

## CONTENTS

No. of Act	Short title	Page
1	Working Journalists (Industrial Disputes) Act, 1955	1
2	<u>Imports and Exports (Control) Amendment Act, 1955</u>	2 <i>Rep.</i>
3	Andhra Appropriation Act, 1955	2
4	Andhra Appropriation (Vote on Account) Act, 1955	4
5	Appropriation (Railways) Act, 1955	7
6	Appropriation (Railways) No. 2 Act, 1955	9
7	Appropriation Act, 1955	10
8	Appropriation (Vote on Account) Act, 1955	12
9	<u>Salaries and Allowances of Members of Parliament (Amendment) Act, 1955</u>	29 <i>Rep.</i>
10	Essential Commodities Act, 1955	20
11	<u>Drugs (Amendment) Act, 1955</u>	27
12	<u>Dentists (Amendment) Act, 1955</u>	33 <i>Rep.</i>
13	<u>Finance Commission (Miscellaneous Provisions) Amendment Act, 1955</u>	38
14	Appropriation (No. 2) Act, 1955	39
15	Finance Act, 1955	46
16	Medicinal and Toilet Preparations (Excise Duties) Act, 1955	88
17	<u>Indian Railways (Amendment) Act, 1955</u>	99 <i>Rep.</i>
18	<u>Insurance (Amendment) Act, 1955</u>	99
19	Commanders-in-Chief (Change in Designation) Act, 1955	100
20	Hyderabad Export Duties (Validation) Act, 1955	101
21	<u>Sea Customs (Amendment) Act, 1955</u>	103 <i>Rep.</i>
22	Untouchability (Offences) Act, 1955	111
23	State Bank of India Act, 1955	118
24	<u>Reserve Bank of India (Amendment) Act, 1955</u>	150 <i>Rep.</i>
25	Hindu Marriage Act, 1955	153
26	Code of Criminal Procedure (Amendment) Act, 1955	166
27	<u>Indian Tariff (Amendment) Act, 1955</u>	199 <i>Rep.</i>
28	<u>Industrial and State Financial Corporations (Amendment) Act, 1955</u>	204
29	Industrial Disputes (Appellate Tribunal) Amendment Act, 1955	210
30	Abducted Persons (Recovery and Restoration) Continuance Act, 1955	211
31	<u>Indian Coinage (Amendment) Act, 1955</u>	212 <i>Rep.</i>
32	Prisoners (Attendance in Courts) Act, 1955	213
33	<u>State Bank of India (Amendment) Act, 1955</u>	217 <i>Rep.</i>
34	Delhi Joint Water and Sewage Board (Amendment) Act, 1955	222

No. of Act	Short title	Page
35	Land Customs (Amendment) Act, 1955	223
36	Durgah Khawaja Saheb Act, 1955	224
37	Negotiable Instruments (Amendment) Act, 1955	232
38	Appropriation (No. 3) Act, 1955	232
39	Spirituos Preparations (Inter-State Trade and Commerce) Control Act, 1955	233
40	Chartered Accountants (Amendment) Act, 1955	238
41	Industrial Disputes (Banking Companies) Decision Act, 1955	238
42	Prize Competitions Act, 1955	240
43	Indian Stamp (Amendment) Act, 1955	246
44	Abolition of Whipping Act, 1955	251
45	Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955	251
46	Appropriation (No. 4) Act, 1955	259
47	Appropriation (No. 5) Act, 1955	260
48	Indian Tariff (Second Amendment) Act, 1955	262
49	Indian Tariff (Third Amendment) Act, 1955	266
50	Prevention of Corruption (Amendment) Act, 1955	269
51	Railway Stores (Unlawful Possession) Act, 1955	270
52	Prevention of Disqualification (Parliament and Part C States Legislatures) Amendment Act, 1955	271
53	Delhi (Control of Building Operations) Act, 1955	271
54	Insurance (Second Amendment) Act, 1955	279
55	Press and Registration of Books (Amendment) Act, 1955	286
56	Manipur (Courts) Act, 1955	294
57	Citizenship Act, 1955	307
	Constitution (Third Amendment) Act, 1954	317
	Constitution (Fourth Amendment) Act, 1955	317
	Constitution (Fifth Amendment) Act, 1955	320

TABLE SHOWING EFFECT OF PARLIAMENTARY LEGISLATION OF 1955  
PART I.—CENTRAL ACTS REPEALED, AMENDED OR OTHERWISE AFFECTED

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1955 Act by which affected
1860	45	Indian Penal Code	Ss. 53, 55, 57, 75, 115, 118, 119, 120B, 121, 121A, 122, 124A, 125, 128, 130, 131, 132, 194, 195, 201, 211, 212, 213, 214, 232, 238, 255, 302, 303, 304, 305, 307, 311, 313, 314, 326, 329, 364, 371, 376, 377, 388, 389, 394, 395, 396, 400, 409, 412, 413, 436, 438, 449, 450, 459, 460, 467, 472, 474, 475, 477, 489A, 489B, 489D, 506 and 511 amended.	26, S. 117 and Sch.
			S. 53A inserted.	<i>ibid.</i>
			Ss. 58, 59, and 226 omitted.	<i>ibid.</i>
1867	25	Press and Registration of Books Act.	Long title and Preamble amended.	55, Ss. 2 and 3.
			Ss. 1, 4, 5, 6, 8, 9, 13, 14, 18 and 20 amended.	<i>ibid.</i> , Ss. 4 to 9, 11, 12, 15 and 17.
			Ss. 11B, 15A, 16B, 19A to 19L, 20A and 22 inserted.	<i>ibid.</i> , Ss. 10, 13, 14, 16, 18 and 19.
1873	10	Indian Oaths Act	S. 5 amended	26, S. 117 and Sch.
1878	8	Sea Customs Act	Ss. 25, 37, 40, 86, 140, 167 and 172 amended.	21, Ss. 2, 4, 6, 8, 9, 10 and 13.
			Ss. 39 and 202 substituted.	<i>ibid.</i> , Ss. 5 and 17.
			Ss. 29A, 29B, 54A, 170A, 171A, 178A, 187A and 190A inserted.	<i>ibid.</i> , Ss. 3, 7, 11, 12, 14, 15 and 16.
1881	13	Fort William Act	S. 3 amended	19, S. 2 and Sch.
1881	26	Negotiable Instruments Act.	Ss. 3 and 25 amended	37, Ss. 2 and 3 (when notified).
1890	9	Indian Railways Act	S. 137 amended	17, S. 2.
1898	5	Code of Criminal Procedure.	Ss. 4, 9, 14, 29B, 31, 32, 34, 35, 45, 46, 47, 90, 103, 107, 117, 145, 146, 147, 160, 173, 196A, 200, 203, 204, 208, 227, 247, 250, 252, 260, 269, 274, 286, 287, 289, 291, 293, 294, 295, 297, 301, 302, 307, 310, 319, Sub-head K, 320, 321, 324, 326, 327, 328, 329, 330, 331, 332, 337, 339A, 342, 344, 345, 350, 356, 367, 368, 371, 375, 376, 382, 383, 396,	26, Ss. 2 to 4, 5, 7 to 21, 23, 24, 26, 27, 28, 30 to 33, 35, 36, 39, 41, 44 to 54, 56 to 60, 62 to 72, 74, 75, 77, 79, 80, 82, 85, to 88, 91 to 99, 101, to 104, 106, 108, 109, 110, 112 to 115.

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1955 Act by which affected
			398, 401, 402, 406, 408, 423, 426, 428, 465, 486, 488, 489, 497, 498, 499, 503, 505, 510, 512, 516A, 526, 528, 537, 539B, 540A, 545, 562, and 565; Schedule II and Schedule V amended.	
1898		Code of Criminal Procedure.	Ss. 30, 162, 207 and 207A, 251 and 251A, 264, 268, 272, 282, Sub-head H, Ss. 309, 397, 409, 417, 536 and 539A substituted.	26, Ss. 6, 22, 29, 34, 37, 38, 40, 42, 55, 76, 83, 84, 105 and 107.
			Ss. 198B, 342A, 387A, 479A, 485A, 510A and 555A inserted.	<i>ibid.</i> , Ss. 25, 61, 73, 89, 90, 100 and 111.
			Ss. 284, 285 and 407 omitted.	<i>ibid.</i> , Ss. 43 and 81.
			Ss. 32 and 396 amended } Ss. 390 to 395 omitted }	44, S. 3.
1899	2	Indian Stamp Act	The word 'India' substituted for 'the States'. Ss. 1, 2, 10 and 57 and Schedule I amended.	43, S. 2. <i>ibid.</i> , Ss. 3 to 7.
1900	3	Prisoners Act	Part IX, First and Second Schedules repealed.	32, S. 10.
1906	3	Indian Coinage Act	S. 14 inserted	31, S. 2.
1908	9	Indian Limitation Act.	Arti. 157 in Sch. I amended.	26, S. 117 and Sch.
1909	4	Whipping Act	Repealed	44, S. 2.
1920	47	Imperial Bank of India Act.	Ss. 2, 3, 31 and 32 and Schedule II amended; S. 24 substituted; S. 32A inserted; Ss. 4 to 7, 13, 13A, 14 to 20 and 25 to 29 omitted.	23, as amended by Act 33, Ss. 6 and 7.
1922	11	Indian Income-tax Act.	Ss. 2, 4, 8, 9, 10, 12, 14, 15, 15C, 16, 18A, 24, 56A, 60A and Sch. amended. Ss. 7 and 23A substituted.	15, Ss. 3, 4, 6 to 14, 16 to 19. <i>ibid.</i> , 5 and 15.
1924	19	Land Customs Act	Schedule substituted	55, S. 2.
1926	23	Delhi Joint Water and Sewage Board Act.	Ss. 12, 13, and 14 amended; S. 14B omitted. S. 14F inserted.	34, Ss. 2, 3 and 4. 34, S. 5. 34, S. 6.
1934	2	Reserve Bank of India Act.	Ss. 2, 10, and 42 and Schedule II amended. S. 45 substituted Third Schedule omitted	23, S. 52 and Sch. III. <i>ibid.</i> <i>ibid.</i>
			Ss. 2, 6, 8, 13, 17, 47 and 52 and First Schedule amended. Ss. 46A, 46B and 54A inserted.	24 Ss. 2 to 6, 8, 9 and 11. 24, Ss. 7 and 10.

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1955 Act by which affected
1934	32	Indian Tariff Act	First Schedule amended.	15, S. 21 and Sch. II 27, S. 2. 48, S. 2. 49, S. 2.
1934	34	Indian Navy (Discipline) Act.	Throughout the Act, the words "Chief of the Naval Staff" substituted by "Commander-in-Chief, Indian Navy".	19, S. 2 and Sch.
1936	23	Durgah Khawaja Saheb Act.	Repealed	36, S. 22 (when notified).
1938	4	Insurance Act	S. 52 BB inserted. Ss. 52 G and 107 amended. S. 106 substituted S. 118 amended	54, S. 2. 54, Ss. 3 and 5. 54, S. 4. 18, S. 2.
1940	23	Drugs Act	Ss. 3, 5, 6, 10, 11, 12, 16, 18, 19, 27, 28, 33 and Sch. amended. Ss. 22, 30 and 34	11, Ss. 2 to 10, 12, 13, 15 and 17. <i>ibid.</i> , Ss. 11, 14 and 16.
1944	1	Central Excises and Salt Act.	S. 4 substituted First Schedule amended	15, S. 24. 15, S. 25.
1946	28	Hindu Marriage Disabilities Removal Act.	Repealed.	25, S. 30.
1947	2	Prevention of Corruption Act.	Ss. 3 and 6 amended	50, Ss. 2 and 3.
1947	18	Imports and Exports (Control) Act.	Ss. 1, 2, 4A and 5 amended.	2, Ss. 2 to 5.
1948	15	Industrial Finance Corporation Act.	Ss. 1, 2, 3, 6, 10, 11, 12, 13, 17, 21, 23, 25, 26, 28, 30 and 43 amended. Ss. 7, 8, 9 omitted Ss. 10A and 40A inserted Ss. 13A, 14, 15 and 16 substituted.	28, Ss. 2 to 5, 7, 9, 10, 11, 14 to 20 and 22. 28, S. 6. 28, Ss. 8 and 21. 28, Ss. 12 and 13.
1948	16	Dentists Act	Ss. 1, 2, 3, 6, 15, 21, 23, 33, 34, 40, 41, 46, 48, 49 and 51 and Sch. amended.	12, Ss. 2 to 17.
1948	31	National Cadet Corps Act.	S. 12 amended	19, S. 2.
1949	1	Indian Tariff (Amendment) Act.	Ss. 4 and 5 amended	15, S. 23.
1949	10	Banking Companies Act.	S. 39 amended S. 51 substituted	23, S. 53.
1949	21	Hindu Marriages Validity Act.	Repealed	25, S. 3.

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1955 Act by which affected
1949	38	Chartered Accountants Act.	S. 4 amended	40, S. 2.
1949	65	Abducted Persons (Recovery and Restoration) Act.	S. 1 amended	30, S. 2.
1950	17	Durgah Khawaja Saheb Act.	Repealed	36, S. 22 (when notified).
1950	45	Air Force Act.	S. 4 amended Throughout the Act, the words 'Chief of Air Staff' substituted for 'Commander in-Chief'.	19, S. 2 and ch.
1950	46	Army Act	S. 3 amended Throughout the Act, the words 'the Chief of Army Staff' substituted for 'the Commander-in-Chief'.	<i>ibid.</i>
1950	48	Industrial Disputes (Appellate Tribunal) Act.	S. 23A inserted	29, S. 2.
1951	33	Finance Commission (Miscellaneous Provisions) Act.	S. 8 amended	13, S. 2.
1951	63	State Financial Corporations Act.	S. 2 amended	28, S. 23.
1952	46	Criminal Law Amendment Act.	S. 6 amended	50, S. 4.
1953	12	Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act.	Ss. 2 and 3 amended.	15 S. 28
1953	14	Finance Act.	S. 8 amended	15, S. 29.
1954	1	Prevention of Disqualification (Parliament and Part C State Legislatures) Act.	S. 4 amended	52, S. 2.
1954	17	Finance Act	S. 12 amended (with retrospective effect).	15, S. 29.
1954	30	Salaries and Allowances of Members of Parliament Act.	Ss. 4, 5 and 6 amended	9, Ss. 2 and 3.
1955	1	Working Journalists (Industrial Disputes) Act.	Repealed	45, S. 21.
1955	23	State Bank of India Act.	Ss. 5, 6 and 16 amended S. 51 substituted Ss. 54, 55, 56 and 57 and Fifth Schedule inserted.	33, Ss. 2, 3 and 4. 33, S. 5. 33, Ss. 6 and 7.

## PART II.—CENTRAL ORDINANCES REPEALED OR AMENDED

Year of Ordinance	No. of Ordinance	Short title of Ordinance	How affected	No. and section of 1955 Act by which affected
1943	30	Indian Military Nursing Service Ordinance.	Ss. 7 and 11 amended.	19, S. 2 and Sch.
1944	19	Railway Stores (Unlawful Possession) Ordinance.	Repealed	51, S. 4.
1955	1	Essential Commodities Ordinance.	Repealed	10, S. 16.
1955	2	Abducted Persons (Recovery and Restoration) Continuance Ordinance.	Repealed	30, S. 3.
1955	3	Industrial Disputes (Appellate Tribunal) Amendment Ordinance.	Repealed	29, S. 3.
1955	4	State Bank of India (Amendment) Ordinance.	Repealed	33, S. 9.
1955	5	Delhi (Control of Building Operations) Ordinance.	Repealed	53, S. 20.
1955	6	Insurance (Amendment) Ordinance.	Repealed	54, S. 6.

## PART III.—CONSTITUTION OF INDIA AMENDED

	How affected	No. and section of 1955 Act by which affected
Constitution of India	Art. 3 amended	Constitution (Fifth Amendment) Act, S. 2.
	Art. 31 and 31A amended.	Constitution (Fourth Amendment) Act, Ss. 2 and 3.
	Art. 305 substituted	<i>ibid.</i> , S. 4.
	Seventh Schedule amended.	Constitution (Third Amendment) Act, 1954.
	Ninth Schedule amended.	Constitution (Fourth Amendment) Act, 1955, S. 5.

## PART IV.—U. K. STATUTES IN THEIR APPLICATION TO INDIA

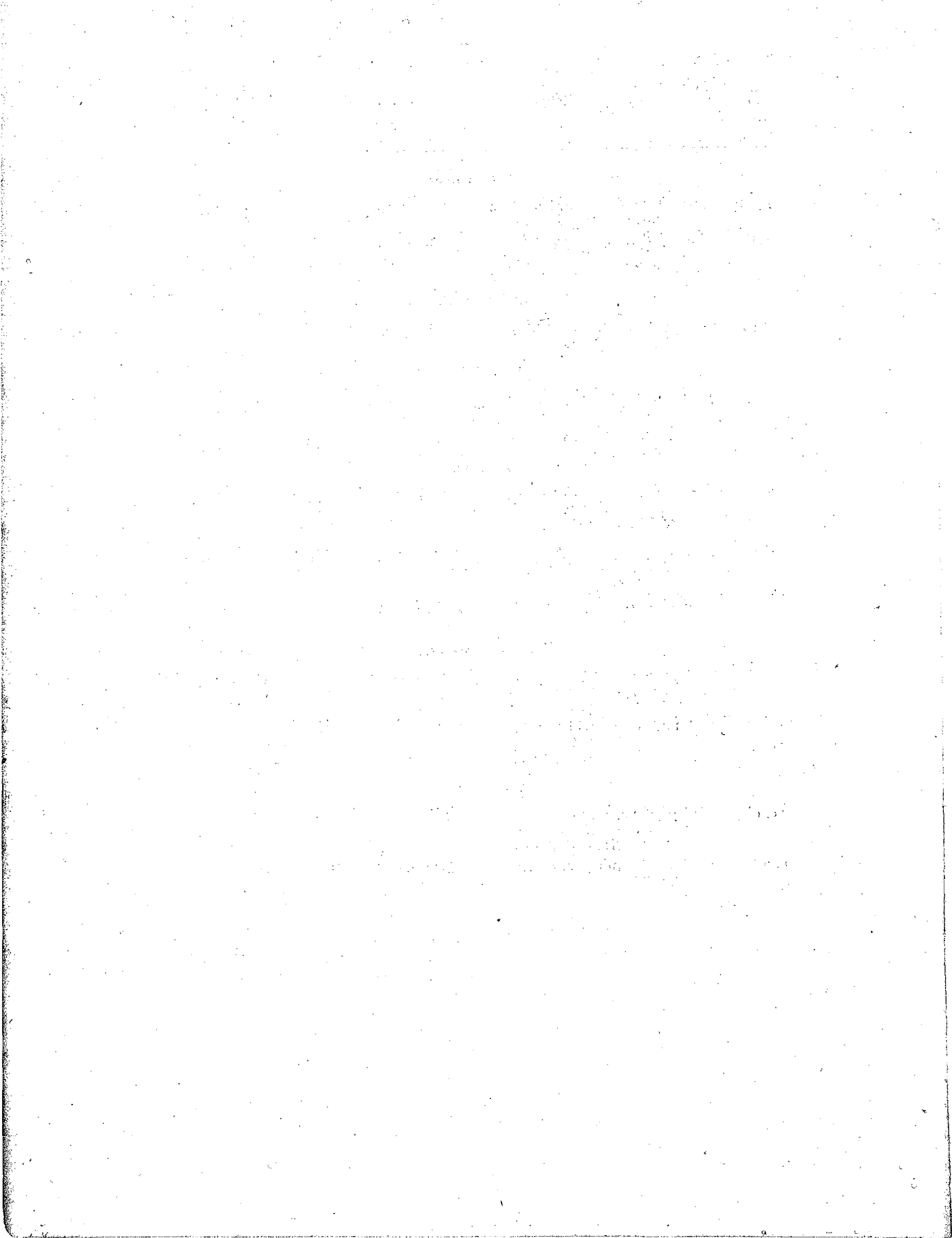
Year	Short title of Statutes	How affected	No. and section of 1955 Act by which affected
1914-1943	British Nationality and Status of Aliens Acts.	Repealed	57, S. 19.

