1978, S. 2 & Sch. I

ed under the Registration Act, 1908, or could not be so published within the said period of nine months by reason of any injunction or order of any court.

(2) Every notice, which by virtue of the provisions of sub-section (1) shall not be called in question as provided therein, shall be deemed to have been issued in accordance with law and shall, for the purposes of sub-section (1) of section 269D of the principal Act, be deemed to have operated or, where such notice is published in the Official Gazette after the commencement of this Act, to operate, to initiate the proceedings for the acquisition of the immovable property to which such notice relates on the date of publication of such notice in the Official Gazette:

Provided that—

(a) the jurisdiction of a competent authority in respect of any such property may be called in question before the expiry of the period specified in sub-section (3) of section 269B of the principal Act or a period of thirty days from the commencement of this Act, whichever period expires later;

(b) objections against the acquisition of any such immovable property may be made under section 269E of the principal Act within the period allowed under that section or a period of forty-five days from the commencement of this Act, whichever period expires later.

Rep. by No. 38 of 1973, S. 2 + Sch. I

THE INDUSTRIES (DEVELOPMENT AND REGULATION)
AMENDMENT ACT, 1973

No. 67 OF 1973.

[28th December, 1973.]

An Act further to amend the Industries (Development and Regulation) Act, 1951.

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

1. (1) This Act may be called the Industries (Development and Regulation) Amendment Act, 1973.

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.

65 of 1951.

2. In section 10 of the Industries (Development and Regulation) Act, 1951 (hereinafter referred to as the principal Act),—

Amendment of section 10.

(i) in sub-section (3), for the words "containing such particulars as may be prescribed", the following shall be substituted, namely:—

"containing the productive capacity of the industrial undertaking and such other particulars as may be prescribed";

(ii) after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) The owner of every industrial undertaking to whom a certificate of registration has been issued under this section before the commencement of the Industries (Development and Regulation) Amendment Act, 1973, shall, if the undertaking falls within such class of undertakings as the Central Government may, by notification in the Official Gazette, specify in this behalf, produce, within such period as may be specified in such notification, the certificate of registration for entering therein the productive capacity of the industrial undertaking and other prescribed particulars.

(5) In specifying the productive capacity in any certificate of registration issued under sub-section (3), the Central Government shall take into consideration the productive or installed capacity of the industrial undertaking as specified in the application for registration made under sub-section (1), the level of

1.7-21974: Vide Notfn. No. S.O. 91(E) IDRA/1(2)/74, dt. 6-2-1974.

production immediately before the date on which the application for registration was made under sub-section (1), the level of the highest annual production during the three years immediately preceding the introduction in Parliament of the Industries (Development and Regulation) Amendment Bill, 1973, the extent to which production during the said period was utilised for export and such other factors as the Central Government may consider relevant including the extent of under-utilisation of capacity, if any, during the relevant period due to any cause."

Amendment of section 24.

3. In sub-section (1) of section 24 of the principal Act, in clause (i), after the word, brackets and figure "sub-section (1)", where they occur for the first time, the words, brackets and figure "or sub-section (4)" shall be inserted.

Amendment of the First Schedule.

4. In the First Schedule to the principal Act, under the heading "38. MISCELLANEOUS INDUSTRIES:", the item "Cigarettes." shall be numbered as item (1), and after the item as so numbered, the following item shall be inserted, namely:—

"(2) Linoleum, whether felt based or jute based."

THE MULKI RULES (REPEAL) ACT, 1973

No. 68 OF 1973

[28th December, 1973]

An Act to provide for the repeal of Mulki Rules.

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

1. (1) This Act may be called the Mulki Rules (Repeal) Act, 1973. Short title and commencement.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, "Mulki Rules" shall have the same meaning as in the Mulki Rules Act, 1972. Definition.
3. Upon the commencement of this Act, the Mulki Rules as in force immediately before such commencement shall, notwithstanding anything contained in the Mulki Rules Act, 1972, cease to have effect and are hereby repealed: Repeal of Mulki Rules.

Provided that such repeal shall not affect the validity of any appointment previously made in accordance with those rules.

THE CONSTITUTION (THIRTIETH AMENDMENT)
ACT, 1972

[22nd February, 1973]

An Act further to amend the Constitution of India.

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

Short title
and com-
mencement.

1. (1) This Act may be called the Constitution (Thirtieth Amend-
ment) Act, 1972.

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

Amendment
of article
133.

2. In article 133 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court in the territory of India if the High Court certifies—

(a) that the case involves a substantial question of law of general importance; and

(b) that in the opinion of the High Court the said question needs to be decided by the Supreme Court.”

Special
provision
as to
pending
proceedings
etc.

3. (1) Nothing in this Act shall affect—

(a) any appeal under sub-clause (a) or sub-clause (b) or sub-clause (c) of clause (1) of article 133 of the Constitution which immediately before the commencement of this Act was pending before the Supreme Court; or

(b) any appeal preferred on or after the commencement of this Act against any judgment, decree or final order in a civil proceeding of a High Court by virtue of a certificate given by the High Court before the commencement of this Act under sub-clause (a) or sub-clause (b) or sub-clause (c) of clause (1) of article 133;

and every such appeal may be heard and disposed of or, as the case may be, entertained, heard and disposed of by the Supreme Court as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), no appeal shall lie to the Supreme Court under clause (1) of article 133 of the Constitution from any judgment, decree or final order arising out of a suit or other civil proceeding which was instituted or commenced in any court before the commencement of this Act unless such appeal satisfies the provisions of that clause as amended by this Act.

THE CONSTITUTION (THIRTY-FIRST AMENDMENT)

ACT, 1973

[17th October, 1973]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Thirty-first Amendment) Act, 1973. Short title.
2. In article 81 of the Constitution,— Amend-
ment of
Article
81.
 - (a) in clause (1),—
 - (i) in sub-clause (a), for the words “five hundred members”, the words “five hundred and twenty-five members” shall be substituted; and
 - (ii) in sub-clause (b), for the words “twenty-five members”, the words “twenty members” shall be substituted;
 - (b) in clause (2), after sub-clause (b), the following proviso shall be inserted, namely:—

Provided that the provisions of sub-clause (a) of this clause shall not be applicable for the purpose of allotment of seats in the House of the People to any State so long as the population of that State does not exceed six millions.”.
3. (1) In article 330 of the Constitution,— Amend-
ment of
article
330.
 - (a) in sub-clause (b) of clause (1), for the words “except the Scheduled Tribes in the tribal areas of Assam and in Nagaland; and”, the following shall be substituted, namely:—

“except the Scheduled Tribes—

 - (i) in the tribal areas of Assam;
 - (ii) in Nagaland;
 - (iii) in Meghalaya;
 - (iv) in Arunāchal Pradesh; and
 - (v) in Mizoram; and”;

(b) after clause (2), the following clause shall be inserted, namely:—

“(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.”.

(2) The amendment made to article 330 of the Constitution by subsection (1) shall not affect any representation in the House of the People until the dissolution of the House of the People existing at the commencement of this Act.

4. (1) In article 332 of the Constitution, in clause (1), for the words “except the Scheduled Tribes in the tribal areas of Assam and in Nagaland”, the words “except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya” shall be substituted.

(2) The amendment made to article 332 of the Constitution by subsection (1) shall not affect any representation in the Legislative Assembly of the State of Meghalaya until the dissolution of that Legislative Assembly existing at the commencement of this Act.

Amendment of article 332.

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