## PART V.—STATE ACTS, REGULATIONS AND ORDINANCES

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1955 Act by which affected
<b>Bihar</b>				
1949	19	Bihar Harijan (Removal of Civil Disabilities) Act.	Repealed	22, S. 17 and Sch.
<b>Bombay</b>				
1946	25	Bombay Prevention of Hindu Bigamous Marriages Act.	Repealed	25, S. 30.
1947	10	Bombay Harijan (Removal of Social Disabilities) Act.	Repealed	22, S. 17 and Sch.
1947	22	Bombay Hindu Divorce Act.	Repealed	25, S. 30.
1947	35	Bombay Harijan Temple Entry Act.	Repealed	22, S. 17 and Sch.
<b>Madhya Pradesh</b>				
1947	24	Central Provinces and Berar Schedule Castes (Removal of Civil Disabilities) Act.	Repealed	<i>ibid.</i>
1947	41	Central Provinces and Berar Temple Entry Authorization Act.	Repealed	<i>ibid.</i>
<b>Punjab</b>				
1948	16	East Punjab (Removal of Religious and Social Disabilities) Act.	Repealed	<i>ibid.</i>
<b>Madras</b>				
1935	21	Madras Removal of Civil Disabilities Act.	Repealed	<i>ibid.</i>
1949	6	Madras Hindu (Bigamy Prevention and Divorce) Act.	Repealed	25, S. 30.
<b>Orissa</b>				
1946	11	Orissa Removal of Social Disabilities Act.	Repealed	22, S. 17 and Sch.
1948	11	Orissa Temple Entry Authorization Act.	Repealed	<i>ibid.</i>
<b>Uttar Pradesh</b>				
1947	14	United Provinces Removal of Social Disabilities Act.	Repealed	<i>ibid.</i>
<b>West Bengal</b>				
1948	37	West Bengal Hindu Social Disabilities Removal Act.	Repealed	<i>ibid.</i>



Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1955 Act by which affected
<b>Hyderabad</b>				
1358F.	55	Hyderabad Harijan Temple Entry Regulation.	Repealed	. 22, S. 17 and Sch.
1358F.	56	Hyderabad Harijan (Removal of Social Disabilities) Regulation.	Repealed	. <i>ibid.</i>
<b>Madhya Bharat</b>				
1949	15	Madhya Bharat Harijan Ayogta Nivaran Vidhan.	Repealed	. <i>ibid.</i>
<b>Mysore</b>				
1943	42	Removal of Civil Disabilities Act.	Repealed	. <i>ibid.</i>
1948	14	Mysore Temple Entry Authorization Act.	Repealed	. <i>ibid.</i>
<b>Saurashtra</b>				
1948	40	Saurashtra Harijan (Removal of Social Disabilities) Ordinance.	Repealed	. <i>ibid.</i>
1950	5	Saurashtra Prevention of Hindu Bigamous Marriages Act.	Repealed	. 25, S. 30.
1952	30	Saurashtra Hindu Divorce Act.	Repealed	. <i>ibid.</i>
<b>Travancore-Cochin</b>				
1125K	8	Travancore-Cochin (Removal of Social Disabilities) Act.	Repealed	. 22, S. 17 and Sch.
1950	27	Travancore-Cochin Temple Entry (Removal of Disabilities) Act.	Repealed	. <i>ibid.</i>
<b>Coorg</b>				
1949	1	Coorg Scheduled Castes (Removal of Civil and Social Disabilities) Act.	Repealed	. <i>ibid.</i>
1949	2	Coorg Temple Entry Authorization Act.	Repealed	. <i>ibid.</i>



MINISTRY OF LAW COPY

THE WORKING JOURNALISTS (INDUSTRIAL  
DISPUTES) ACT, 1955

ACT No. 1 OF 1955

[12th March, 1955]

An Act to apply the Industrial Disputes Act, 1947 to Working  
Journalists.

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

1. This Act may be called the Working Journalists (Industrial  
Disputes) Act, 1955. Short title.

2. In this Act,— Definitions.

(a) 'newspaper' has the meaning assigned to it in the Press  
and Registration of Books Act, 1867;

25 of 1867

(b) 'working journalist' means a person whose principal  
avocation is that of a journalist and who is employed as such  
in, or in relation to, any establishment for the production or  
publication of a newspaper or in, or in relation to, any news  
agency or syndicate supplying material for publication in any  
newspaper, and includes an editor, a leader-writer, news  
editor, sub-editor, feature-writer, copy-taster, reporter, cor-  
respondent, cartoonist, news-photographer and proof-reader,  
but does not include any such person who—

(i) is employed mainly in a managerial or administrative  
capacity, or

(ii) being employed in a supervisory capacity, exer-  
cises, either by the nature of the duties attached to the  
office or by reason of the powers vested in him, functions  
mainly of a managerial nature.

3. The provisions of the Industrial Disputes Act, 1947, shall  
apply to, or in relation to, working journalists as they apply to, or  
in relation to, workmen within the meaning of that Act. Act 14 of  
1947 to ap-  
ply to work-  
ing journa-  
lists.

1005 M of Law

THE IMPORTS AND EXPORTS (CONTROL)  
AMENDMENT ACT, 1955

*Repealed by Act 58 of 1960,* ACT NO. 2 OF 1955

*S. 2 & Sch. I (wpf. 26-12-60)*

[16th March, 1955]

An Act further to amend the Imports and Exports (Control)  
Act, 1947.

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

Short title. 1. This Act may be called the Imports and Exports (Control) Amendment Act, 1955.

Amendment of section 1, Act 18 of 1947. 2. In section 1 of the Imports and Exports (Control) Act, 1947 (hereinafter referred to as the principal Act),—

(a) in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted; and

(b) in sub-section (3), for the figures "1955", the figures "1960" shall be substituted.

Amendment of section 2, Act 18 of 1947. 3. In section 2 of the principal Act, clause (d) shall be omitted.

Amendment of section 4A, Act 18 of 1947. 4. In section 4A of the principal Act, for the words "in respect of any application for any licence, or the issue or renewal of any licence", the words "in respect of any application or in respect of any licence granted or renewed" shall be substituted.

Amendment of section 5, Act 18 of 1947. 5. In section 5 of the principal Act, for the word "contravenes", the words "contravenes, or attempts to contravene, or abets a contravention of," shall be substituted.

THE ANDHRA APPROPRIATION ACT, 1955

ACT NO. 3 OF 1955

[16th March, 1955]

An Act to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Andhra for the service of the financial year 1954-55.

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

Short title. 1. This Act may be called the Andhra Appropriation Act, 1955.

2. From and out of the Consolidated Fund of the State of Andhra, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of nine crores, nine lakhs, thirty-one thousand and eight hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1954-55, in respect of the services specified in column 2 of the Schedule.

Issue of Rs. 9,09,31,800 out of the Consolidated Fund of the State of Andhra for the year 1954-55.

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

Appropriation.

### THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
I	Land Revenue . . . . .	40,400	..	40,400
IV	Forest . . . . .	100	..	100
VII	General Sales Tax and other taxes and duties . . . . .	3,27,900	..	3,27,900
VIII	Irrigation . . . . .	22,22,300	..	22,22,300
IX	Head of State, Ministers and Head- quarters Staff . . . . .	2,58,400	..	2,58,400
X	State Legislature and Elections .	21,64,900	..	21,64,900
XI	District Administration and Mis- cellaneous . . . . .	38,48,900	..	38,48,900
XII	Administration of Justice . . . .	1,11,600	..	1,11,600
XIII	Jails . . . . .	8,36,700	..	8,36,700
XVI	Medical . . . . .	8,04,300	..	8,04,300
XVII	Public Health . . . . .	5,00,000	..	5,00,000
XIX	Veterinary . . . . .	92,800	..	92,800
XXII	Welfare of Scheduled Tribes, Castes and other Backward Classes. . . . .	31,58,600	..	31,58,600
XXIII	Labour including Factories . . .	35,900	..	35,900
XXIV	Civil Works—Works . . . . .	1,73,200	..	1,73,200

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.
XXVI	Civil Works—Grants-in-aid . . . . .	23,03,200	..	23,03,200
XXVII	Electricity . . . . .	18,41,800	..	18,41,800
XXIX	Pensions . . . . .	..	23,52,900	23,52,900
XXXI	Miscellaneous . . . . .	3,00,000	..	3,00,000
XXXIII	Payment of compensation to land holders on the abolition of the Zamindari System . . . . .	11,43,300	..	11,43,300
XXXIV	Capital Outlay on Irrigation . . . . .	300	..	300
XXXIV-A	Capital Outlay on Improvements to Public Health . . . . .	1,00,000	..	1,00,000
XXXIV-B	Agricultural Improvements and Research . . . . .	53,26,800	..	53,26,800
XXXVI	Capital Outlay on Civil Works . . . . .	16,79,400	..	16,79,400
XXXVII	Capital Outlay on Electricity Schemes . . . . .	1,100	..	1,100
XXXVIII	Commuted value of pensions . . . . .	..	2,81,000	2,81,000
XXXIX	Capital Outlay on Schemes of State Trading . . . . .	4,26,62,300	..	4,26,62,300
XL	Loans and Advances by the State Government . . . . .	1,83,63,700	..	1,83,63,700
	TOTAL . . . . .	8,82,97,900	26,33,900	9,09,31,800

THE ANDHRA APPROPRIATION (VOTE ON ACCOUNT)  
ACT, 1955

ACT No. 4 OF 1955.

[16th March, 1955]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Andhra for the service of a part of the financial year 1955-56.

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

Short title.

1. This Act may be called the Andhra Appropriation (Vote on Account) Act, 1955.

2. From and out of the Consolidated Fund of the State of Andhra there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-two crores, twenty lakhs and seventy thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1955-56.

Withdrawal of Rs. 22,20,70,000 from and out of the Consolidated Fund of the State of Andhra for the financial year 1955-56.

3. The sums authorized to be withdrawn from and out of the Consolidated Fund of the State 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 Con- solidated Fund	Total
		Rs.	Rs.	Rs.
I	Land Revenue Department . . . . .	36,10,000	..	36,10,000
II	Excise Department . . . . .	15,15,000	..	15,15,000
III	Stamps . . . . .	5,81,000	..	5,81,000
IV	Forest Department . . . . .	15,81,000	..	15,81,000
V	Registration Department . . . . .	8,21,000	..	8,21,000
VI	Motor Vehicles Acts Adminis- tration . . . . .	2,64,000	12,27,000	14,91,000
VII	General Sales Tax and other Taxes and Duties Adminis- tration. . . . .	24,45,000	..	24,45,000
VIII	Irrigation . . . . .	67,37,000	..	67,37,000
	Debt Charges . . . . .	..	77,30,000	77,30,000
IX	Heads of State, Ministers and Headquarters Staff . . . . .	34,83,000	2,93,000	37,76,000
X	State Legislature . . . . .	14,19,000	12,000	14,31,000
XI	District Administration and Miscellaneous . . . . .	1,42,80,000	..	1,42,80,000
XII	Administration of Justice . . . . .	31,63,000	4,00,000	35,63,000
XIII	Jails . . . . .	9,52,000	..	9,52,000
XIV	Police . . . . .	1,35,98,000	..	1,35,98,000
XV	Education . . . . .	2,05,65,000	..	2,05,65,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parlia- ment	Charged on the Con- solidated Fund	Total
		Rs.	Rs.	Rs.
XVI	Medical . . . . .	34,56,000	..	34,56,000
XVII	Public Health. . . . .	30,01,000	..	30,01,000
XVIII	Agriculture and Fisheries . . . . .	41,34,000	..	41,34,000
XIX	Veterinary. . . . .	11,55,000	..	11,55,000
XX	Co-operation . . . . .	15,49,000	..	15,49,000
XXI	Industries . . . . .	14,37,000	..	14,37,000
XXII	Welfare of Scheduled Tribes, Castes, etc. . . . .	49,36,000	..	49,36,000
XXIII	Labour including Factories . . . . .	3,00,000	..	3,00,000
XXIV	Civil Works—Works . . . . .	1,19,61,000	55,000	1,20,16,000
XXV	Civil Works—Establishment and Tools and Plant . . . . .	29,95,000	..	29,95,000
XXVI	Civil Works—Grants-in-aid . . . . .	13,21,000	..	13,21,000
XXVII	Electricity . . . . .	44,81,000	..	44,81,000
XXVIII	Famine . . . . .	1,50,000	..	1,50,000
XXIX	Pensions . . . . .	14,00,000	7,58,000	21,58,000
XXX	Stationery & Printing . . . . .	6,32,000	37,000	6,69,000
XXXI	Miscellaneous . . . . .	4,86,000	..	4,86,000
XXXII	Community Development Projects . . . . .	12,93,000	..	12,93,000
XXXIII	Compensation to Zamindars . . . . .	12,27,000	..	12,27,000
XXXIV	Capital Outlay on Irrigation . . . . .	2,15,87,000	..	2,15,87,000
XXXV	Capital Outlay on Improvement of Public Health . . . . .	35,00,000	..	35,00,000
XXXVI	Capital Outlay on Schemes of Agricultural Improvement and Research . . . . .	6,14,000	..	6,14,000
XXXVII	Capital Outlay on Industrial Development . . . . .	11,07,000	..	11,07,000
XXXVIII	Capital Outlay on Civil Works . . . . .	51,12,000	..	51,12,000
XXXIX	Capital Outlay on Electricity Schemes . . . . .	2,87,50,000	..	2,87,50,000
XL	Commuted Value of Pensions . . . . .	1,76,000	..	1,76,000



I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parlia- ment	Charged on the Con- solidated Fund	Total
		Rs.	Rs.	Rs.
XLI	Capital Outlay on Schemes of State Trading . . . . .	13,70,000	..	13,70,000
XLII	Loans and Advances by the State Government . . . . .	2,38,61,000	..	2,38,61,000
	Public Debt—Repayment. . . . .	..	45,53,000	45,53,000
	TOTAL . . . . .	20,70,05,000	1,50,65,000	22,20,70,000

## THE APPROPRIATION (RAILWAYS) ACT, 1955

### ACT No. 5 OF 1955

[19th March, 1955]

An Act to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) Act, 1955. 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 six hundred and fifty-three crores, forty-two lakhs and seventy-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1955-56 in respect of the services relating to railways specified in column 2 of the Schedule.

Issue of Rs. 653,42,73,000 out of the Consolidated Fund of India for the financial year 1955-56.

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

Appropriation.

## THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board	42,43,000	..	42,43,000
3	Miscellaneous Expenditure	1,40,80,000	12,000	1,40,92,000
4	Working Expenses—Adminis- tration	30,84,41,000	..	30,84,41,000
5	Working Expenses—Repairs and Maintenance	75,39,48,000	..	75,39,48,000
6	Working Expenses—Operating Staff	48,14,96,000	..	48,14,96,000
7	Working Expenses—Operation (Fuel)	37,57,67,000	..	37,57,67,000
8	Working Expenses—Operation other than Staff and Fuel	14,65,10,000	..	14,65,10,000
9	Working Expenses—Miscel- laneous Expenses	36,02,69,000	..	36,02,69,000
9-A	Working Expenses—Labour Welfare	5,08,31,000	..	5,08,31,000
10	Payments to Worked Lines and others	31,25,000	..	31,25,000
11	Working Expenses—Appropria- tion to Depreciation Re- serve Fund	35,00,00,000	..	35,00,00,000
12-A	Open Line Works (Revenue) Labour Welfare	1,07,45,000	..	1,07,45,000
12-B	Open Line Works (Revenue) other than Labour Welfare	4,61,18,000	..	4,61,18,000
13	Appropriation to Development Fund	..	..	..
14	Appropriation to Revenue Reserve Fund	7,14,17,000	..	7,14,17,000
14-A	Withdrawal from Revenue Reserve Fund	..	..	..
15	Construction of New Lines	5,65,87,000	..	5,65,87,000
16	Open Line Works—Additions	2,54,01,66,000	..	2,54,01,66,000
17	Open Line Works—Replace- ments	46,82,85,000	..	46,82,85,000

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.
18	Open Line Works—Develop- ment Fund	12,34,44,000	..	12,34,44,000]
19	Capital Outlay on Vizagapatam Port	80,73,000	..	80,73,000
20	Dividend Payable to General Revenues	36,07,16,000	..	36,07,16,000
	GRAND TOTAL	653,42,61,000	12,000	653,42,73,000

## THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1955

### ACT No. 6 OF 1955

[19th March, 1955]

An Act to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1954-55 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 2 Short title. Act, 1955.

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 twelve crores and sixty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1954-55, in respect of the services relating to railways specified in column 2 of the Schedule.

Issue of Rs.  
12,00,68,000  
out of the  
Consolidated  
Fund of  
India for  
the financial  
year 1954-55.

3. The sums authorized 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 Con- solidated Fund	Total
		Rs.	Rs.	Rs.
3	Miscellaneous Expenditure . . .	..	8,000	8,000
4	Ordinary Working Expenses— Administration . . . . .	1,27,14,000	..	1,27,14,000
5	Ordinary Working Expenses— Repairs and Maintenance . . .	4,07,83,000	..	4,07,83,000
6	Ordinary Working Expenses— Operating Staff . . . . .	1,17,72,000	..	1,17,72,000
7	Ordinary Working Expenses— Operation (Fuel) . . . . .	1,74,80,000	..	1,74,80,000
8	Ordinary Working Expenses— Operation other than Staff and Fuel . . . . .	74,08,000	..	74,08,000
13	Appropriation to Development Fund . . . . .	1,43,06,000	..	1,43,06,000
15	Construction of New Lines . . .	1,000	..	1,000
18	Open Line Works—Develop- ment Fund . . . . .	1,55,96,000	..	1,55,96,000
	GRAND TOTAL . . . . .	12,00,60,000	8 000	12,00,68,000

## THE APPROPRIATION ACT, 1955

## ACT NO. 7 OF 1955

[19th March, 1955]

An Act to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1954-55.

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

1. This Act may be called the Appropriation Act, 1955.

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-four crores, ninety-nine lakhs and eighty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1954-55, in respect of the services specified in column 2 of the Schedule.

Issue of Rs.  
24,99,87,000  
out of the  
Consolidated  
Fund of  
India for the  
year 1954-55.

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

Appropriation.

THE SCHEDULE  
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry	10,00,000	..	10,00,000
2	Industries	1,000	..	1,000
4	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry	7,00,000	..	7,00,000
11	Ministry of Defence	55,000	..	55,000
23	External Affairs	30,67,000	..	30,67,000
24-A	French Establishments in India	18,96,000	..	18,96,000
29	Taxes on Income including Corporation Tax and Estate Duty	..	93,000	93,000
32	Payments to other Governments, Departments, etc.	11,000	..	11,000
35	Mint	2,75,000	..	2,75,000
37	Superannuation Allowances and Pensions	23,00,000	3,40,000	26,40,000
38	Miscellaneous Departments and Expenditure under the Ministry of Finance	1,06,00,000	..	1,06,00,000
40	Miscellaneous Adjustments between the Union and State Governments	1,26,000	..	1,26,000
42	Pre-partition Payments	..	3,86,000	3,86,000
47	Miscellaneous Departments and Expenditure under the Ministry of Food and Agriculture	12,00,000	..	12,00,000
48	Ministry of Health	53,000	..	53,000

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.
53	Cabinet . . . . .	2,07,000	..	2,07,000
55	Police . . . . .	51,21,000	..	51,21,000
60	Broadcasting . . . . .	9,00,000	..	9,00,000
71	Administration of Justice . . . . .	27,000	..	27,000
82	Salt . . . . .	8,00,000	..	8,00,000
83-A	Government Collieries . . . . .	..	21,75,000	21,75,000
89	Privy Purses and Allowances of Indian Rulers . . . . .	10,000	9,16,000	9,26,000
103	Supplies Charged—Union Public Service Com- mission . . . . .	..	27,000	27,000
		..	4,01,000	4,01,000
113	Other Capital Outlay of the Ministry of Communications . . . . .	96,80,000	..	96,80,000
121	Loans and Advances by the Central Government . . . . .	..	15,00,00,000	15,00,00,000
125	Capital Outlay of the Ministry of Health . . . . .	76,20,000	..	76,20,000
133	Capital Outlay of the Ministry of Rehabilitation . . . . .	5,00,00,000	..	5,00,00,000
	TOTAL . . . . .	9,56,49,000	15,43,38,000	24,99,87,000

**THE APPROPRIATION (VOTE ON ACCOUNT)  
ACT, 1955**

ACT No. 8 OF 1955

[19th March, 1955]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1955-56.

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

Short title. 1. This Act may be called the Appropriation (Vote on Account) Act, 1955.

Withdrawal of Rs. 323,30,39,000 from and out of the Consolidated Fund of India for the financial year 1955-56. 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 hundred and twenty-three crores, thirty lakhs and thirty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1955-56.

3. The sums authorized 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)

I 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 Commerce and Industry . . . . .	6,83,000	..	6,83,000
2	Industries . . . . .	1,37,56,000	..	1,37,56,000
3	Commercial Intelligence and Statistics . . . . .	4,48,000	..	4,48,000
4	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry . . . . .	5,39,000	..	5,39,000
5	Ministry of Communications . . . . .	97,000	..	97,000
6	Indian Posts and Telegraphs Department (including Working Expenses). . . . .	4,07,12,000	19,79,000	4,26,91,000
7	Meteorology . . . . .	10,48,000	..	10,48,000
8	Overseas Communications Service . . . . .	8,32,000	47,000	8,79,000
9	Aviation . . . . .	22,73,000	..	22,73,000
10	Miscellaneous Departments and Expenditure under the Ministry of Communications . . . . .	1,55,000	..	1,50,000
11	Ministry of Defence . . . . .	2,56,000	..	2,56,000
12	Defence Services—Effective—Army . . . . .	12,99,02,000	..	12,99,02,000
13	Defence Services—Effective—Navy . . . . .	1,06,04,000	..	1,06,04,000
14	Defence Services—Effective—Air Force . . . . .	2,95,70,000	..	2,95,70,000
15	Defence Services—Non-Effective Charges . . . . .	1,36,16,000	..	1,36,16,000
16	Ministry of Education . . . . .	4,54,000	..	4,54,000

I No. or Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
17	Archæology . . . . .	4,59,000	..	4,59,000
18	Other Scientific Departments . . . . .	23,10,000	..	23,10,000
19	Education . . . . .	1,49,76,000	..	1,49,76,000
20	Miscellaneous Departments and Expenditure under the Minis- try of Education . . . . .	21,86,000	..	21,86,000
21	Tribal Areas . . . . .	48,56,000	..	48,56,000
22	External Affairs . . . . .	56,45,000	..	56,46,000
23	State of Pondicherry . . . . .	17,26,000	11,000	17,37,000
24	Miscellaneous Expenditure under the Ministry of External Affairs . . . . .	17,000	..	17,000
25	Ministry of Finance . . . . .	15,43,000	..	15,43,000
26	Customs . . . . .	31,81,000	..	31,81,000
27	Union Excise Duties . . . . .	56,00,000	1,38,87,000	1,94,87,000
28	Taxes on Income including Cor- poration Tax and Estate Duty . . . . .	33,06,000	11,000	33,17,000
29	Opium . . . . .	1,40,36,000	..	1,40,36,000
30	Stamps . . . . .	10,99,000	49,000	11,48,000
31	Payments to Other Govern- ments, Departments, etc. . . . .	92,000	..	92,000
32	Audit . . . . .	68,09,000	1,53,000	69,62,000
33	Currency . . . . .	19,58,000	58,000	20,16,000
34	Mint . . . . .	8,35,000	..	8,35,000
35	Territorial and Political Pensions . . . . .	2,28,000	..	2,28,000
36	Superannuation Allowances and Pensions . . . . .	58,50,000	2,01,000	60,51,000
37	Miscellaneous Departments and other Expenditure under the Ministry of Finance . . . . .	1,75,32,000	..	1,75,32,000
38	Grants-in-aid to States . . . . .	5,20,51,000	3,76,75,000	8,97,26,000



1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
39	Miscellaneous adjustments between the Union and State Governments	30,000	..	30,000
40	Pre-partition Payments	10,64,000	2,000	10,66,000
	<i>Charged—Interest on Debt and other obligations and reduction or avoidance of Debt</i>	..	8,44,35,000	8,44,35,000
41	Ministry of Food and Agriculture	5,25,000	..	5,25,000
42	Forest	7,99,000	..	7,99,000
43	Agriculture	1,22,65,000	..	1,22,65,000
44	Civil Veterinary Services	6,50,000	..	6,50,000
45	Miscellaneous Departments and other Expenditure under the Ministry of Food and Agriculture	47,81,000	..	47,81,000
46	Ministry of Health	67,000	..	67,000
47	Medical Services	16,52,000	..	16,52,000
48	Public Health	54,16,000	..	54,16,000
49	Miscellaneous Expenditure under the Ministry of Health	7,34,000	..	7,34,000
50	Ministry of Home Affairs	17,55,000	..	17,55,000
51	Cabinet	2,61,000	..	2,61,000
52	Delhi	13,44,000	..	13,44,000
53	Police	14,82,000	..	14,82,000
54	Census	1,67,000	..	1,67,000
55	Privy Purses and Allowances of Indian Rulers	67,000	1,35,69,000	1,36,36,000
56	Andaman and Nicobar Islands	16,69,000	..	16,69,000
57	Kutch	11,26,000	..	11,26,000
58	Manipur	7,78,000	..	7,78,000
59	Tripura	12,22,000	2,000	12,24,000
60	Relations with States	3,81,000	..	3,81,000
61	Miscellaneous Departments and Expenditure under the Ministry of Home Affairs	15,30,000	..	15,30,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
62	Ministry of Information and Broadcasting . . . .	3,45,000	..	3,45,000
63	Broadcasting . . . .	26,11,000	..	26,11,000
64	Miscellaneous Departments and Expenditure under the Ministry of Information and Broadcasting . . . .	10,33,000	..	10,33,000
65	Ministry of Irrigation and Power	95,000	..	95,000
66	Irrigation, etc. . . .	2,000	..	2,000
67	Multi-purpose River Schemes .	8,72,000	..	8,72,000
68	Miscellaneous Departments and Expenditure under the Ministry of Irrigation and Power . . . .	5,39,000	..	5,39,000
69	Ministry of Labour . . .	2,86,000	..	2,86,000
70	Chief Inspector of Mines .	86,000	..	86,000
71	Miscellaneous Departments and Expenditure under the Ministry of Labour . .	28,39,000	..	28,39,000
72	Employment Exchanges and Resettlement . . . .	14,52,000	..	14,52,000
73	Civil Defence . . . .	10,000	..	10,000
74	Ministry of Law . . . .	11,54,000	..	11,54,000
75	Administration of Justice .	19,000	84,000	1,03,000
76	Ministry of Natural Resources and Scientific Research.	80,000	..	80,000
77	Survey of India . . . .	12,70,000	..	12,70,000
78	Botanical Survey . . . .	1,01,000	..	1,01,000
79	Zoological Survey . . . .	43,000	..	43,000
80	Geological Survey . . . .	6,19,000	..	6,19,000
81	Mines . . . .	4,69,000	..	4,69,000
82	Scientific Research . . . .	43,21,000	..	43,21,000
83	Miscellaneous Departments and Expenditure under the Ministry of Natural Resources and Scientific Research .	1,000	..	1,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
84	Department of Parliamentary Affairs . . . . .	14,000	..	14,000
85	Ministry of Production . . . . .	88,000	..	88,000
86	Salt . . . . .	11,03,000	28,000	11,31,000
87	Other Organisations under the Ministry of Production . . . . .	9,31,000	..	9,31,000
88	Government Collieries . . . . .	35,37,000	1,92,000	37,29,000
89	Miscellaneous Departments and Expenditure under the Ministry of Production . . . . .	8,18,000	..	8,18,000
90	Ministry of Rehabilitation . . . . .	2,14,000	..	2,14,000
91	Expenditure on Displaced Persons . . . . .	86,40,000	..	86,40,000
92	Miscellaneous Expenditure under the Ministry of Rehabilitation . . . . .	1,000	..	1,000
93	Ministry of Transport . . . . .	3,73,000	....	3,73,000
94	Ports and Pilotage . . . . .	5,72,000	..	5,72,000
95	Lighthouses and Lightships . . . . .	6,79,000	..	6,79,000
96	Central Road Fund . . . . .	38,37,000	..	38,37,000
97	Communications (including National Highways) . . . . .	42,21,000	..	42,21,000
98	Miscellaneous Expenditure under the Ministry of Transport . . . . .	2,93,000	..	2,93,000
99	Ministry of Works, Housing and Supply . . . . .	3,47,000	..	3,47,000
100	Supplies . . . . .	23,34,000	..	23,34,000
101	Other Civil Works . . . . .	1,55,47,000	2,03,000	1,57,50,000
102	Stationery and Printing . . . . .	56,06,000	..	56,06,000
103	Miscellaneous Departments and Expenditure under the Ministry of Works, Housing and Supply . . . . .	5,91,000	..	5,91,000
104	Parliament . . . . .	14,51,000	17,000	14,68,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
105	Miscellaneous Expenditure under the Parliament Secretariat . . . . .	3,000	..	3,000
	<i>Charged — Staff, Household and Allowances of the President.</i> . . . .	..	1,39,000	1,39,000
106	Secretariat of the Vice-President . . . . .	6,000	..	6,000
	<i>Charged — Union Public Service Commission</i> . . . . .	..	2,26,000	2,26,000
107	Capital Outlay of the Ministry of Commerce and Industry . . . . .	1,37,26,000	..	1,37,26,000
108	Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue) . . . . .	2,16,90,000	..	2,16,90,000
109	Capital Outlay on Civil Aviation . . . . .	44,59,000	..	44,59,000
110	Other Capital Outlay of the Ministry of Communications. . . . .	51,06,000	..	51,06,000
111	Defence Capital Outlay . . . . .	2,05,33,000	..	2,05,33,000
112	Capital Outlay of the Ministry of Education . . . . .	2,78,000	..	2,78,000
113	Capital Outlay of the Ministry of External Affairs . . . . .	2,08,000	..	2,08,000
114	Capital Outlay on the Indian Security Press . . . . .	29,000	..	29,000
115	Capital Outlay on Currency . . . . .	65,40,000	..	65,40,000
116	Capital Outlay on Mints . . . . .	4,19,000	..	4,19,000
117	Commutated Value of Pensions . . . . .	6,19,000	..	6,19,000
118	Payments to Retrenched Personnel . . . . .	4,000	..	4,000
119	Other Capital Outlay of the Ministry of Finance . . . . .	3,62,75,000	..	3,62,75,000
120	Loans and Advances by the Central Government . . . . .	5,42,01,000	24,18,24,000	29,60,25,000
	<i>Charged — Repayment of Debt</i> . . . . .	..	1,88,94,19,000	1,88,94,19,000
121	Capital Outlay on Forest . . . . .	3,66,000	..	3,66,000
122	Purchases of Foodgrains . . . . .	13,11,00,000	..	13,11,00,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
123	Other Capital Outlay of the Ministry of Food and Agriculture . . . . .	6,18,15,000	96,000	6,19,11,000
124	Capital Outlay of the Ministry of Health . . . . .	83,42,000	..	83,42,000
125	Capital Outlay of the Ministry of Home Affairs . . . . .	23,31,000	..	23,31,000
126	Capital Outlay on Broadcasting.	33,31,000	..	33,31,000
127	Capital Outlay on Multi-purpose River Schemes . . . . .	35,97,000	..	35,97,000
128	Other Capital Outlay of the Ministry of Irrigation and Power . . . . .	12,000	..	12,000
129	Capital Outlay of the Ministry of Labour . . . . .	4,28,000	..	4,28,000
130	Other Capital Outlay of the Mi- nistry of Natural Resources and Scientific Research . . . . .	27,45,000	..	27,45,000
131	Capital Outlay of the Ministry of Production . . . . .	81,14,000	..	81,14,000
132	Capital Outlay of the Ministry of Rehabilitation . . . . .	2,58,75,000	..	2,58,75,000
133	Capital Outlay on Ports . . . . .	39,82,000	..	39,82,000
134	Capital Outlay on Roads . . . . .	1,35,83,000	..	1,35,83,000
135	Other Capital Outlay of the Ministry of Transport . . . . .	11,55,000	..	11,55,000
136	New Delhi Capital Outlay . . . . .	57,12,000	5,000	57,17,000
137	Capital Outlay on Buildings . . . . .	74,67,000	..	74,67,000
138	Other Capital Outlay of the Ministry of Works, Housing and Supply . . . . .	42,27,000	..	42,27,000
	TOTAL . . . . .	94,87,27,000	228,43,12,000	323,30,39,000

*Quality control in a way upheld by S.C. in writ petition 141 of 1959 dated 30.11.60*

20 Salaries and Allowances of Members of Parliament [ACTS 9 AND 10]

*(Anand Bausheji Co. Ltd.)*

THE SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) ACT, 1955

*Repealed by Act 58 of 1960, S. 2 & 5th I (w.e.f. 26-12-60)*

ACT NO. 9 OF 1955

*Shri Bhatti G.A.P.*

[29th March, 1955]

An Act to amend the Salaries and Allowances of Members of Parliament Act, 1954.

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

1. (1) This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1955. Short title and commencement.

(2) It shall come into force on the first day of April, 1955.

2. In clause (a) of sub-section (1) of section 4 and in clause (a) of section 5 of the Salaries and Allowances of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), for the words "one second class fare", the words "one first class fare" shall be substituted. Amendment of sections 4 and 5, Act 30 of 1954.

3. In section 6 of the principal Act, for the words "second class pass", the words "first class pass" shall be substituted. Amendment of section 6, Act 30 of 1954.

THE ESSENTIAL COMMODITIES ACT, 1955

ACT NO. 10 OF 1955

*See India Code, Volume VIII Pa.*

[1st April, 1955]

An Act to provide, in the interests of the general public, for the control of the production, supply and distribution of, and trade and commerce in, certain commodities.

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

1. (1) This Act may be called the Essential Commodities Act, 1955. Short title and extent.

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

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

(a) 'essential commodity' means any of the following classes of commodities:—

(i) cattle fodder, including oilcakes and other concentrates;

*The question whether monopoly can be created under an act under section 3, considered but not decided 21/11*

OF 1955]

Essential Commodities

- (ii) coal, including coke and other derivatives;
- (iii) component parts and accessories of automobiles;
- (iv) cotton and woollen textiles;
- (v) foodstuffs, including edible oilseeds and oils;
- (vi) iron and steel, including manufactured products of iron and steel;
- (vii) paper, including newsprint, paperboard and straw board;
- (viii) petroleum and petroleum products;
- (ix) raw cotton, whether ginned or unginmed, and cotton seed;
- (x) raw jute;

*Petition No 303 of 1960 - Manual Fair Price Committee of Assam & others*

(xi) any other class of commodity which the Central Government may, by notified order, declare to be an essential commodity for the purposes of this Act, being a commodity with respect to which Parliament has power to make laws by virtue of entry 33 in List III in the Seventh Schedule to the Constitution;

(b) 'food-crops' include crops of sugarcane;

(c) 'notified order' means an order notified in the Official Gazette;

~~(d) 'State Government' in relation to a Part C State means the Lieutenant Governor or the Chief Commissioner, as the case may be.~~

3. (1) If the Central Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair prices, it may, by order, provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein.

*Powers to control production, supply, distribution, etc., of essential commodities.*

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) for regulating by licences, permits or otherwise the production or manufacture of any essential commodity;

(b) for bringing under cultivation any waste or arable land, whether appurtenant to a building or not, for the growing thereon of food-crops generally or of specified food-crops, and for otherwise maintaining or increasing the cultivation of food-crops generally, or of specified food-crops;

*↓ Subs. by the A.O. (no. 3), 1956.*

(c) for controlling the price at which any essential commodity may be bought or sold;

(d) for regulating by licences, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of, any essential commodity;

(e) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;

~~(f) for requiring any person holding in stock any essential commodity to sell the whole or a specified part of the stock to such person or class of persons and in such circumstances as may be specified in the order;~~

(g) for regulating or prohibiting any class of commercial or financial transactions relating to foodstuffs or cotton textiles which, in the opinion of the authority making the order, are, or, if unregulated, are likely to be, detrimental to the public interest;

(h) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(i) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order;

(j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorized to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being, or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

(3) Where any person sells any essential commodity in compliance with an order made with reference to clause (f) of subsection (2), there shall be paid to him the price therefor as hereinafter provided:—

(a) where the price can, consistently with the controlled price, if any, fixed under this section, be agreed upon, the agreed price;

(b) where no such agreement can be reached, the price calculated with reference to the controlled price, if any,

*4 Subs. by Act 28 of 1957, S. 2*



(c) where neither clause (a) nor clause (b) applies, the price calculated at the market rate prevailing in the locality at the date of sale.

(4) If the Central Government is of opinion that it is necessary so to do for maintaining or increasing the production and supply of an essential commodity, it may, by order, authorize any person (hereinafter referred to as an authorized controller) to exercise, with respect to the whole or any part of any such undertaking engaged in the production and supply of the commodity as may be specified in the order such functions of control as may be provided therein and so long as such order is in force with respect to any undertaking or part thereof,—

(a) the authorized controller shall exercise his functions in accordance with any instructions given to him by the Central Government, so, however, that he shall not have any power to give any direction inconsistent with the provisions of any enactment or any instrument determining the functions of the persons in charge of the management of the undertaking, except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorized controller under the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

(5) An order made under this section shall,—

(a) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette; and

(b) in the case of an order directed to a specified individual be served on such individual—

(i) by delivering or tendering it to that individual, or

(ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

(6) Every order made under this section by the Central Government or by any officer or authority of the Central Government shall be laid before both Houses of Parliament, as soon as may be, after it is made.

4. An order made under section 3 may confer powers and impose duties upon the Central Government or the State Government or officers and authorities of the Central Government or State Government, and may contain directions to any State Government or to

Imposition  
of duties on  
State Gov-  
ernments,  
etc.

↓ Ins. by Act 13 of 1957, s. 2.

officers and authorities thereof as to the exercise of any such powers or the discharge of any such duties.

Delegation  
of powers.

5. The Central Government may, by notified order, direct that the power to make orders under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to a State Government,

as may be specified in the direction.

Effect of  
orders incon-  
sistent with  
other enact-  
ments.

6. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Penalties.

7. (1) If any person contravenes any order made under section 3—

(a) he shall be punishable—

(i) in the case of an order made with reference to clause (h) or clause (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine, and

(ii) in the case of any other order, with imprisonment for a term which may extend to three years and shall also be liable to fine:

Provided that if the court is of opinion that a sentence of fine only will meet the ends of justice, it may, for reasons to be recorded, refrain from imposing a sentence of imprisonment; and

(b) any property in respect of which the order has been contravened or such part thereof as to the court may seem fit shall be forfeited to the Government:

Provided that if the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or, as the case may be, any part of the property, it may, for reasons to be recorded, refrain from doing so.

(2) If any person to whom a direction is given under clause (b) of sub-section (4) of section 3 fails to comply with the direction he

shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Attempts  
and  
abetment.

8. Any person who attempts to contravene, or abets a contravention of, any order made under section 3 shall be deemed to have contravened that order.

False state-  
ments.

9. If any person,—

(i) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Offences by  
companies.

10. (1) If the person contravening an order made under section 3 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 the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any 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 an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

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

(b) 'director' in relation to a firm means a partner in the firm.

Cognizance  
of offences.

11. No court shall take cognizance of any offence punishable

under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code.

45 of  
1860.

V of 1898.

12. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class specially empowered by the State Government in this behalf and for any presidency magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening any order made under section 3.

Special provision regarding fine.

13. Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall presume that such order was so made by that authority within the meaning of the Indian Evidence Act, 1872.

Presumption as to orders.

1 of 1872.

14. Where a person is prosecuted for contravening any order made under section 3 which prohibits him from doing any act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him.

Burden of proof in certain cases.

15. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

Protection of action taken under Act.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

16. (1) The following laws are hereby repealed:—

Repeals and savings.

1 of 1955.

(a) the Essential Commodities Ordinance, 1955;

(b) any other law in force in any State immediately before the commencement of this Act in so far as such law controls or authorizes the control of the production, supply and distribution of, and trade and commerce in, any essential commodity.

(2) Notwithstanding such repeal, any order made or deemed to be made by any authority whatsoever, under any law repealed hereby and in force immediately before the commencement of this Act, shall, in so far as such order may be made under this Act, be deemed to be made under this Act and continue in force, and accordingly any appointment made, licence or permit granted or direction issued under any such order and in force immediately

before such commencement shall continue in force until and unless it is superseded by any appointment made, licence or permit granted or direction issued under this Act.

(3) The provisions of sub-section (2) shall be without prejudice to the provisions contained in section 6 of the General Clauses Act, 1897, which shall also apply to the repeal of the Ordinance or other law referred to in sub-section (1) as if such Ordinance or other law had been an enactment.

10 of 1897.

*Repealed by Act 58 of 1960, S. 24 Sch. I (w.e.f. 26-12-60)*

THE DRUGS (AMENDMENT) ACT, 1955

ACT No. 11 OF 1955

[15th April, 1955]

An Act further to amend the Drugs Act, 1940.

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

1. This Act may be called the Drugs (Amendment) Act, 1955.

Short title.

2. In section 3 of the Drugs Act, 1940 (hereinafter referred to as the principal Act),—

Amendment  
of section 3,  
Act 23 of  
1940.

(a) for clause (b), the following clause shall be substituted, namely:—

“(b) ‘drug’ includes—

(i) all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals other than medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani systems of medicine; and

(ii) such substances (other than food) intended to affect the structure or any function of the human body or intended to be used for the destruction of vermins or insects which cause disease in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette;”;

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

“(bbb) ‘manufacture’ in relation to any drug includes any process or part of a process for making, altering, ornamenting, finishing, packing, labelling, breaking up or otherwise treating or adopting any drug with a view to its sale and distribution but does not include the compounding or dispensing or the packing of any drug in the ordinary course of retail business; and ‘to manufacture’ shall be construed accordingly;”;

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

“(e) ‘prescribed’ means prescribed by rules made under this Act.”.

Amendment  
of section 5,  
Act 23 of  
1940.

3. In section 5 of the principal Act,—

(a) in sub-section (2),—

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

“(ia) the Drugs Controller, India, *ex-officio*;”;

(ii) in clause (vii), for the words “the Indian Research Fund Association”, the words “the Indian Council of Medical Research” shall be substituted;

(iii) for clause (ix), the following clause shall be substituted, namely:—

“(ix) three persons to be elected by the Pharmacy Council of India, two of whom shall be persons possessing qualifications for registration under the Pharmacy Act, 1948 and one shall be a teacher in pharmacy or pharmaceutical chemistry or pharmacology or pharmacognosy in an Indian university or a college affiliated thereto which grants a degree or diploma in pharmacy;”;

(iv) in clause (xi), the words “and one person to be elected by the branches in India of the British Medical Association” shall be omitted;

(b) to sub-section (3), the following proviso shall be added, namely:—

“Provided that the persons nominated under clause (vi) of sub-section (2) shall hold office for so long as they hold the appointment of Government Analyst under this Act.”.

Amendment  
of section 6,  
Act 23 of  
1940.

4. In section 6 of the principal Act, in sub-section (2), clauses (b) and (c) shall be omitted.

Amendment  
of section 10,  
Act 23 of  
1940.

5. In section 10 of the principal Act, for clause (d), the following clause shall be substituted, namely:—

“(d) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container

*Repealed by Act 58 of 1960, S. 2 & Sch. I*

*(Lef. 26-12-60)*

OF 1955]

Drugs (Amendment)

29

thereof the true formula or list of ingredients contained in it, in a manner readily intelligible to the members of the medical profession;”.

6. In section 11 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment  
of section 11,  
Act 23 of  
1940.

“(2) Without prejudice to the provisions of sub-section (1), the Customs Collector or any officer of the Government authorized by the Central Government in this behalf, may detail any imported package which he suspects to contain any drug the import of which is prohibited under this Chapter and shall forthwith report such detention to the Drugs Controller, India, and, if necessary, forward the package or sample of any suspected drug found therein to the Central Drugs Laboratory.”

7. In section 12 of the principal Act,—

Amendment  
of section  
12, Act 23  
of 1940.

(a) to sub-section (1), the following proviso shall be added, namely:—

“Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules.”;

(b) in sub-section (2), in clause (d), for the words “to cure or mitigate”, the words “to prevent, cure or mitigate” shall be substituted.

8. In section 16 of the principal Act, in sub-section (2), for the words “State Government”, the words “Central Government” shall be substituted.

Amendment  
of section  
16, Act 23  
of 1940.

9. In section 18 of the principal Act,—

Amendment  
of section  
18, Act 23  
of 1940.

(a) in clause (a),—

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

“(iii) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof the true formula or list of ingredients contained in it in a manner readily intelligible to the members of the medical profession;”;

(ii) in sub-clause (iv), for the words “to cure or mitigate”, the words “to prevent, cure or mitigate” shall be substituted;

(b) in the second proviso, for the words "State Government", the words "Central Government" shall be substituted.

Amendment of section 19, Act 23 of 1940. **10.** In section 19 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

"(aa) in the process of manufacture or preparation any one or more of the prescribed colours have been used, although such use may not be provided for in any of the pharmacopœias referred to in clause (d) of section 3; or".

Substitution of new section for section 22 in Act 23 of 1940. **11.** For section 22 of the principal Act, the following section shall be substituted, namely:—

Powers of Inspectors.

"22. (1) Subject to the provisions of section 23 and of any rules made by the Central Government in this behalf, an Inspector may, within the local limits of the area for which he is appointed,—

(a) inspect any premises wherein any drug is being manufactured and in the case of sera, vaccines and any other drug prescribed in this behalf, the plant and process of manufacture and the means employed for standardizing and testing the drug;

(b) take samples of any drug which is being manufactured, or being sold or is stocked or exhibited for sale, or is being distributed;

(c) enter and search at all reasonable times, with such assistants, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Chapter has been or is being committed and order in writing the person in possession of any drug in respect of which the offence has been or is being committed, not to dispose of any stock of such drug for a specified period not exceeding twenty days, or, unless the alleged offence is such that the defect may be removed by the possessor of the drug, seize the stock of such drug;

(d) exercise such other powers as may be necessary for carrying out the purposes of this Chapter or any rules made thereunder.

(2) The provisions of the Code of Criminal Procedure, 1898 § of 1898. shall, so far as may be, apply to any search or seizure under this Chapter as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

(3) If any person wilfully obstructs an Inspector in the exercise of the powers conferred upon him by or under this Chapter, he shall be punishable with imprisonment which may extend to three years, or with fine, or with both."

Amendment of section 27, Act 23 of 1940. **12.** In section 27 of the principal Act, for the words "one year, or with fine which may extend to five hundred rupees", the words "three years, or with fine" shall be substituted.



*Rep. by Act 58/60*

13. In section 28 of the principal Act, in sub-section (1), the words "whether as principal or agent" shall be omitted.

Amendment of section 28, Act 23 of 1940.

14. For section 30 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 30 in Act 23 of 1940.

"30. (1) Whoever, having been convicted of an offence under section 27 is again convicted of an offence under that section, shall be punishable with imprisonment which may extend to five years, or with fine, or with both.

Penalty for subsequent offences.

(2) Whoever, having been convicted of an offence under section 28 or section 29 is again convicted of an offence under the same section shall be punishable with imprisonment which may extend to two years, or with fine, or with both."

15. In section 33 of the principal Act,—

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

Amendment of section 33, Act 23 of 1940.

"(1) The Central Government may after consultation with the Board and after previous publication by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Chapter:

Power of Central Government to make rules.

Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules."

(b) in sub-section (2), in clause (f), for the words "to cure or mitigate", the words "to prevent, cure or mitigate" shall be substituted.

16. For section 34 of the principal Act, the following Chapter shall be substituted, namely:—

Substitution of new Chapter for section 34 in Act 23 of 1940.

#### "CHAPTER V MISCELLANEOUS

34. (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

Offences by companies.

as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

*Explanation.*—For the purposes of this section—

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

(b) 'director' in relation to a firm means a partner in the firm.

Publication of sentences passed under this Act.

35. (1) If any person is convicted of an offence under this Act, it shall be lawful for the court before which the conviction takes place to cause the offender's name, place of residence, the offence of which he has been convicted and the penalty which has been inflicted upon him, to be published at the expense of such person in such newspapers or in such other manner as the court may direct.

(2) The expenses of such publication shall be deemed to form part of the costs relating to the conviction and shall be recoverable in the same manner as those costs are recoverable.

Magistrate's power to impose enhanced penalties.

36. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 it shall be lawful for any presidency magistrate or any magistrate of the first class to pass any sentence authorized by this Act in excess of his powers under section 32 of the said Code.

5 of 1898.

Protection of action taken in good faith.

37. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act."

Amendment of the Schedule, Act 23 of 1940.

17. In the Schedule to the principal Act,—

(a) in the second column, in item 1 under the heading "Standard to be complied with", the words "or the formula disclosed to the Central Drugs Laboratory, as the case may be" shall be omitted;

Rep. Act 58/60

OF 1955]

Drugs (Amendment)

33

(b) after item 3 the following item shall be inserted, namely:—

“3A. Substances (other than food) intended to affect the structure or any function of the human body or intended to be used for the destruction of vermins or insects which cause disease in human beings or animals. Such standards as may be prescribed”.

Repealed by Act 58 of 1960, S. 2 & Sch. I (wef 26-12-60)  
THE DENTISTS (AMENDMENT) ACT, 1955

ACT NO. 12 OF 1955

[15th April, 1955]

An Act further to amend the Dentists Act, 1948.

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

1. This Act may be called the Dentists (Amendment) Act, 1955. Short title.

2. In section 1 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), in sub-section (2), for the words and letter “Part B States”, the words “the State of Jammu and Kashmir” shall be substituted. Amendment of section 1, Act 16 of 1948.

3. In section 2 of the principal Act,—

(i) in clause (f), after the words, figures and brackets “the Indian Medical Council Act, 1933 (XXVII of 1933),”, the words “or specified in any other law for the time being in force in any State,” shall be inserted; Amendment of section 2, Act 16 of 1948.

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

“(m) references to “State” and “States” shall be construed as excluding any reference to the State of Jammu and Kashmir or to the territories for the time being comprised within the said State.” ✓

4. In section 3 of the principal Act,—

(i) for clauses (c), (d) and (e), the following clauses shall be substituted, namely:— Amendment of section 3, Act 16 of 1948.

“(c) not more than four members elected from among themselves, by—

(a) Principals and Vice-Principals of dental colleges in the States training students for recognised dental qualifications included in Part I of the Schedule;

(b) Professors of dental surgery of medical colleges in the States training students for the degree of Bachelor of Dental Surgery:

Provided that not more than one member shall be elected from the same dental college or the same medical college referred to in sub-clause (a) or sub-clause (b);

(d) one member from each University established by law in the States which grants a recognised dental qualification, to be elected by the members of the Senate of the University, or in case the University has no Senate, by the members of the court, from amongst the members of the Dental Faculty of the University or in case the University has no Dental Faculty, from amongst the members of the Medical Faculty thereof;

(e) one member to represent each Part A State and Part B State other than the State of Jammu and Kashmir, nominated by the Government of each such State from among persons registered either in a medical register or a dental register of the State;";

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

“(g) the Director General of Health Services, *ex-officio*.”.

Amendment  
of section 6,  
Act 16 of  
1948.

5. In section 6 of the principal Act, in sub-section (3),—

(i) for the words “if he ceases to hold his appointment as the head of a college”, the following words shall be substituted, namely:—

“if he ceases to hold his appointment as the Principal or Vice-Principal of a dental college, or as a professor of dental surgery of a medical college”;

(ii) for the words “the Medical Faculty”, the words “the Dental or Medical Faculty” shall be substituted.

Amendment  
of section 15,  
Act 16 of  
1948.

6. In section 15 of the principal Act, in sub-section (1), for the words “may appoint”, the words “may, subject to regulations, if any, made by the Council appoint” shall be substituted.

Amendment  
of section 21,  
Act 16 of  
1948.

7. In section 21 of the principal Act,—

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

“(c) the heads of dental colleges, if any, in the State which train students for any of the recognised dental qualifications included in Part I of the Schedule, *ex-officio*.”;

(ii) to clause (e), the following proviso shall be added, namely:—

“Provided that in the State of Saurashtra, the State Dental Council constituted under Saurashtra Ordinance XXV of 1948, as amended by Saurashtra Ordinance XL of 1949, shall be deemed to be the State Council constituted under this Act.”.

8. In section 23 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

Amendment  
of section 23,  
Act 16 of  
1948.

“(c) the heads of dental colleges, if any, in all the participating States which train students for any of the recognised dental qualifications included in Part I of the Schedule, *ex-officio*.”

9. In section 33 of the principal Act,—

Amendment  
of section 33,  
Act 16 of  
1948.

(i) in sub-section (1),—

(a) in clause (b), for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(b) for the last proviso the following proviso shall be substituted, namely:—

“Provided further that for the purpose of the first preparation of the register of dentists under this Act, a person shall be entitled to have his name entered in the appropriate part of the register without payment of any registration fee,—

(a) in the State of Saurashtra, if he is registered on the register of dental practitioners maintained under Saurashtra Ordinance No. XXV of 1948, as amended by Saurashtra Ordinance No. XL of 1949;  
or

(b) in the State of Travancore-Cochin, if he is registered on the register of dental practitioners maintained under the Travancore Medical Practitioners Act, 1119.”;

(ii) in sub-section (2),—

(a) for the words “the date of the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(b) for the words “within a period of five years after that date he passes an examination which satisfies the requirements of the Council”, the words “for a period of five years from the date of his temporary registration he has been engaged in practice as a dentist” shall be substituted.

10. Section 34 of the principal Act shall be renumbered as sub-section (1) of section 34 and—

Amendment  
of section 34,  
Act 16 of  
1948.

(i) in sub-section (1) as so renumbered—

(a) in clause (i),—

(i) for the words "two years before the commencement of this Act", the words, brackets and figures "two years before the date appointed under sub-section (2) of section 32" shall be substituted;

(ii) for the words "five years after the commencement of this Act", the words "ten years after the said date" shall be substituted;

(b) in the second proviso for the words "five years", the words and letter "ten years after the date of his registration in Part B" shall be substituted;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1),—

(a) a State Dental Council may during the period of two years immediately after the commencement of the Dentists (Amendment) Act, 1954, permit for sufficient reasons the registration in the State register of any displaced person who does not hold a recognised dental qualification but has been actually practising the profession of dentistry as his principal means of livelihood from a date prior to the 29th day of March, 1948;

*Explanation.*—In this clause "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of such disturbances in any area now forming part of Pakistan has, after the 1st day of March, 1947, left or been displaced from, his place of residence in such area and who has since then been residing in India;

(b) a person other than a citizen of India, holding a reputable dental qualification and employed for teaching or research in a dental institution situated in any of the States may be permitted, irrespective of any considerations of reciprocity, temporary registration in the State register of dentists for the period of his employment or for a period of five years, whichever is shorter:

Provided that he does not practise the profession of dentistry for personal gain and his application for registration is approved by the President of the Council."

Amendment  
of section 40,  
Act 16 of  
1948.

11. In section 40 of the principal Act, after the word "recognised", the word "dental" shall be inserted.

Amendment  
of section 41,  
Act 16 of  
1948.

12. In section 41 of the principal Act,—

(i) in sub-section (1), in clause (ii), the word 'or' shall be added at the end and after the clause as so amended, the following clause shall be inserted, namely:—

“(iii) that he having been permitted temporary registration under clause (b) of sub-section (2) of section 34 has, on such registration, been found to practise the profession of dentistry for personal gain.”;

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

“(6) A person whose name has been removed from the State register of dentists under this section or under sub-section (2) of section 39 shall not be entitled to have his name registered in the register of dentists in any other State register of dentists except with the approval of the State Council from whose register his name has been removed.”.

13. In section 46 of the principal Act, in sub-section (3),—

Amendment  
of section 46,  
Act 16 of  
1948.

(i) for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(ii) for the words “the State Government”, the words “the Central Government or the State Government” shall be substituted;

(iii) the words “in the State” shall be omitted;

(iv) for the words “at the commencement of this Act”, in the proviso, the words “immediately before the said date” shall be substituted.

14. In section 48 of the principal Act, in clause (c), the word “or” shall be added at the end and after the clause as so amended, the following clause shall be inserted, namely:—

Amendment  
of section 48,  
Act 16 of  
1948.

“(d) not possessing a recognised dental qualification, uses a degree or a diploma or an abbreviation indicating or implying a dental qualification.”.

15. In section 49 of the principal Act, in sub-section (1), for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted.

Amendment  
of section 49,  
Act 16 of  
1948.

16. In section 51 of the principal Act, in the proviso to sub-section (2), for the words “at the date of the commencement of this Act”, the words, brackets and figures “immediately before the date appointed under sub-section (2) of section 32” shall be substituted.

Amendment  
of section 51,  
Act 16 of  
1948.

Amendment  
of the Sched-  
ule, Act  
16 of 1948.

17. In the Schedule to the principal Act,—

(i) for the words, figures and brackets "(See section 10)", the words, figures and brackets "(See sections 10, 21 and 23)" shall be substituted;

(ii) in Part I,—

(a) in entry No. (1) for the figures, letters and words "the 1st day of January, 1940" the figures, letters and words "the 1st day of May, 1941" shall be substituted;

(b) in entry No. (2) for the figures, letters and words "the 31st day of December, 1939" the figures, letters and words "the 30th day of April, 1941" shall be substituted;

(c) after entry No. (5) the following entry shall be inserted, namely:—

"(6) The East Punjab University, if granted during the year 1948.";

(iii) in Part II, for entries Nos. (1) and (2), the following shall be substituted, namely:—

"(1) The Punjab University, Lahore, if granted before the 15th day of August, 1947.

(2) The Punjab State Medical Faculty, Lahore, if granted before the 15th day of August, 1947".

THE FINANCE COMMISSION (MISCELLANEOUS  
PROVISIONS) AMENDMENT ACT, 1955

Repealed by Act 58 of ACT No. 13 of 1955

1960, S. 2 & Sch I (wef. 26-12-60)

[22nd April, 1955]

An Act to amend the Finance Commission (Miscellaneous Provisions) Act, 1951.

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

**Short title.** 1. This Act may be called the Finance Commission (Miscellaneous Provisions) Amendment Act, 1955.

**Amendment of section 8, Act 33 of 1951.** 2. To sub-section (2) of section 8 of the Finance Commission (Miscellaneous Provisions) Act, 1951, the following shall be added at the end, namely:—

"and any person so required shall, notwithstanding anything contained in sub-section (2) of section 54 of the Indian Income-tax Act, 1922, or in any other law for the time being in force, **IX of 1922,** be deemed to be legally bound to furnish such information within the meaning of section 176 of the Indian Penal Code." **45 of 1860.**



## THE APPROPRIATION (NO. 2) ACT, 1955

## ACT NO. 14 OF 1955

[27th April, 1955]

An Act to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56.

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

1. This Act may be called the Appropriation (No. 2) Act, 1955. 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, 1955 (8 of 1955)] to the sums of three thousand seven hundred and eleven crores, seventy-two lakhs and twenty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1955-56 in respect of the services specified in column 2 of the Schedule.

Issue of Rs.  
37,11,72,  
27,000 out  
of the  
Consolidated  
Fund of  
India for the  
year 1955-56.

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 Commerce and Industry . . . . .	82,00,000	..	82,00,000
2	Industries . . . . .	16,50,72,000	..	16,50,72,000
3	Commercial Intelligence and Statistics . . . . .	53,71,000	..	53,71,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
4	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry . . . . .	64,66,000	..	64,66,000
5	Ministry of Communications . . . . .	11,65,000	..	11,65,000
6	Indian Posts and Telegraphs Department (including working expenses) . . . . .	48,85,41,000	2,37,44,000	51,22,85,000
7	Meteorology . . . . .	1,25,71,000	..	1,25,71,000
8	Overseas Communication Service . . . . .	99,79,000	5,67,000	1,05,46,000
9	Aviation . . . . .	2,72,82,000	..	2,72,82,000
10	Miscellaneous Departments and Expenditure under the Ministry of Communications . . . . .	18,64,000	..	18,64,000
11	Ministry of Defence . . . . .	30,74,000	..	30,74,000
12	Defence Services—Effective—Army . . . . .	1,55,88,19,000	..	1,55,88,19,000
13	Defence Services—Effective—Navy . . . . .	12,72,44,000	..	12,72,44,000
14	Defence Services—Effective—Air Force . . . . .	35,48,42,000	..	35,48,42,000
15	Defence Services—Non-effective Charges . . . . .	16,33,95,000	5,000	16,34,00,000
16	Ministry of Education . . . . .	54,50,000	..	54,50,000
17	Archæology . . . . .	55,06,000	..	55,06,000
18	Other Scientific Departments . . . . .	2,77,25,000	..	2,77,25,000
19	Education . . . . .	17,97,17,000	..	17,97,17,000
20	Miscellaneous Departments and Expenditure under the Ministry of Education . . . . .	2,62,28,000	..	2,62,28,000
21	Tribal Areas . . . . .	5,82,67,000	..	5,82,67,000
22	External Affairs . . . . .	6,77,45,000	..	6,77,45,000
23	State of Pondicherry . . . . .	2,07,09,000	1,34,000	2,08,43,000

I No. of Vote	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
24	Miscellaneous Expenditure under the Ministry of External Affairs	2,05,000	..	2,05,000
25	Ministry of Finance	1,85,11,000	..	1,85,11,000
26	Customs	3,81,70,000	5,000	3,81,75,000
27	Union Excise Duties	6,71,95,000	16,66,46,000	23,38,41,000
28	Taxes on Income including Corporation Tax and Estate Duty	3,96,76,000	1,29,000	3,98,05,000
29	Opium	1,72,07,000	..	1,72,07,000
30	Stamps	1,31,91,000	5,93,000	1,37,84,000
31	Payments to other Governments, Departments, etc.	11,06,000	..	11,06,000
32	Audit	7,94,26,000	18,32,000	8,12,58,000
33	Currency	2,34,97,000	7,00,000	2,41,97,000
34	Mint	1,00,24,000	..	1,00,24,000
35	Territorial and Political Pensions	27,33,000	..	27,33,000
36	Superannuation Allowances and Pensions	3,51,02,000	12,08,000	3,63,10,000
37	Miscellaneous Departments and Other Expenditure under the Ministry of Finance	21,03,86,000	..	21,03,86,000
38	Grants-in-aid to States	20,82,06,000	15,07,00,000	35,89,06,000
39	Miscellaneous Adjustments between the Union and State Governments	3,55,000	..	3,55,000
40	Pre-partition payments	1,27,74,000	26,000	1,28,00,000
	<i>Charged.—Interest on Debt and other obligations and reduction or avoidance of debt</i>	..	1,01,32,22,000	1,01,32,22,000
41	Ministry of Food and Agriculture	62,99,000	..	62,99,000
42	Forest	95,93,000	..	95,93,000
43	Agriculture	14,71,85,000	..	14,71,85,000
44	Civil Veterinary Services	78,06,000	..	78,06,000

1	2	3	4	5
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
45	Miscellaneous Departments and other Expenditure under the Ministry of Food and Agri-culture	Rs. 5,73,70,000	Rs. 5,73,70,000	Rs. 5,73,70,000
46	Ministry of Health	7,98,000	7,98,000	7,98,000
47	Medical Services	1,98,22,000	1,98,22,000	1,98,22,000
48	Public Health	6,49,93,000	6,49,93,000	6,49,93,000
49	Miscellaneous Expenditure under the Ministry of Health	88,03,000	88,03,000	88,03,000
50	Ministry of Home Affairs	2,10,56,000	2,10,56,000	2,10,56,000
51	Cabinet	31,30,000	31,30,000	31,30,000
52	Delhi	1,61,28,000	1,61,28,000	1,61,28,000
53	Police	1,77,79,000	1,77,79,000	1,77,79,000
54	Census	20,00,000	20,00,000	20,00,000
55	Prize Purses and Allowances of Indian Rulers	2,70,000	5,42,77,000	5,45,47,000
56	Andaman and Nicobar Islands	2,00,32,000	2,00,32,000	2,00,32,000
57	Kutch	1,35,12,000	1,35,12,000	1,35,12,000
58	Manipur	93,34,000	93,34,000	93,34,000
59	Tripura	1,46,68,000	25,000	1,46,93,000
60	Relations with States	45,68,000	45,68,000	45,68,000
61	Miscellaneous Departments and Expenditure under the Ministry of Home Affairs	1,83,64,000	1,83,64,000	1,83,64,000
62	Ministry of Information and Broadcasting	41,43,000	41,43,000	41,43,000
63	Broadcasting	3,13,35,000	3,13,35,000	3,13,35,000
64	Miscellaneous Departments and Ministry of Information and Broadcasting	1,23,99,000	1,23,99,000	1,23,99,000
65	Ministry of Irrigation and Power	11,43,000	11,43,000	11,43,000
66	Irrigation (including working expenses), Navigation, Em-bankment and Drainage Works met from Revenue	25,000	25,000	25,000
67	Multi-purpose River Schemes	1,04,67,000	1,04,67,000	1,04,67,000
3	Summs not exceeding			

1 No. of Vote	2 Services and purposes	3 Sum not exceeding.		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
68	Miscellaneous Departments and Expenditure under the Ministry of Irrigation and Power	64,71,000	..	64,71,000
69	Ministry of Labour . . .	34,30,000	..	34,30,000
70	Chief Inspector of Mines . . .	10,31,000	..	10,31,000
71	Miscellaneous Departments and Expenditure under the Ministry of Labour . . .	3,40,64,000	..	3,40,64,000
72	Employment Exchanges and Resettlement . . .	1,74,20,000	..	1,74,20,000
73	Civil Defence . . .	1,20,000	..	1,20,000
74	Ministry of Law . . .	1,38,52,000	..	1,38,52,000
75	Administration of Justice . . .	2,25,000	10,13,000	12,38,000
76	Ministry of Natural Resources and Scientific Research . . .	9,55,000	..	9,55,000
77	Survey of India . . .	1,52,44,000	..	1,52,44,000
78	Botanical Survey . . .	12,07,000	..	12,07,000
79	Zoological Survey . . .	5,17,000	..	5,17,000
80	Geological Survey . . .	74,26,000	..	74,26,000
81	Mines . . .	56,32,000	..	56,32,000
82	Scientific Research . . .	5,18,47,000	..	5,18,47,000
83	Miscellaneous Departments and expenditure under the Ministry of Natural Resources and Scientific Research . . .	15,000	..	15,000
84	Department of Parliamentary Affairs . . .	1,72,000	..	1,72,000
85	Ministry of Production . . .	10,54,000	..	10,54,000
86	Salt . . .	1,32,38,000	3,36,000	1,35,74,000
87	Other Organisations under the Ministry of Production . . .	1,11,72,000	..	1,11,72,000
88	Government Collieries . . .	4,24,38,000	22,98,000	4,47,36,000
89	Miscellaneous Departments and Expenditure under the Ministry of Production . . .	98,14,000	..	98,14,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
90	Ministry of Rehabilitation . . . . .	25,65,000	..	25,65,000
91	Expenditure on Displaced persons . . . . .	10,36,78,000	..	10,36,78,000
92	Miscellaneous Expenditure under the Ministry of Rehabilitation . . . . .	10,000	..	10,000
93	Ministry of Transport . . . . .	44,71,000	..	44,71,000
94	Ports and Pilotage . . . . .	68,65,000	..	68,65,000
95	Lighthouses and Lightships . . . . .	81,52,000	..	81,52,000
96	Central Road Fund . . . . .	4,60,48,000	..	4,60,48,000
97	Communications (including National Highways) . . . . .	5,06,52,000	..	5,06,52,000
98	Miscellaneous Expenditure under the Ministry of Transport . . . . .	35,21,000	..	35,21,000
99	Ministry of Works, Housing and Supply . . . . .	41,62,000	..	41,62,000
100	Supplies . . . . .	2,80,05,000	..	2,80,05,000
101	Other Civil Works . . . . .	18,65,69,000	24,33,000	18,90,02,000
102	Stationery and Printing . . . . .	6,72,77,000	..	6,72,77,000
103	Miscellaneous Departments and Expenditure under the Ministry of Works, Housing and Supply . . . . .	70,92,000	..	70,92,000
104	Parliament . . . . .	1,16,13,000	1,40,000	1,17,53,000
105	Miscellaneous Expenditure under the Parliament Secretariat . . . . .	30,000	..	30,000
	<i>Charged—Staff, Household and Allowances of the President . . . . .</i>	..	16,64,000	16,64,000
106	Secretariat of the Vice- President . . . . .	73,000	..	73,000
	<i>Charged—Union Public Service Commission . . . . .</i>	..	27,09,000	27,09,000
107	Capital Outlay of the Ministry of Commerce and Industry . . . . .	16,47,10,000	..	16,47,10,000
108	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue) . . . . .	..	..	26,02,78,000

I No. of Vote	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
109	Capital Outlay on Civil Aviation . . . . .	5,35,10,000	..	5,35,10,000
110	Other Capital Outlay of the Ministry of Communications . . . . .	6,12,68,000	..	6,12,68,000
111	Defence Capital Outlay . . . . .	24,64,00,000	..	24,64,00,000
112	Capital Outlay of the Ministry of Education . . . . .	33,37,000	..	33,37,000
113	Capital Outlay of the Ministry of External Affairs . . . . .	25,00,000	..	25,00,000
114	Capital Outlay on the India Security Press . . . . .	3,50,000	..	3,50,000
115	Capital Outlay on Currency . . . . .	7,84,80,000	..	7,84,80,000
116	Capital Outlay on Mints . . . . .	50,30,000	..	50,30,000
117	Commuted value of pensions . . . . .	74,26,000	..	74,26,000
118	Payments to Retrenched Personnel . . . . .	46,000	..	46,000
119	Other Capital Outlay of the Ministry of Finance . . . . .	43,53,05,000	..	43,53,05,000
120	Loans and Advances by the Central Government . . . . .	65,04,15,000	2,90,18,93,000	3,55,23,08,000
	<i>Charged.—Repayment of Debt . . . . .</i>	..	22,67,30,33,000	22,67,30,33,000
121	Capital Outlay on Forests . . . . .	43,97,000	..	43,97,000
122	Purchases of foodgrains . . . . .	90,24,00,000	..	90,24,00,000
123	Other Capital Outlay of the Ministry of Food and Agriculture . . . . .	75,58,76,000	11,55,000	75,70,31,000
124	Capital Outlay of the Ministry of Health . . . . .	10,01,01,000	..	10,01,01,000
125	Capital Outlay of the Ministry of Home Affairs . . . . .	2,79,74,000	..	2,79,74,000
126	Capital Outlay on Broadcasting . . . . .	3,99,73,000	..	3,99,73,000
127	Capital Outlay on Multipurpose River Scheme . . . . .	4,31,64,000	..	4,31,64,000
128	Other Capital Outlay of the Ministry of Irrigation and Power . . . . .	1,40,000	..	1,40,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
129	Capital Outlay of the Ministry of Labour	51,35,000	..	51,35,000
130	Capital Outlay of the Ministry of Natural Resources and Scientific Research	3,29,40,000	..	3,29,40,000
311	Capital Outlay of the Ministry of Production	9,73,65,000	..	9,73,65,000
132	Capital Outlay of the Ministry of Rehabilitation	31,05,00,000	..	31,05,00,000
133	Capital Outlay on Ports	4,77,86,000	..	4,77,86,000
134	Capital Outlay on Roads	16,30,00,000	..	16,30,00,000
135	Other Capital Outlay of the Ministry of Transport	1,38,60,000	..	1,38,60,000
136	New Delhi Capital Outlay	6,85,44,000	59,000	6,86,03,000
137	Capital Outlay on buildings	8,96,02,000	..	8,96,02,000
138	Other Capital Outlay of the Ministry of Works, Housing and Supply	5,07,24,000	..	5,07,24,000
	<b>GRAND TOTAL</b>	<b>10,11,66,81,000</b>	<b>27,00,05,46,000</b>	<b>37,11,72,27,000</b>

## THE FINANCE ACT, 1955

### ACT No. 15 OF 1955

#### ARRANGEMENT OF SECTIONS

##### SECTIONS.

1. Short title.
2. Income-tax and Super-tax.
3. Amendment of section 2, Act 11 of 1922.
4. Amendment of section 4, Act 11 of 1922.
5. Substitution of new section for section 7 in Act 11 of 1922.
6. Amendment of section 8, Act 11 of 1922.



## SECTIONS

7. Amendment of section 9, Act 11 of 1922.
8. Amendment of section 10, Act 11 of 1922.
9. Amendment of section 12, Act 11 of 1922.
10. Amendment of section 14, Act 11 of 1922.
11. Amendment of section 15, Act 11 of 1922.
12. Amendment of section 15C, Act 11 of 1922.
13. Amendment of section 16, Act 11 of 1922.
14. Amendment of section 18A, Act 11 of 1922.
15. Substitution of new section for section 23A in Act 11 of 1922.
16. Amendment of section 24, Act 11 of 1922.
17. Amendment of section 56A, Act 11 of 1922.
18. Amendment of section 60A, Act 11 of 1922.
19. Amendment of Schedule, Act 11 of 1922.
20. Commencement of amendments to Act 11 of 1922.
21. Amendment of Act 32 of 1934.
22. Additional duties of Customs.
23. Amendment of Act 1 of 1949.
24. Substitution of new section for section 4 in Act 1 of 1944.
25. Amendment of First Schedule, Act 1 of 1944.
26. Certain duties of excise to apply to excisable goods lying in factories on commencement of Act.
27. Additional duties of excise.
28. Amendment of Act 12 of 1953.
29. Discontinuance of salt duty.
30. Excise and customs duties collected before commencement of Act not to be refunded.

## SCHEDULES.

The First Schedule.

The Second Schedule.

The Third Schedule.

The Fourth Schedule.

## THE FINANCE ACT, 1955

## ACT NO. 15 OF 1955

[27th April, 1955]

An Act to give effect to the financial proposals of the Central Government for the financial year 1955-56.

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

Short title.

1. This Act may be called the Finance Act, 1955.

Income-tax  
and Super-  
tax.

2. (1) Subject to the provisions of sub-sections (2), (3), (4) and (5), for the year beginning on the 1st day of April, 1955,—

(a) income-tax shall be charged at the rates specified in Part I of the First Schedule, increased in each case by a surcharge for purposes of the Union at the rate specified therein in respect of each such rate of income-tax, and

(b) rates of super-tax shall, for the purposes of section 55 of the Indian Income-tax Act, 1922 (hereinafter referred to as the Income-tax Act), be those specified in Part II of the First Schedule, increased in the cases to which Paragraphs A, B and C of that Part apply, by a surcharge for purposes of the Union at the rate specified therein in respect of each such rate of super-tax. II of 1922.

(2) In making any assessment for the year ending on the 31st day of March, 1956, there shall be deducted from the total income of an assessee,—

(i) in respect of the earned income, if any, chargeable under the head "salaries" which is included in his total income, an amount equal to one-fifth of such earned income, plus

(ii) in respect of the earned income, if any, other than the income chargeable under the head "salaries" which is included in his total income,—

(a) where such earned income does not exceed twenty-five thousand rupees, an amount equal to one-fifth of such earned income;

(b) where such earned income exceeds twenty-five thousand rupees, the amount, if any, arrived at after deducting from four thousand rupees, one-fifth of such excess:

Provided that the aggregate amount to be deducted under this sub-section shall not in any case exceed four thousand rupees.

(3) In making any assessment for the year ending on the 31st day of March, 1956,—

(a) where the total income of an assessee, not being a company, includes any income chargeable under the head "salaries" as reduced by the deduction for earned income appropriate thereto, or any income chargeable under the head "Interest on securities", or any income from dividends in respect of which by virtue of section 49B of the Income-tax Act he is deemed himself to have paid the income-tax imposed under that Act, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Finance Act, 1954, 17 of 1954. on his total income the same proportion as the amount of such inclusion bears to his total income;

(b) where the total income of an assessee, not being a company, includes any income chargeable under the head "salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Income-tax Act, the super-tax payable by the assessee on that portion of his total income which consists of such inclusion shall be an amount bearing to the total amount of super-tax payable according to the rates applicable under the operation of the Finance Act, 1954, on his total income the same proportion as the amount of such inclusion bears to his total income. 17 of 1954.

(4) In making any assessment for the year ending on the 31st day of March, 1956,—

(a) where the total income of a company includes any profits and gains from life insurance business, the super-tax otherwise payable by the company on the whole of such total income shall be reduced by an amount which bears to that super-tax the same proportion as the amount of such inclusion bears to its total income or by an amount computed at the rate of—

(i) two annas in the rupee in the case of a mutual insurance company as defined in section 95 of the Insurance Act, 1938, and

(ii) one-and-a-half annas in the rupee in the case of any other company,

on the amount of such inclusion, whichever is less;

(b) where the total income of an assessee, not being a company, includes any profits and gains from life insurance business, the income-tax and super-tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of such taxes payable on his total income according to the rates applicable under the operation of the Indian Finance Act, 1942, increased in respect of each such rate by one-twentieth thereof, the same proportion as the amount of such inclusion bears to his total income, so however that the aggregate of the taxes so computed in respect of such inclusion shall not in any case exceed the amount of tax payable on such inclusion at the rate of five annas in the rupee.

(5) In cases to which section 17 of the Income-tax Act applies, the tax chargeable shall be determined as provided in that section, but with reference to the rates imposed by sub-section (1), and in accordance, where applicable, with the provisions of sub-sections (2), (3) and (4) of this section.

(6) For the purposes of making any deduction of income-tax in the year beginning on the 1st day of April, 1955, under sub-section (2) or sub-section (2B) of section 18 of the Income-tax Act, from any earned income chargeable under the head "salaries", the estimated total income of the assessee under that head shall, in computing the income-tax to be deducted, be reduced—

(i) where such earned income does not exceed twenty-five thousand rupees, by an amount equal to one-fifth of such earned income but not exceeding in any case four thousand rupees;

(ii) where such earned income exceeds twenty-five thousand rupees, by the amount, if any, arrived at after deducting from four thousand rupees one-fifth of such excess;

but no abatement shall be allowed by the person responsible for paying the salary in respect of any donations made by the assessee to which section 15B of the Income-tax Act is or may be applicable.

(7) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Income-tax Act, and the expression "earned income" has the meaning assigned to it in clause (6AA) of section 2 of that Act.

Amendment  
of section 2,  
Act II of  
1922.

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

(1) after clause (5A), the following clause shall be inserted, namely:—

“(5B) ‘co-operative society’ means a co-operative society registered under the Co-operative Societies Act, 1912, <sup>2 of 1912.</sup> or under any other law for the time being in force in any State for the registration of co-operative societies.”;

(2) in clause (6A),—

(i) in sub-clause (b), for the words “or debenture-stock”, the words “debenture-stock or deposit certificates in any form, whether with or without interest,” shall be substituted;

(ii) in sub-clause (c), the proviso and the word “and” at the end thereof shall be omitted;

(iii) for the two provisos occurring after sub-clause (d), the following shall be substituted, namely:—

“(e) any payment by a company, not being a company in which the public are substantially interested within the meaning of section 23A, of any sum (whether as representing a part of the assets of the company or otherwise) by way of advance or loan to a shareholder or any payment by any such company on behalf or for the individual benefit of a shareholder, to the extent to which the company in either case possesses accumulated profits;

but ‘dividend’ does not include—

(i) a distribution made in accordance with sub-clause (c) or sub-clause (d) in respect of any share issued for full cash consideration where the holder of the share is not entitled in the event of liquidation to participate in the surplus assets;

(ii) any advance or loan made to a shareholder by a company in the ordinary course of its business where the lending of money is a substantial part of the business of the company;

(iii) any dividend paid by a company which is set off by the company against the whole or any part of any sum previously paid by it and treated as a dividend within the meaning of sub-clause (e), to the extent to which it is so set off.

*Explanation.*—The expression “accumulated profits”, wherever it occurs in this clause, shall not include capital gains arising before the 1st day of April, 1946, or after the 31st day of March, 1948.”;

(3) for clause (6C), the following clause shall be substituted, namely:—

“(6C) ‘income’ includes—

(i) dividend;

(ii) the value of any perquisite or profit in lieu of salary taxable under section 7;

(iii) the value of any benefit or perquisite, whether convertible into money or not, obtained from a company either by a director or by any other person who has a substantial interest in the company (that is to say, who is concerned in the management of the business of the company, being the beneficial owner of shares, not being shares entitled to a fixed rate of dividend whether with or without a right to participate in profits, carrying not less than twenty per cent. of the voting power), and any sum paid by any such company in respect of any obligation which but for such payment would have been payable by the director or other person aforesaid;

(iv) any sum deemed to be profits under the second proviso to clause (vii) of sub-section (2) of section 10, and any sum deemed to be profits and gains under sub-section (2A) of that section or under sub-section (5) of section 12;

(v) any sum deemed to be profits and gains of business, profession or vocation under sub-section (5A) of section 10;

(vi) any capital gain chargeable under section 12B;

(vii) the profits and gains of any business of insurance carried on by a mutual insurance association or by a co-operative society computed in accordance with rule 9 in the Schedule;"

(4) after clause (8), the following clause shall be inserted, namely:—

"(8A) 'manager' and 'managing agent' have the meanings respectively assigned to them in the Indian Companies Act, 1913."

7 of 1913.

4. In section 4 of the Income-tax Act,—

(a) in the fifth proviso to sub-section (1), for clauses (i), (ii) and (iii), the following clauses shall be substituted, namely:—

Amendment  
of section 4,  
Act II of  
1922.

"(i) such income, profits and gains are brought into or received in the taxable territories after the 2nd day of September, 1951, and the amount of income-tax, interest or penalty or other sum, if any, due from such person under this Act on the date of receipt of such income, profits and gains in the taxable territories is paid within three months of the receipt thereof in the taxable territories; and

(ii) in any case where such income, profits and gains are brought into or received in the taxable territories after the 2nd day of September, 1951, and before the 30th day of September, 1954, half of the amount of such income, profits and gains is invested within three months of the receipt thereof in the taxable territories in securities of the Central Government or of a State Government purchased through the Reserve Bank of India and kept with the said Bank for custody for a minimum period of two years.";

(b) in sub-section (3),—

(1) for paragraph (a) of the proviso to clause (i), the following shall be substituted, namely:—

“(a) if it is applied to religious or charitable purposes without the taxable territories, but in the following cases, namely:—

(i) where the property is held under trust or other legal obligation created before the commencement of the Indian Income-tax (Amendment) Act, 1953 and the income therefrom is applied to such purposes without the taxable territories; and

(ii) where the property is held under trust or other legal obligation created after such commencement, and the income therefrom is applied without the taxable territories to charitable purposes which tend to promote international welfare in which India is interested,

the Central Board of Revenue may, by general or special order, direct that it shall not be included in the total income;”;

(2) for clause (vi), the following clauses shall be substituted, namely:—

“(vi) Any special allowance or benefit, not being in the nature of an entertainment allowance or other perquisite within the meaning of sub-section (1) of section 7, specifically granted to meet expenses wholly and necessarily incurred in the performance of the duties of an office or employment of profit, to the extent to which such expenses are actually incurred for that purpose.

(via) Subject to such conditions as the Central Government may prescribe, passage moneys or the value of any free or concessional passage received by or due to any person, not being a citizen of India, from his employer for himself, his wife and children, in connection with his proceeding on home leave out of India;”;

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

“(xiva) Any income chargeable under the head ‘salaries’ received by or due to any person, not being a citizen of India, during the financial year in which he arrived in India and the financial year next following as remuneration for services rendered by him as a technician in any business carried on in India in any case where such person was not resident therein in any of the four financial years immediately preceding the financial year in which he arrived in India:

Provided that where, during the financial year of arrival and the year next following, such person has been in India for a period of, or for periods amounting in all to, three hundred and sixty-five days or more, only so much of the income aforesaid as is received by or due to him during the financial year in which he arrived in India shall not be included in his total income:

Provided further that in the case of a person referred to in this clause, whose contract of service was approved by Government before the commencement of his service, this clause shall have effect as if for the words "and the financial year next following", the words "and the two financial years next following" had been substituted as if the proviso immediately preceding had been omitted.";

(4) for clause (xvii), the following clauses shall be substituted, namely:—

"(xvii) Interest on the 3½ per cent. 10 year Treasury Savings Deposit Certificates or the monthly payments on the 15 Year Annuity Certificates issued by or under the authority of the Central Government for an amount not exceeding the maximum amount which is permitted to be invested therein.

(xviii) Interest on deposits in Post Office Savings Bank, Post Office Cash Certificates, Post Office National Savings Certificates and Post Office 10 Year National Plan Certificates for amounts not exceeding in each case the maximum amount which is permitted to be deposited or invested therein.";

(5) after clause (xx), the following clauses shall be inserted, namely:—

"(xxi) Any income of a member of a Scheduled Tribe, as defined in clause (25) of article 366 of the Constitution, residing in any area specified in Part A or Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution, provided that such member is not in the service of Government.

(xxii) Any payment made, whether in cash or in kind, by the Central Government or any State Government in pursuance of gallantry awards instituted or approved by the Central Government.".

5. For section 7 of the Income-tax Act, the following section shall be substituted, namely:—

"7. (1) The tax shall be payable by an assessee under the head 'salaries' in respect of any salary or wages, any annuity, pension or gratuity, and any fees, commissions, perquisites or profits in lieu of, or in addition to, any salary or wages, which are allowed to him by or are due to him, whether paid or not, from, or are paid by or on behalf of, the Government, a local authority, a company or any other public body or association, or any private employer; and for the purposes of this sub-section advances by way of loan or otherwise of income chargeable under this head shall be deemed to be salary due on the date when the advance is received:

Provided that the tax shall not be payable in respect of any sum deducted from the salary payable by or on behalf of the Government to any individual, being a sum deducted in accordance with the conditions of his service, for the purpose of

Substitution  
of new section  
for section 7 in Act  
II of 1922,  
Salaries.

securing to him a deferred annuity or making provision for his wife or children provided that the sum so deducted shall not exceed one-sixth of the salary:

Provided further that where tax is deductible at the source under section 18, the assessee shall not be called upon to pay the tax himself unless he has received the salary without such deduction.

*Explanation 1.*—For the purposes of this section, ‘perquisite’ includes—

(i) the value of rent-free accommodation or the value of any concession in the matter of rent respecting any accommodation provided to the assessee by his employer;

(ii) the value of any benefit or amenity granted or provided by a company free of cost or at concessional rate to an employee who is a director thereof or who is substantially interested in the company within the meaning of sub-clause (iii) of clause (6C) of section 2;

(iii) the value of any benefit or amenity granted or provided to an assessee [not being an assessee to whom the provisions of clause (ii) apply] by his employer free of cost or at concessional rate in any case where the income of the assessee under the head “salaries” exclusive of the value of all benefits or amenities not provided for by way of monetary payment exceeds eighteen thousand rupees;

(iv) any sum paid by the employer in respect of any obligation which but for such payment would have been payable by the assessee; and

(v) any sum payable by the employer, whether directly or through a fund to which the provisions of Chapters IXA and IXB do not apply, to effect an assurance on the life of the assessee or in respect of a contract for an annuity on the life of the assessee.

*Explanation 2.*—For the purposes of this section, “profits in lieu of salary” includes,—

(i) the amount of any compensation due to or received by an assessee from his employer or former employer at or in connection with, the termination of his employment, whether solely as compensation for loss of employment or for any other consideration;

(ii) any payment due to or received by an assessee from an employer or former employer or from a provident or other fund, to the extent to which it does not consist of contributions by the assessee or interest on such contributions:

Provided that nothing herein contained shall render liable to income-tax any payment of death *cum* retirement gratuity received after the 16th day of April, 1950, under the Revised Pension Rules of the Central Government or under any similar scheme of a State Government or any payment from a provident fund to which the Provident Funds Act, 1925, applies, or any payment from a recognised provident fund within the meaning of Chapter IXA if such payment is exempted from payment of



income-tax under the provisions of Chapter IXA, or any payment from an approved superannuation fund within the meaning of Chapter IXB made on the death of a beneficiary or in lieu of or in commutation of an annuity, or by way of refund of contributions on the death of a beneficiary or on his leaving the employment in connection with which the fund is established,

(2) The income chargeable under this section shall be computed after making the following deductions, namely:—

(i) any amount not exceeding five hundred rupees, expended by the assessee on the purchase of books and other publications necessary for the purpose of his duties;

(ii) in respect of any allowance in the nature of an entertainment allowance specifically granted to the assessee by his employer, a sum equal to one-fifth of his remuneration (exclusive of any special allowance, benefit or other perquisites) or seven thousand five hundred rupees, whichever is less, except in any case where the assessee was not in receipt of such entertainment allowance regularly from his present employer before the year beginning on the 1st day of April, 1955;

(iii) any amount actually expended by the assessee, which he, by the conditions of his service, is required to spend out of his remuneration [exclusive of the allowance referred to in sub-clause (ii)], wholly, necessarily and exclusively in the performance of his duties.”

6. In the first proviso to section 8 of the Income-tax Act, for the words “in respect of any sum deducted from such interest by way of commission by a banker realizing such interest on behalf of the assessee”, the words “in respect of any reasonable sum deducted by a banker from such interest by way of commission or paid to any other person by way of remuneration for realizing such interest on behalf of the assessee” shall be substituted. Amendment  
of section 8,  
Act II of  
1922.

7. In section 9 of the Income-tax Act,—

(1) for the first proviso to sub-section (2), the following proviso shall be substituted, namely:— Amendment  
of section 9,  
Act II of  
1922.

“Provided that, where the property is in the occupation of the owner for the purposes of his own residence, the annual value thereof shall first be determined in the same manner as if the property had been let to a tenant and the amount so determined shall be reduced by one-half of it or eighteen hundred rupees, whichever is less, so however that where the sum so reduced exceeds ten per cent. of the total income of the owner, the annual value of the property shall be deemed to be ten per cent. of such total income;”;

(2) in clause (a) of the third proviso to sub-section (2), the words “or one-eighth of the annual value of the property, whichever is less,” shall be omitted;

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

“(4) For the purposes of this section—

(a) the holder of an impartible estate shall be deemed to be the individual owner of all the properties comprised in the estate;

(b) a member of a co-operative society to whom a building built by the society is allotted or leased under a house-building scheme of the society shall be deemed to be the owner of that building.”

Amendment  
of section 10,  
Act 11 of  
1922.

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

(1) in sub-section (2),—

(i) in clause (vi),—

(a) for the words “or the machinery or plant being new has been installed,” the words “or the machinery or plant being new, not being machinery or plant entitled to the development rebate under clause (vib), has been installed,” shall be substituted;

(b) in paragraph (c) of the proviso, for the words “the aggregate of all such allowances made under this Act or any Act repealed hereby”, the words “the aggregate of all allowances in respect of depreciation made under this clause and clause (via) or under any Act repealed hereby,” shall be substituted;

(ii) the proviso to clause (via) shall be omitted;

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

“(vib) in respect of machinery or plant being new, which has been installed after the 31st day of March, 1954, and which is wholly used for the purposes of the business carried on by the assessee, a sum by way of development rebate in respect of the year of installation equivalent to twenty-five per cent. of the actual cost of such machinery or plant to the assessee:

Provided that no allowance under this clause shall be made unless the particulars prescribed for the purpose of clause (vi) have been furnished by the assessee in respect of such machinery or plant.”;

(iv) for clause (xiii), the following clause shall be substituted, namely:—

“(xiii) any sum paid to a scientific research association having as its objects the undertaking of scientific research related to the class of business carried on, and any sum paid to a university, college or other institution to be used for scientific research, research in social science or statistical research related to the class of business carried on:

Provided that such association, university, college or institution is for the time being approved for the purposes of this clause by the prescribed authority.”;

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

"(2A) Where, for the purpose of computing profits or gains under this section, an allowance or deduction has been made in the assessment for any year in respect of any loss, expenditure or trading liability incurred by the assessee and, subsequently during any previous year, the assessee has received, whether in cash or in any other manner whatsoever, any amount in respect of such loss or expenditure or has obtained some benefit in respect of such trading liability by way of remission or cessation thereof, the amount received by him or the value of the benefit accruing to him shall be deemed to be profits and gains of business, profession or vocation and to have accrued or arisen during that previous year.";

(3) in sub-section (5), after the proviso to clause (a), the following further proviso shall be inserted, namely:—

"Provided further that where before the date of acquisition by the assessee, the assets, which belonged to the assessee and had been used by him for the purposes of his business, profession or vocation, had ceased to be his property by reason of transfer or otherwise, the actual cost to the assessee shall be the actual cost to him when he first acquired the assets less all depreciation actually allowed to him under this Act or under any Act repealed hereby or under executive orders issued when the Indian Income-tax Act, 1886, was in force.";

2 of 1886.

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

"(5A) Any compensation or other payment due to or received by,—

(a) a managing agent of an Indian Company at or in connection with the termination or modification of his managing agency agreement with the company;

(b) a manager of an Indian Company at or in connection with the termination of his office or modification of the terms and conditions relating thereto;

(c) any person, by whatever name called, managing the whole or substantially the whole affairs of any other company in the taxable territories, at or in connection with the termination of his office or the modification of the terms and conditions relating thereto;

(d) any person, by whatever name called, holding an agency in the taxable territories for any part of the activities relating to the business of any other person, at or in connection with the termination of his agency or the modification of the terms and conditions relating thereto,

shall be deemed to be profits and gains of a business carried on by the managing agent, manager or other person, as the case may be, and shall be liable to tax accordingly; and the tax on such compensation or other payment shall, if the assessee so elects, be computed at the average of the rates of income-tax and super-tax applicable to his total income for

the three years immediately preceding the previous year in which the compensation or other payment was due or received.”.

Amendment  
of section  
12, Act II  
of 1922.

9. In section 12 of the Income-tax Act,—

(1) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) Income from other sources shall include dividends.

(1B) Any payment by a company to a shareholder by way of advance or loan which would have been treated as a dividend within the meaning of clause (e) of sub-section (6A) of section 2 in any previous year relevant to any assessment year prior to the assessment year ending on the 31st day of March, 1956 had that clause been in force in that year, shall be treated as a dividend received by him in the previous year relevant to the assessment year ending on the 31st day of March, 1956, if such loan or advance remained outstanding on the first day of such previous year.”;

(2) in sub-section (2), after the words “for the purpose of making or earning such income, profits or gains”, the words “and further in the case of any income by way of dividend, for any reasonable sum paid by way of commission or remuneration to a banker or any other person realising such dividend on behalf of the assessee” shall be inserted;

(3) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The provisions of sub-section (2A) of section 10 shall apply, so far as may be, in computing income, profits and gains of an assessee under this section as they apply in computing profits or gains of an assessee under that section.”.

Amendment  
of section  
14, Act II  
of 1922.

10. In section 14 of the Income-tax Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) The tax shall not be payable by a co-operative society, including a co-operative society carrying on the business of banking—

(i) in respect of profits and gains of business carried on by it;

(ii) in respect of interest and dividends derived from its investments with any other co-operative society;

(iii) in respect of any income derived from the letting of godowns or warehouses for storage, processing or facilitating the marketing of commodities;

(iv) in respect of any interest on securities chargeable under section 8 or any income from property chargeable under section 9, where the total income of such society does not exceed twenty thousand rupees and the society is not a housing society or an urban consumers' society or a society carrying on transport business:

Provided that nothing contained in this sub-section shall apply to—

(i) the Sanikatta Saltowners' Society in the State of Bombay;

(ii) a co-operative society carrying on insurance business in respect of the profits and gains of that business computed in accordance with rule 9 in the Schedule.

*Explanation.*—For the purposes of this sub-section, an “urban consumers' co-operative society” means a society for the benefit of consumers within the limits of a municipal corporation, municipality, municipal committee, notified area committee, town area or cantonment.

(4) The tax shall not be payable by an assessee, who is a member of a co-operative society, in respect of any dividends received by him from the society.

(5) The tax shall not be payable by an assessee, which is an authority constituted under any law for the time being in force for the marketing of commodities, in respect of any income derived from the letting of godowns or warehouses for storage, processing or facilitating the marketing of commodities.”

11. In sub-section (3) of section 15 of the Income-tax Act, for the words “exceed in the case of an individual, one-sixth of the total income of the assessee or six thousand rupees, whichever is less, and in the case of a Hindu undivided family, one-sixth of the total income of the assessee, or twelve thousand rupees, whichever is less”, the following shall be substituted, namely:—

Amendment  
of section  
15, Act II  
of 1922.

“exceed in the case of an individual, one-fifth of the total income of the assessee or eight thousand rupees, whichever is less, and in the case of a Hindu undivided family, one-fifth of the total income of the assessee or sixteen thousand rupees, whichever is less.”

12. In sub-section (5) of section 15C of the Income-tax Act, the words “and for the purposes of that section, the expression ‘assessable income’ shall be deemed to include the profits or gains in respect of which the tax is not payable under this section” shall be omitted.

Amendment  
of section  
15C, Act XI  
of 1922.

13. In sub-section (1) of section 16 of the Income-tax Act, in clause (a), for the words, figures and brackets “any sums exempted under the second proviso to sub-section (1) of section 7, the second and third provisos to section 8, sub-section (2) of section 14”, the words, figures and brackets “any sums exempted under the first proviso to sub-section (1) of section 7, the second and third provisos to section 8, sub-sections (2), (3), (4) and (5) of section 14” shall be substituted.

Amendment  
of section  
16, Act II  
of 1922.

14. In sub-section (5) of section 18A of the Income-tax Act, for the words “The Central Government shall pay on any amount paid under this section simple interest at two per cent. per annum from the date of payment”, the following shall be substituted, namely:—

Amendment  
of section  
18A, Act  
II of 1922.

“The Central Government shall pay simple interest—

(i) at two per cent. per annum on any amount payable in accordance with the provisions of this section before the 1st day of April, 1955, and paid accordingly;

(ii) at four per cent. per annum on any amount payable in accordance with the provisions of this section after the 1st day of April, 1955, and paid accordingly;  
from the date of payment.”

Substitution of new section for section 23A in Act II of 1922.

Power to assess companies to super-tax on undistributed income in certain cases

15. For section 23A of the Income-tax Act, the following section shall be substituted, namely:—

“23A. (1) Subject to the provisions of sub-sections (3) and (4), where the Income-tax Officer is satisfied that in respect of any previous year the profits and gains distributed as dividends by any company within the twelve months immediately following the expiry of that previous year are less than sixty per cent. of the total income of the company of that previous year as reduced by—

(a) the amount of income-tax and super-tax payable by the company in respect of its total income, but excluding the amount of any super-tax payable under this section;

(b) the amount of any other tax levied under any law for the time being in force on the company by the Government or by a local authority in excess of the amount, if any, which has been allowed in computing the total income; and

(c) in the case of a banking company, the amount actually transferred to a reserve fund under section 17 of the Banking Companies Act, 1949;

10 of 1949.

the Income-tax Officer shall, unless he is satisfied that having regard to losses incurred by the company in earlier years or to the smallness of the profits made in the previous year, the payment of a dividend or a larger dividend than that declared would be unreasonable, make an order in writing that the company shall, apart from the sum determined as payable by it on the basis of the assessment under section 23, be liable to pay super-tax at the rate of four annas in the rupee on the undistributed balance of the total income of the previous year, that is to say, on the total income reduced by the amounts, if any, referred to in clause (a), clause (b) or clause (c) and the dividends actually distributed, if any:

Provided that—

(a) in the case of a company whose business consists wholly or mainly in the dealing in or holding of investments; and

(b) in the case of any other company where the reserves (including the amounts capitalised from the earlier reserves) representing accumulations of past profits which have not been the subject of an order under this sub-section, exceed either the aggregate of—

(i) the paid-up capital of the company exclusive of the capital, if any, created out of its profits and gains which have not been the subject of an order under this sub-section, and

(ii) any loan capital which is the property of the shareholders,

or the actual cost of the fixed assets of the company, whichever of these is greater,

this section shall apply as if for the words "sixty per cent. of the total income," wherever they occur, the words "the whole of the total income" had been substituted.

(2) No order under sub-section (1) shall be made—

(i) in the case of a company referred to in clause (a) of the proviso to that sub-section, which has distributed not less than ninety per cent. of its total income as reduced by the amounts, if any, referred to in clause (a), clause (b) or clause (c) of that sub-section, or

(ii) in the case of any other company which has distributed not less than fifty-five per cent. of its total income as reduced by the amounts, if any, aforesaid, or

(iii) in any case where according to the return made by a company under section 22, it has distributed not less than sixty per cent. of its total income as reduced by the amounts, if any, aforesaid, but in the assessment made by the Income-tax Officer under section 23 a higher total income is arrived at, and the difference in the total income does not arise out of the application of the proviso to section 13 or sub-section (4) of section 23 or the omission by the company to disclose its total income fully and truly,

unless the company, on receipt of a notice from the Income-tax Officer that he proposes to make such an order, fails to make within three months of the receipt of such notice a further distribution of its profits and gains so that the total distribution made is not less than sixty per cent. of the total income of the company of the relevant previous year as reduced by the amounts, if any, aforesaid.

(3) Where on an application presented to him in this behalf by a company within the period of twelve months referred to in sub-section (1) or within the period of three months referred to in sub-section (2), the Commissioner of Income-tax is satisfied, having regard to the current requirements of the company's business or such other requirements as may be necessary or advisable for the maintenance and development of that business, the declaration or payment of a dividend or a larger dividend than that proposed to be declared or paid would be unreasonable, he may reduce the amount of the minimum distribution required of that company under sub-section (1) to such figure as he may consider fit and further determine the period within which such distribution should be made.

(4) If any company, being an Indian company engaged in the manufacture or processing of goods or in mining or in the generation or distribution of electricity or any other form of power, is dissatisfied with the decision of the Commissioner of Income-tax under sub-section (3), it may, by application in the prescribed form made within thirty days of the date on which such decision is communicated to it and accompanied by a fee of one hundred rupees, require the Commissioner of Income-tax to refer the matter to a Board of Referees consisting of two officers of the Central Government not below the rank of Joint Secretary, appointed in this behalf by the Central Government, and the Board of Referees may, after giving the company an opportunity of being heard, confirm, cancel or vary the order of the Commissioner of Income-tax.

(5) The decision of the Commissioner of Income-tax under sub-section (3) or of the Board of Referees under sub-section (4), as the case may be, shall be final as respects matters concluded by it and no appeal shall lie to the Appellate Assistant Commissioner of Income-tax or to the Appellate Tribunal and no reference shall lie to the High Court in respect of such decision.

(6) Where, in respect of any one or more of the three previous years immediately preceding the previous year, the profits and gains distributed as dividends by a company are in excess of sixty per cent. of its total income of the relevant previous year as reduced by the amounts, if any, referred to in clause (a), clause (b) or clause (c) of sub-section (1), but in respect of the previous year the profits and gains distributed as dividends by it are less than sixty per cent. of its total income similarly reduced, so much of the said excess, if any, as has not been adjusted under this sub-section in a preceding year, shall be taken into account in determining whether an order under sub-section (1) should be made in respect of the previous year.

(7) The provisions of sub-section (6) shall apply to the profits and gains of a previous year not earlier than the previous year relevant to the assessment year ending on the 31st day of March, 1957, but in the application of that sub-section to the profits and gains of the previous year relevant to the assessment year ending on the 31st day of March, 1957, that sub-section shall be construed as if for the word "three" the word "one" had been substituted, and in its application to the profits and gains of the previous year relevant to the assessment year ending on the 31st day of March, 1958, as if for the word "three", the word "two" had been substituted.

(8) Except in cases where a decision is given by the Commissioner of Income-tax under sub-section (3) or the Board of Referees under sub-section (4), no order shall be made by the Income-tax Officer under sub-section (1) unless the previous approval of the Inspecting Assistant Commissioner of Income-tax has been obtained, and the Inspecting Assistant Commissioner shall not give his approval to any order proposed to be made by the Income-tax Officer until he has given the company concerned an opportunity of being heard.

(9) Nothing contained in this section shall apply to any company in which the public are substantially interested or to a subsidiary company of such company if the whole of the share capital of such subsidiary company has been held by the parent company or by its nominees throughout the previous year.

*Explanation.*—For the purposes of this section, a company shall be deemed to be a company in which the public are substantially interested—

(a) if it is a company owned by the Government or in which not less than forty per cent. of the shares are held by the Government;

(b) if it is not a private company as defined in the 7 of 1913. Indian Companies Act, 1913, and

(i) its shares (not being shares entitled to a fixed rate of dividend, whether with or without a further right to participate in profits) carrying not less than fifty per cent.



of the voting power have been allotted unconditionally to, or acquired unconditionally by, and were throughout the previous year beneficially held by the public (not including a company to which the provisions of this sub-section apply):

Provided that in the case of any such company as is referred to in sub-section (4), this sub-clause shall apply as if for the words "not less than fifty per cent.", the words "not less than forty per cent." had been substituted;

(ii) the said shares were at any time during the previous year the subject of dealings in any recognised stock exchange in India or were freely transferable by the holder to other members of the public; and

(iii) the affairs of the company or the shares carrying more than fifty per cent. of the total voting power were at no time during the previous year controlled or held by less than six persons (persons who are related to one another as husband, wife lineal ascendant or descendant, brother or sister, as the case may be, being treated as a single person and persons who are nominees of another person together with that other person being likewise treated as a single person):

Provided that in the case of any such company as is referred to in sub-section 4, this clause shall apply as if for the words "more than fifty per cent.", the words "more than sixty per cent." had been substituted."

16. In sub-section (2) of section 24 of the Income-tax Act,—

Amendment  
of section  
24, Act II  
of 1922.

(1) for the words beginning with "Where any assessee sustains a loss of profits" and ending with "three, four and five years, respectively", the following shall be substituted, namely:—

"Where any assessee sustains a loss of profits or gains in any year, being a previous year not earlier than the previous year for the assessment for the year ending on the 31st day of March, 1940, in any business, profession or vocation, and the loss cannot be wholly set off under sub-section (1), so much of the loss as is not so set off or the whole loss where the assessee had no other head of income shall be carried forward to the following year, and

(i) where the loss was sustained by him in a business consisting of speculative transactions, it shall be set off only against the profits and gains, if any, of any business in speculative transactions carried on by him in that year;

(ii) where the loss was sustained by him in any other business, profession or vocation, it shall be set off against the profits and gains, if any, of any business, profession or vocation carried on by him in that year: provided that the business, profession or vocation in which the loss was originally sustained continued to be carried on by him in that year; and

(iii) if the loss in either case cannot be wholly so set off, the amount of loss not so set off shall be carried forward to the following year and so on:";

(2) after clause (e) of the proviso, the following clause shall be inserted, namely:—

"(f) A loss arising in the previous years for the assessment for the years ending on the 31st day of March of the years 1940, 1941, 1942, 1943 and 1944 shall be carried forward for one, two, three, four and five years respectively and a loss arising in the previous years for the assessment for the years ending on the 31st day of March of the years 1945, 1946, 1947, 1948 and 1949 shall be carried forward for six years, and such loss shall be set off only against the profits and gains, if any, of the assessee from the same business, profession or vocation."

Amendment  
of section  
56A, Act II  
of 1922.

17. In sub-section (1) of section 56A of the Income-tax Act, in clause (i), after item (10), the following shall be inserted, namely:—

- "(11) Automobiles;
- (12) Tractors;
- (13) Cement;
- (14) Electric Motors;
- (15) Locomotives;
- (16) Rolling Stock;
- (17) Machine Tools;
- (18) Agricultural Implements;
- (19) Ferro-manganese;
- (20) Dye-stuffs."

Amendment  
of section  
60A, Act II  
of 1922.

18. In section 60A of the Income-tax Act,—

(1) for the words "or to any Part B State", the words "or to any Part B State or to Chandernagore" shall be substituted;

(2) in the proviso, for the words "and in the case of the State of Jammu and Kashmir", the words "and in the case of the State of Jammu and Kashmir and Chandernagore" shall be substituted.

Amendment  
of Schedule,  
Act II of  
1922.

19. In rule 9 of the Schedule to the Income-tax Act, the words "or by a co-operative society" shall be added at the end.

Commence-  
ment of  
amendments  
to Act II  
of 1922.

20. (1) Save as otherwise expressly provided in this section, the amendments to the Income-tax Act made by sections 3 to 19 shall have effect on and from the 1st day of April, 1955.

(2) The amendments made in the Income-tax Act by sub-section (5) of section 4 and sub-section (3) of section 8 shall also apply in relation to assessments for any year before the 1st day of April, 1955, whether such assessments have been completed or not.

(3) The amendments made in the Income-tax Act by section 5 shall, for the purposes of making any deduction of Income-tax under sub-section (2) or sub-section (2B) of section 18 of the Income-tax Act, have effect on and from the 1st day of April, 1955, and, for other purposes, shall have effect on and from the 1st day of April, 1956.

(4) For the removal of doubts, it is hereby declared that the provisions of section 23A of the Income-tax Act, as in force immediately before the 1st day of April, 1955 shall continue to apply to a company in respect of its profits and gains of a previous year relevant to any assessment year prior to the assessment year ending on the 31st day of March, 1956, and also to its share-holders referred to in sub-section (1) of section 23A as then in force in respect of their appropriate previous years, notwithstanding that the relevant assessment years in respect of such previous years end or or after the 31st day of March, 1956.

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

Amendment  
of Act  
32 of  
1934.

22. When any goods chargeable with a duty of Customs under the First Schedule to the Tariff Act, or under that Schedule read with any notification of the Central Government for the time being in force, are assessed to duty, there shall, up to the 31st day of March, 1956, be levied and collected as an addition to, and in the same manner as, the total amount so chargeable—

Additional  
duties of  
Customs.

(a) a sum equal to 155 per cent. of such amount, in the case of goods comprised in Item No. 22(4);

(b) a sum equal to 55 per cent. of such amount, in the case of goods comprised in Items Nos. 48 and 51(2), and in the case of textile manufactures specified in Item No. 49 when made wholly or mainly of any of the fabrics specified in Items Nos. 48, 48(1), 48(4), 48(5), 48(7) or 48(10);

(c) a sum equal to 45 per cent. of such amount, in the case of goods comprised in Item No. 47(2);

(d) a sum equal to 25 per cent. of such amount, in the case of goods comprised in any of the Items of the said Schedule other than those specified in clauses (a), (b) and (c) of this section or in the third or the Fourth Schedule to this Act; and

(e) a sum equal to 5 per cent. of such amount, in the case of goods comprised in any of the Items of the said Schedule specified in the Fourth Schedule to this Act.

23. In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures "1955", the figures "1956" shall be substituted.

Amendment  
of Act I of  
1949.

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

Substitution  
of new section  
for section 4 in Act  
I of 1944.

"4. Where under this Act, any article is chargeable with duty at a rate dependent on the value of the article, such value shall be deemed to be—

Determina-  
tion of value  
for the pur-  
poses of  
duty.

(a) the wholesale cash price for which an article of the like kind and quality is sold or is capable of being sold at the time of the removal of the article chargeable with duty from the factory or any other premises of manufacture or production for delivery at the place of manufacture or production, or if a wholesale market does not exist for such

article at such place, at the nearest place where such market exists, or

(b) where such price is not ascertainable, the price at which an article of the like kind and quality is sold or is capable of being sold by the manufacturer or producer, or his agent, at the time of the removal of the article chargeable with duty from such factory or other premises for delivery at the place of manufacture or production, or if such article is not sold or is not capable of being sold at such place, at any other place nearest thereto.

*Explanation.*—In determining the price of any article under this section, no abatement or deduction shall be allowed except in respect of trade discount and the amount of duty payable at the time of the removal of the article chargeable with duty from the factory or other premises aforesaid.”

25. In the First Schedule to the Central Excises Act,—

(i) in Item No. 2,—

(a) for sub-items 1(ii) and 1(iii), the following sub-items shall be substituted, namely:—

- |  |   |
|--|---|
| “(ii) does not exceed five hundred thousand gross of boxes per year, but exceeds one hundred gross of boxes per day. | Two rupees and thirteen annas per gross of boxes. |
| (iii) does not exceed one hundred gross of boxes per day, but exceeds twenty-five gross of boxes per day.            | Two rupees and ten annas per gross of boxes.      |
| (iv) does not exceed twenty-five gross of boxes per day.   | Two rupees and seven annas per gross of boxes.” ; |

(b) for sub-items 2(ii) and 2(iii) the following sub-items shall be substituted, namely:—

- |  |  |
|--|--|
| “(ii) does not exceed five hundred thousand gross of boxes per year, but exceeds one hundred gross of boxes per day. | One rupee and fourteen annas per gross of boxes. |
| (iii) does not exceed one hundred gross of boxes per day, but exceeds twenty-five gross of boxes per day.            | One rupee and twelve annas per gross of boxes.   |
| (iv) does not exceed twenty-five gross of boxes per day.   | One rupee and ten annas per gross of boxes.” ;   |

(ii) in Item No. 8, for the entry in the last column against sub-item (1), the following entry shall be substituted, namely:—

“Five rupees and ten annas per cwt.”;

(iii) in Item No. 9, for sub-item II(2), the following shall be substituted, namely:—

- |   |                                    |
|---|------------------------------------|
| “(2) Cigarettes of which the value—                                     | <i>Per thousand</i>                |
| (i) exceeds Rs. 50 a thousand   | Twenty-one rupees and eight annas. |
| (ii) exceeds Rs. 35 a thousand, but does not exceed Rs. 50 a thousand.  | Nineteen rupees.                   |
| (iii) exceeds Rs. 30 a thousand, but does not exceed Rs. 35 a thousand. | Ten rupees and eight annas.        |

*Per thousand*

- |   |                              |
|---|------------------------------|
| (iv) exceeds Rs. 25 a thousand, but does not exceed Rs. 30 a thousand.      | Nine rupees and eight annas. |
| (v) exceeds Rs. 20 a thousand, but does not exceed Rs. 25 a thousand.       | Six rupees and eight annas.  |
| (vi) exceeds Rs. 15 a thousand, but does not exceed Rs. 20 a thousand.      | Five rupees and eight annas. |
| (vii) exceeds Rs. 10 a thousand, but does not exceed Rs. 15 a thousand.     | Two rupees and twelve annas. |
| (viii) exceeds Rs. 7/8/- a thousand, but does not exceed Rs. 10 a thousand. | One rupee and eight annas.   |
| (ix) does not exceed Rs. 7/8/- a thousand                                   | One rupee.”;                 |

(iv) for Item No. 12, the following Item shall be substituted, namely:—

“12. COTTON FABRICS—

“Cotton fabrics” mean all varieties of fabrics manufactured either wholly or partly from cotton, and include dhoties, sarees, chadars, bed-sheets, bed-spreads, counter-panes and table-cloths, but do not include any such fabric—

- (a) if it contains 40 per cent. or more by weight of wool;
- (b) if it contains 60 per cent. or more by weight of rayon or artificial silk; or
- (c) if manufactured on a handloom.

“(1) Cotton fabrics, superfine—

that is to say, fabrics in which the average count of yarn is 48s or more. Two annas per square yard.

(2) Cotton fabrics, fine—

that is to say, fabrics in which the average count of yarn is 35s or more but is less than 48s. One anna and three pies per square yard.

(3) Cotton fabrics, medium—

that is to say, fabrics in which the average count of yarn is 17s or more but is less than 35s. Six pies per square yard.

(4) Cotton fabrics, coarse—

that is to say, fabrics in which the average count of yarn is less than 17s. Six pies per square yard.”

*Explanation I.*—“Count” means count of grey yarn.

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

**(a) Yarn used in the borders or selvages shall be ignored.**

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

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

$$\frac{\text{"(Count of warp} \times \text{number of ends per inch in the reed) + (Count of weft} \times \text{number of picks per inch)}}{\text{(Number of ends per inch in the reed) + (Number of picks per inch)}}$$

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

*Explanation III.*—For the purposes of this Item, "staple fibre" shall not be deemed to be rayon or artificial silk."

(v) for Item No. 12A, the following Item shall be substituted, namely:—

**" 12A. RAYON OR ARTIFICIAL SILK FABRICS—**

"Rayon or Artificial Silk Fabrics" include all varieties of fabrics manufactured either wholly or partly from rayon or artificial silk, but do not include any such fabric—

- (i) if it contains 40 per cent. or more by weight of wool ;
- (ii) if it contains cotton and less than 60 per cent. by weight of rayon or artificial silk ;
- (iii) if it contains no cotton and less than 40 per cent. by weight of wool and less than 40 per cent. by weight of rayon or artificial silk ;
- (iv) if manufactured on a handloom ;
- (v) if manufactured by or on behalf of the same person in one or more factories in which less than twenty-five powerlooms in all are installed.

*Explanation.*—For the purposes of this Item, "staple fibre" shall not be deemed to be rayon or artificial silk."

(vi) after Item No. 12A, the following Item shall be inserted, namely:—

**" 12B. WOOLLEN FABRICS—**

"Woollen fabrics" mean all varieties of fabrics manufactured wholly of wool or which contain 40 per cent. or more by weight of wool, and include blankets, lohis, rugs and shawls, but do not include any such fabric—

- (i) if manufactured on a handloom ;
- (ii) if manufactured by or on behalf of the same person in one or more factories in which less than five powerlooms in all are installed."

Six pies per square yard.

Six and a quarter per cent. *ad valorem.*

- (vii) for Item No. 16, the following Item shall be substituted, namely :—

“16. SOAP, that is to say, all varieties of the product known commercially as soap, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power, including steam for heating.

- (1) Soap, household and laundry, manufactured in any factory whose output of such soap exceeds one hundred and twenty-five tons per year—
- |   |                                     |
|---|-------------------------------------|
| (a) in plain bars of not less than one pound in weight. | Rupees five and annas four per cwt. |
| (b) other sorts . . . . .                               | Rupees six and annas two per cwt.   |
- (2) Soap, toilet, manufactured in any factory whose output of such soap exceeds fifty tons per year. Rupees fourteen per cwt.
- (3) Soap, other than household and laundry or toilet. Fourteen rupees per cwt.” ;

- (viii) after Item No. 17, the following Items shall be inserted' namely :—

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

- (1) Table, cabin, carriage, pedestal and air circulator fans, not exceeding sixteen inches. Five rupees per fan.
- (2) All other fans . . . . . Ten rupees per fan.
- (3) Parts of fans above, the following, namely, complete motors, stators and rotors—
- (a) if designed for use in respect of any fan falling within sub-item (1)—
- |                               |                                       |
|-------------------------------|---------------------------------------|
| (i) complete motors . . . . . | Three rupees per motor.               |
| (ii) Stators . . . . .        | One rupee and eight annas per stator. |
| (iii) Rotors . . . . .        | One rupee and eight annas per rotor.  |
- (b) if designed for use in respect of any fan falling within sub-item (2)—
- |                               |                          |
|-------------------------------|--------------------------|
| (i) complete motors . . . . . | Six rupees per motor.    |
| (ii) Stators . . . . .        | Three rupees per stator. |
| (iii) Rotors . . . . .        | Three rupees per rotor.  |

19. ELECTRIC LIGHTING BULBS AND  
FLUORESCENT LIGHTING TUBES—

- (1) Vacuum and gas-filled bulbs—
- (i) not exceeding 100 watts, and train lighting bulbs. One anna per bulb.
- (ii) exceeding 100 watts but not exceeding 300 watts, and engine headlight bulbs. Four annas per bulb.
- (iii) exceeding 300 watts . . . . . Eight annas per bulb.
- (2) Fluorescent tubes . . . . . Four annas per foot.
- (3) Bulbs not otherwise specified . . . . . Four annas per bulb.

20. ELECTRIC BATTERIES, AND PARTS  
THEREOF—

- (1) Dry . . . . . Ten per cent. *ad va-*  
*lorem.*
- (2) Storage . . . . . Ten per cent. *ad va-*  
*lorem.*
- (3) Parts of storage batteries, the following, namely, containers, covers and plates. Ten per cent. *ad va-*  
*lorem.*

21. PAPER, all sorts, including pasteboard, millboard, and cardboard, but excluding strawboard, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power—

- (1) Printing and writing paper . . . . . One anna per lb.
- (2) Wrapping paper—
- (a) kraft . . . . . One anna per lb.
- (b) brown . . . . . One anna per lb.
- (3) Paper, special varieties—
- (a) blotting, toilet, target, tissue other than cigarette tissue, teleprinter, typewriting, manifold, bank and bond. One anna and three pies per lb.
- (b) Cigarette tissue . . . . . Two annas and six pies per lb.
- (4) Paper, not otherwise specified, including art paper, chrome paper, tubsized paper, cheque paper, stamp paper, cartridge paper. One anna and three pies per lb.
- (5) Paper Board—
- (a) duplex and triplex . . . . . One anna per lb.
- (b) pulp board . . . . . One anna per lb.
- (c) other board—
- (i) coated board (art, chrome and board for playing cards). One anna and three pies per lb.
- (ii) mill board . . . . . Six pies per lb.
- (d) board, not otherwise specified, including manilla and corrugated board. One anna per lb.



22. PIGMENTS, COLOURS, PAINTS, ENAMELS, VARNISHES, BLACKS AND CELLULOSE LACQUERS.

I. (1) Pigments, colours, paints and enamels, all sorts—

(i) Zinc oxide, red lead, white lead and titanium dioxide white. Eight rupees per cwt.

(ii) Aluminium paste . . . . . Four annas per lb.

(2) Dry colours, namely, the following lead chromes and brunswick green. Seven rupees per cwt. in the case of a manufacturer whose output of dry colours exceeds 100 tons per year ;

Five rupees per cwt. in the case of a manufacturer whose output of dry colours exceeds 10 tons but does not exceed 100 tons per year ; and

*Nil* in the case of a manufacturer whose output of dry colours does not exceed 10 tons per year.

(3) Water paints—

(i) Dry distemper including cement-based water paints.

Seven rupees per cwt. in the case of a manufacturer whose output of water paints exceeds 100 tons per year ;

Five rupees per cwt. in the case of a manufacturer whose output of water paints exceeds 50 tons but does not exceed 100 tons per year ; and

*Nil* in the case of a manufacturer whose output of water paints does not exceed 50 tons per year.

(ii) Oil-bound distemper . . . . .

Twelve rupees per cwt. in the case of a manufacturer whose output of water paints exceeds 100 tons per year ;

- (iii) Water pigment finishes for leather
- Nine rupees per cwt. in the case of a manufacturer whose output of water paints exceeds 50 tons but does not exceed 100 tons per year ; and  
*Nil* in the case of a manufacturer whose output of water paints does not exceed 50 tons per year.
- One rupee and eight annas per imperial gallon in the case of a manufacturer whose output of water paints exceeds 100 tons per year ;  
 One rupee and two annas per imperial gallon in the case of a manufacturer whose output of water paints exceeds 50 tons but does not exceed 100 tons per year ; and  
*Nil* in the case of a manufacturer whose output of water paints does not exceed 50 tons per year.
- (iv) Plastic emulsion paint
- Three rupees and eight annas per imperial gallon in the case of a manufacturer whose output of water paints exceeds 100 tons per year ;  
 Two rupees and eight annas per imperial gallon in the case of a manufacturer whose output of water paints exceeds 50 tons but does not exceed 100 tons per year ; and  
*Nil* in the case of a manufacturer whose output of water paints does not exceed 50 tons per year.

## (4) Oil paints and enamels—

(i) Tinting paste (Blue) . . . . . Four annas per lb. in the case of a manufacturer whose output of oil paints and enamels exceeds 1,000 tons per year ;

Three annas per lb. in the case of a manufacturer whose output of oil paints and enamels exceeds 50 tons but does not exceed 1,000 tons per year ; and

*Nil* in the case of a manufacturer whose output of oil paints and enamels does not exceed 50 tons per year.

(ii) Stiff paints and ready-mixed paints sold by weight. Seven rupees per cwt. in the case of a manufacturer whose output of oil paints and enamels exceeds 1,000 tons per year ;

Five rupees per cwt. in the case of a manufacturer whose output of oil paints and enamels exceeds 50 tons but does not exceed 1,000 tons per year ; and

*Nil* in the case of a manufacturer whose output of oil paints and enamels does not exceed 50 tons per year.

(iii) Ready-mixed paints and enamels sold by volume. Two rupees per imperial gallon in the case of a manufacturer whose output of oil paints and enamels exceeds 1,000 tons per year ;

One rupee and eight annas per imperial gallon in the case of a manufacturer whose output of oil paints and enamels exceeds 50 tons but does not exceed 1,000 tons per year ; and

Nil in the case of a manufacturer whose output of oil paints and enamels does not exceed 50 tons per year.

*Explanation.*—For the purposes of sub-items I(3) and I(4), the exemption from the duty of excise, in the case of a manufacturer whose output of the articles specified in the said sub-items does not exceed fifty tons, shall apply only so long as the total output of all kinds of such articles does not exceed fifty tons.

(5) Pigments, colours, paints and enamels not otherwise specified. Seven rupees per cwt. if sold by weight;

Two rupees per imperial gallon if sold by volume.

II. Varnishes and blacks—

(i) Varnishes . . . . .

One rupee per imperial gallon in the case of a manufacturer whose output of varnishes and blacks exceeds 1,00,000 imperial gallons per year ;

Twelve annas per imperial gallon in the case of a manufacturer whose output of varnishes and blacks exceeds 12,000 imperial gallons but does not exceed 1,00,000 imperial gallons per year; and

Nil in the case of a manufacturer whose output of varnishes and blacks does not exceed 12,000 imperial gallons per year.

(ii) Bituminous and coal tar blacks

Ten annas per imperial gallon in the case of a manufacturer whose output of varnishes and blacks exceeds 1,00,000 imperial gallons per year ;

Seven annas per imperial gallon in the case of a manufacturer whose output of varnishes and blacks exceeds 12,000 imperial gallons but does not exceed 1,00,000 imperial gallons per year ; and

Nil in the case of a manufacturer whose output of varnishes and blacks does not exceed 12,000 imperial gallons per year.

III. Cellulose lacquers—

(i) Nitrocellulose lacquers, clear and pigmented

Five rupees per imperial gallon in the case of a manufacturer whose output exceeds 24,000 imperial gallons per year ;

Three rupees and twelve annas per imperial gallon in the case of a manufacturer whose output exceeds 4,000 but does not exceed 24,000 imperial gallons per year ;

Three rupees and two annas per imperial gallon in the case of a manufacturer whose output does not exceed 4,000 imperial gallons per year.

- (ii) Nitrocellulose ancillaries . . . . . Three annas per lb.,  
if sold by weight;  
Three rupees and two  
annas per imperial  
gallon if sold by  
volume."

Certain duties of excise to apply to excisable goods lying in factories on commencement of Act. 26. The amendment made by clauses (vi) and (viii) of section 25 in the First Schedule to the Central Excises Act, shall apply to the excisable goods specified therein which are lying on the commencement of this Act within the precincts of any factory or other premises where the said goods were manufactured or produced or in any premises appurtenant thereto, as they apply to such goods manufactured or produced on or after such commencement.

Additional duties of excise. 27. When any goods chargeable with a duty of excise under the First Schedule to the Central Excises Act are assessed to duty, there shall, up to the 31st day of March, 1956, be levied and collected, as an addition to, and in the same manner as, the total amount so chargeable, a surcharge of five per cent. of such amount on motor spirit as defined in Item No. 4 of that Schedule.

Amendment of Act 12 of 1953. 28. In the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953—

(1) for clause (b) of section 2, the following clause shall be substituted, namely:—

“(b) ‘cloth’ means cotton, woollen, and rayon or artificial silk fabrics, as defined in the First Schedule to the Central Excises and Salt Act, 1944.”; 1 of 1944.

(2) in sub-section (1) of section 3, for the words “per yard”, the words “per square yard” shall be substituted.

Discontinuance of salt duty. 29. (1) For the year beginning on the 1st day of April, 1955, no duty under the Central Excises Act or the Tariff Act shall be levied in respect of salt manufactured in or imported by sea or land into India.

(2) In section 8 of the Finance Act, 1953, and in section 12 of the Finance Act, 1954, for the words “no duty”, the words and figures “no duty under the Central Excises and Salt Act, 1944, or the Indian Tariff Act, 1934” shall be substituted and shall be deemed always to have been substituted. 14 of 1953.  
17 of 1954.

Excise and customs duties collected before commencement of Act not to be refunded. 30. Notwithstanding anything contained in the Provisional Collection of Taxes Act, 1931, no refund shall be made of any duties of excise or customs collected before the commencement of this Act by virtue of a declared provision within the meaning of that Act contained in the Finance Bill, 1955. 16 of 1931.

## THE FIRST SCHEDULE

(See section 2)

## PART I

*Rates of Income-tax*

A. (i) In the case of every individual who is married and every Hindu undivided family,—

	<i>Rate</i>	<i>Surcharge</i>
1. On the first Rs. 2,000 of total income	<i>Nil</i>	<i>Nil</i>
2. On the next Rs. 3,000 of total income	Nine pies in the rupee.	One-twentieth of the rate specified in the preceding column.
3. On the next Rs. 2,500 of total income	One anna and nine pies in the rupee.	Ditto.
4. On the next Rs. 2,500 of total income	Two annas and three pies in the rupee.	Ditto.
5. On the next Rs. 5,000 of total income	Three annas and three pies in the rupee.	Ditto.
6. On the balance of total income	Four annas in the rupee.	Ditto.

(ii) In the case of every individual who is not married and every un-registered firm or other association of persons, not being a case to which paragraph B or paragraph C of this Part applies,—

	<i>Rate</i>	<i>Surcharge</i>
1. On the first Rs. 1,000 of total income	<i>Nil</i>	<i>Nil</i>
2. On the next Rs. 4,000 of total income	Nine pies in the rupee.	One-twentieth of the rate specified in the preceding column.
3. On the next Rs. 2,500 of total income	One anna and nine pies in the rupee.	Ditto.
4. On the next Rs. 2,500 of total income	Two annas and three pies in the rupee.	Ditto.
5. On the next Rs. 5,000 of total income	Three annas and three pies in the rupee.	Ditto.
6. On the balance of total income	Four annas in the rupee.	Ditto.

Provided that—

(i) no income-tax shall be payable on a total income which before deduction of the allowance, if any, for earned income, does not exceed the limit specified below;

(ii) the income-tax payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds the said limit;

(iii) the income-tax payable on the total income as reduced by the allowance for earned income shall not exceed either—

(a) a sum bearing to half the amount by which the total income (before deduction of the allowance for earned income) exceeds the said limit the same proportion as such reduced total income bears to the unreduced total income, or

(b) the income-tax payable on the income so reduced at the rates herein specified,

whichever is less.

The limit referred to in the above proviso shall be—

(i) in the case of every Hindu undivided family which as at the end of the previous year had—

(a) at least two members entitled to claim partition	Rs. 8,400
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(b) at least four members entitled to claim partition	12,600 :
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Provided that in the case referred to in sub-clause (a) none of the members and in the case referred to in sub-clause (b) none of the minimum number of four members,—

(a) is less than eighteen years of age; or

(b) is lineally descended from another member or along with another member is lineally descended from any other living member of the family not entitled to claim partition, and

(ii) in every other case	Rs. 4,200 :
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Provided further that—

(i) no surcharge shall be payable on a total income which before deduction of the allowance, if any, for earned income does not exceed the limit specified below;

(ii) the surcharge payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds the said limit.

The limit referred to in the above proviso shall be—

(i) in the case of every Hindu undivided family which satisfies the conditions laid down in the preceding proviso and had as at the end of the previous year—

(a) at least two members entitled to claim partition	Rs. 14,400
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(b) at least four members entitled to claim partition	21,600
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and

(ii) in every other case	7,200
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*Explanation.*—For the purposes of this paragraph, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the co-parcenary property against his father or grandfather, notwithstanding any custom to the contrary.

B. In the case of every company—

	<i>Rate</i>	<i>Surcharge</i>
On the whole of total income	Four annas in the rupee.	One-twentieth of the rate speci- fied in the pre- ceding column :

Provided that in the case of a company which, in respect of its profits liable to tax under the Income-tax Act for the year ending on the 31st day of March, 1956, has made the prescribed arrangements for the declaration and payment within the territory of India, of the dividends payable out of such profits, and has deducted super-tax from the dividends in accordance with the provisions of sub-section (3D) of section 18 of that Act—

(i) where the total income, as reduced by seven annas in the rupee and by the amount, if any, exempt from income-tax, exceeds the amount of any dividends (including dividends payable at a fixed rate) declared in respect of the whole or part of the previous year for the assessment for the year ending on the 31st day of March, 1956, and the company is a company to which the provisions of section 23A of the Income-tax Act cannot be made applicable, a rebate shall be allowed at the rate of one anna per rupee on the amount of such excess;

(ii) where the amount of dividends referred to in clause (i) above exceeds the total income as reduced by seven annas in the rupee and by the amount, if any, exempt from income-tax, there shall be charged on the total income an additional income-tax equal to the sum, if any, by which the aggregate amount of income-tax actually borne by such excess (hereinafter referred to as "the excess dividend") falls short of the amount calculated at the rate of five annas per rupee on the excess dividend.

For the purposes of the above proviso, the expression "dividend" shall have the meaning assigned to it in clause (6A) of section 2 of the Income-tax Act, but any distribution included in that expression, made during the year ending on the 31st day of March, 1956, shall be deemed to be a dividend declared in respect of the whole or part of the previous year.

For the purposes of clause (ii) of the above proviso, the aggregate amount of income-tax actually borne by the excess dividend shall be determined as follows:—

(i) the excess dividend shall be deemed to be out of the whole or such portion of the undistributed profits of one or more years immediately preceding the previous year as would be just sufficient to cover the amount of the excess dividend and as have not likewise been taken into account to cover an excess dividend of a preceding year;

(ii) such portion of the excess dividend as is deemed to be out of the undistributed profits of each of the said years shall be deemed to have borne tax,—

(a) if an order had been made under sub-section (1) of section 23A of the Income-tax Act, in respect of the undistributed profits of that year, at the rate of five annas in the rupee, and

(b) in respect of any other year, at the rate applicable to the total income of the company, for that year reduced by the rate at which rebate, if any, was allowed on the undistributed profits.

C. In the case of every local authority and in every case in which under the provisions of the Income-tax Act, income-tax is to be charged at the maximum rate—

	<i>Rate</i>	<i>Surcharge</i>
On the whole of total income	Four annas in the rupee.	One-twentieth of the rate specified in the preceding column.

#### PART II

##### *Rates of Super-tax*

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which any other paragraph of this Part applies—

	<i>Rate</i>	<i>Surcharge</i>
1. On the first Rs. 20,000 of total income.	<i>Nil</i>	<i>Nil</i>
2. On the next Rs. 5,000 of total income.	One anna in the rupee.	One-twentieth of the rate specified in the preceding column.
3. On the next Rs. 15,000 of total income.	Three annas in the rupee.	Ditto.
4. On the next Rs. 10,000 of total income.	Five annas in the rupee.	Ditto.
5. On the next Rs. 10,000 of total income.	Six annas in the rupee.	Ditto.
6. On the next Rs. 20,000 of total income.	Seven annas in the rupee.	Ditto.
7. On the next Rs. 20,000 of total income.	Eight annas in the rupee.	Ditto.
8. On the next Rs. 50,000 of total income.	Nine annas in the rupee.	Ditto.
9. On the balance of total income	Nine and a half annas in the rupee.	Ditto.

B. In the case of every local authority:—

	<i>Rate</i>	<i>Surcharge</i>
On the whole of total income	Two and a half annas in the rupee.	Three pies in the rupee.

C. In the case of an association of persons being a co-operative society as defined in clause (5B) of section 2 of the Income-tax Act (other than the Sanikatta Saltowners' Society in the State of Bombay)—

	<i>Rate</i>	<i>Surcharge</i>
1. On the next Rs. 25,000 of total income.	<i>Nil</i>	<i>Nil</i>
2. On the balance of total income.	Two and a half annas in the rupee.	Three pies in the rupee.

D. In the case of every company:—

	<i>Rate</i>
On the whole of total income	Four annas and nine pies in the rupee:

Provided that—

(i) a rebate at the rate of three annas per rupee of the total income shall be allowed in the case of any company which—

(a) in respect of its profits liable to tax under the Income-tax Act for the year ending on the 31st day of March, 1956, has made the prescribed arrangements for the declaration and payment in India of the dividend payable out of such profits and for the deduction of supertax from dividends in accordance with the provisions of sub-section (3D) of section 18 of that Act; and

(b) is a public company with total income not exceeding Rs. 25,000;

(ii) a rebate at the rate of two annas per rupee of the total income shall be allowed in the case of any company which satisfies condition (a) but not condition (b), of the preceding clause; and

(iii) a rebate at the rate of one anna and six pies per rupee on so much of the total income as consists of dividends from a subsidiary Indian company, and a rebate at the rate of six pies per rupee on any other income included in the total income shall be allowed in the case of any company which, not being entitled to a rebate under either of the preceding clauses, is—

(a) a public company, or

(b) a company all of whose shares were held at the end of the previous year by one or more public companies:

Provided further that the super-tax payable by a company the total income of which exceeds Rs. 25,000 shall not exceed the aggregate of—

(a) the super-tax which would have been payable by the company if its total income had been Rs. 25,000; and

(b) half the amount by which its total income exceeds Rs. 25,000.

*Explanation.*—For the purposes of this paragraph of this Part, a company shall be deemed to be a public company only if it is a company in which the public are substantially interested within the meaning of the *Explanation* to section 23A of the Income-tax Act.

## THE SECOND SCHEDULE

(See section 21)

## PART I

In the First Schedule to the Tariff Act,—

(a) In Item No. 28(8), in the entry in the second column, the words "calcium carbide" shall be omitted.

(b) In Items Nos. 30, 30(2), 30(11), 49(4) and 73(18), to each of the existing entries in the fourth and fifth columns, the words "plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be added.

(c) In Items Nos. 30(3), 30(4), 30(14), 44, 44(4), 48(2), 48(4), 48(5), 48(6), 49(3), 60(2), 60(5) and 73(15), to each of the existing entries in the fourth column, the words "plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be added.

(d) In Items Nos. 36(2), 37, 37(1), 38, 71(2) and 71(3), for the existing entries against each of them in the fourth column, the entry "66  $\frac{2}{3}$  per cent. *ad valorem*" shall be substituted.

(e) In Items Nos. 50(1) and 50(4), for the existing entries against each of them in the fourth column, the entry "31 $\frac{1}{2}$  per cent. *ad valorem*" shall be substituted, and in the third column, the entry "Revenue" shall be inserted against each Item.

(f) In Item No. 59 (4), for the existing entry in the fourth column, the entry "66  $\frac{2}{3}$  per cent. *ad valorem* or 12 annas per square foot, whichever is higher" shall be substituted.

(g) In Item No. 71 (13), to each of the existing entries in the fourth column, the words "or ten annas per foot, whichever is higher" shall be added.

(h) In Item No. 72 (33), for the existing entry in the fourth column, the entry "37 $\frac{1}{2}$  per cent. *ad valorem*" shall be substituted.

(i) In Item No. 73(2), in the entry in the second column, the words "also accumulators, and batteries not otherwise specified" shall be omitted.

(j) In Item No. 73(18), in the entry in the second column, after the words "air circulators", the words "and parts of electric fans" shall be inserted.

PART II

In the First Schedule to the Tariff Act, for Items Nos. 45, 60 (8) and 73 (7), the following items shall be substituted, and such substitutions shall be inserted in their appropriate places :—

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	
45	(a) Articles made of paper and papier-mache, pasteboard, millboard, cardboard and strawboard; labels, advertising circulars, sheet or card almanacs and calendars.	Revenue	66 $\frac{2}{3}$ per cent. <i>ad valorem</i> .	..	..	..
	(b) Stationery, not otherwise specified, including drawing and copy books, Christmas, Easter and other cards, including cards in booklet form; including also waste paper.	Revenue	39 $\frac{3}{8}$ per cent. <i>ad valorem</i> .	..	..	..
	(c) Slates, all sorts	Revenue	39 $\frac{3}{8}$ per cent. <i>ad valorem</i> .	..	..	..
60(8)	(a) Vacuum flasks, complete	Revenue	66 $\frac{2}{3}$ per cent. <i>ad valorem</i> or Rs. 4 per flask, whichever is higher.	..	..	..
	(b) Refills or inners for vacuum flasks	Revenue	66 $\frac{2}{3}$ per cent. <i>ad valorem</i> or Rs. 3 per refill or inner, whichever is higher.	..	..	..
73 (7)	Batteries, not otherwise specified, all kinds— Accumulators for train lighting and parts thereof	Revenue	10 per cent. <i>ad valorem</i> plus the excise duty for the time being leviable on	..	..	..

OF 1955]

Finance

83



PART III

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

In the First Schedule to the Tariff Act,—

(i) after Item No. 28(32), the following Item shall be inserted, namely:—

“28(33)	Calcium carbide . . . . .	Revenue	50 per cent. <i>ad valorem</i>	. . . . .	. . . . .
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(ii) after Item No. 77(6), the following Item shall be inserted, namely:—

“77 (7)	Goggles, sun glasses and glare glasses . . . . .	Revenue	50 per cent. <i>ad valorem</i>	. . . . .	. . . . .
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PART IV

(1) In the Second Schedule to the Tariff Act, for Item No. 5, the following Item shall be substituted, namely :—

Item No.	Name of article	Per	Rate of duty
"5	Tea		
	When the price of tea :		
	(i) does not exceed Rs. 2-8-0 per lb.	lb.	Four annas.
	(ii) exceeds Rs. 2-8-0 per lb. but does not exceed Rs. 3-4-0 per lb.	lb.	Six annas.
	(iii) exceeds Rs. 3-4-0 per lb. but does not exceed Rs. 4-0-0 per lb.	lb.	Eight annas.
	(iv) exceeds Rs. 4-0-0 per lb. but does not exceed Rs. 4-12-0 per lb.	lb.	Ten annas.
	(v) exceeds Rs. 4-12-0 per lb.	lb.	Twelve annas.

*Explanation.*—"Price of tea" means the price which the Central Government may, having regard to world prices of tea, fix for this purpose from time to time by notification in the Official Gazette."

(2) In the Second Schedule to the Tariff Act, for the existing entry in the second column against Item No. 6(ii), the following entry shall be substituted :—

"(ii) Cloth in which the average count of yarn, determined in the manner herein described, is 17s or finer.

*Explanation.*—(a) "Count" means count of grey yarn.

(b) For the purpose of determining the average count of yarn, the following rules shall apply, namely :—

- (i) Yarn used in the borders or selvages shall be ignored.
- (ii) For multiple-fold yarn, the count of the basic single yarn shall be taken and the number of ends per inch in the reed or the number of picks per inch, as the case may be, shall be multiplied by the number of plies in the yarn.
- (iii) The average count shall be obtained by applying the following formula, namely :—

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

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



## THE THIRD SCHEDULE

(See section 22)

*Goods on which additional duty of customs is not leviable.*

Goods comprised in the following Items of the first Schedule to the Tariff Act, namely :—

1(1), 2, 4(1), 4(3), 4(4), 4(5), 7(1), 8(1), 8(3), 8(4), 8(5), 9(3), 9(4), 9(5), 9(6), 12(6), 13(8), 13(9), 15(5), 15(9), 15(10), 15(11), 15(12), 16, 16(1), 16(3), 18, 19, 19(1), 19(2), 19(3), 20, 20(1), 20(2), 20(3), 20(4), 20(6), 20(7), 20(8), 20(9), 21, 21(4), 21(5), 21(6), 21(7), 21(8), 21(9), 22(1), 22(2), 22(3), 22(5), 27(1), 27(3), 27(4), 27(9), 28A, 28(14), 28(21), 28(22), 28(23), 28(24), 28(25), 28(26), 28(26A), 28(27), 28(28), 28(29), 28(30), 28(33), 30(1), 30(2), 30(6), 30(7), 30(11), 30(12), 30(13), 31(4), 31(5), 32(1), 32(2), 36(2), 37, 37(1), 37(2), 38, 40(2), 40(6), 40(7), 42, 44(1), 44(4), 44(7), 45, 45(3), 45(4), 45(5), 45(6), 48(1), 48(2), 48(3), 48(4), 48(5), 48(6), 48(7), 48(8), 48(9), 48(10), 49(c), 49(1), 49(2), 49(3), 50(1), 50(3), 50(4), 51, 52, 52(4), 53(2), 54, 55(1), 55(2), 55(3), 56, 56(1), 59(2), 59(3), 59(4), 59(5), 60, 60(2), 60(4), 60(5), 60(7), 60(8), 61, 61(11), 63(12), 63(15), 63(18), 70(2), 70(3), 70(10), 70(11), 71(2), 71(3), 71(9), 71(10), 71(13), 72(4), 72(5), 72(14), 72(26), 72(27), 72(28), 72(33), 72(35), 73(4), 73(6), 73(7), 73(8), 73(9), 73(10), 73(11), 73(12), 73(16), 73(17), 73(18), 73(19), 74(4), 75(1), 75(5), 75(14), 75(15), 76, 77(2), 77(4), 77(6), 77(7), 78(1), 79, 82(4), 83, 84(b), 84(i), 85, 85(2), 86, 86(1).

## THE FOURTH SCHEDULE

(See section 22)

*Goods on which additional duty of customs at 5 per cent. is leviable.*

Goods comprised in the following Items of the First Schedule to the Tariff Act, namely :—

4, 8(2), 11(2), 11(4), 11(5), 11(6), 13(4), 15, 21(3), 24, 24(1), 24(2), 24(3), 25(1), 27(2), 27(5), 27(6), 27(7), 27(8), 28, 28(4), 28(8), 28(12), 28(15), 28(16), 28(17), 28(18), 28(19), 28(20), 28(31), 29, 29(1), 30, 30(9), 30(10), 34(3), 40(4), 40(5), 43, 44, 46, 46(3), 47, 55, 60(3), 60(6), 61(2), 61(3), 61(8), 61(9), 62(1), 62(2), 63(14), 63(30), 63(31), 63(32), 63(33), 63(34), 63(35), 64, 64(3), 64(4), 65, 66, 66(1), 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(4), 70(5), 70(6), 70(9), 71(7), 71(8), 71(11), 72, 72(1), 72(2), 72(3), 72(11), 72(12), 72(13), 72(15), 72(16), 72(17), 72(18), 72(19), 72(20), 72(21), 72(22), 72(23), 72(24), 72(25), 72(34), 73(2), 73(14), 73(15), 74(2), 75, 75(2), 75(3), 75(6), 75(7), 75(8), 75(9), 75(10), 75(11), 75(12), 75(13), 77(5), 78, 82(1), 82(3), 84(a), 85(1).

THE MEDICINAL AND TOILET PREPARATIONS  
(EXCISE DUTIES) ACT, 1955

See India Ch,  
Vol. VII B.

Act No. 16 OF 1955

ARRANGEMENT OF SECTIONS

SECTIONS

PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

LEVY AND COLLECTION OF DUTIES

3. Duties of excise to be levied and collected on certain goods.
4. Rebate of duty on alcohol, etc., supplied for manufacture of dutiable goods.
5. Recovery of sums due to Government.
6. Certain operations to be subject to licences.
7. Offences and penalties.
8. Power of courts to order forfeiture.

POWERS AND DUTIES OF OFFICERS AND LANDHOLDERS

9. Power to arrest.
10. Power to summon persons to give evidence and produce documents in inquiries under this Act.
11. Officers required to assist excise officers.
12. Owners or occupiers of land to report manufacture of contraband dutiable goods.
13. Punishment for connivance at offences.
14. Searches and arrests how to be made.
15. Disposal of persons arrested.
16. Inquiry how to be made by excise officers against arrested persons forwarded to them.
17. Vexatious search, seizure, etc., by excise officer.
18. Failure of excise officers on duty.

## SUPPLEMENTARY PROVISIONS

## SECTIONS

19. Power to make rules.
20. Bar of suits and limitation of suits and other legal proceedings.
21. Repeals and savings.

## THE SCHEDULE.

THE MEDICINAL AND TOILET PREPARATIONS(EXCISE DUTIES) ACT, 1955No. 16 OF 1955*See India Code,  
Vol. VII B.*

[27th April, 1955]

An Act to provide for the levy and collection of duties of excise on medicinal and toilet preparations containing alcohol, opium, Indian hemp or other narcotic drug or narcotic.

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

## PRELIMINARY

1. (1) This Act may be called the Medicinal and Toilet Preparations (Excise Duties) Act, 1955.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

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

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

Definitions.

(a) "alcohol" means ethyl alcohol of any strength and purity having the chemical composition  $C_2H_5OH$ ;

(b) "collecting Government" means the Central Government or, as the case may be, the State Government which is entitled to collect the duties levied under this Act;

(c) "dutiable goods" means the medicinal and toilet preparations specified in the Schedule as being subject to the duties of excise levied under this Act;

(d) "excise officer" means an officer of the Excise Department of any State and includes any person empowered by the collecting Government to exercise all or any of the powers of an excise officer under this Act;

(e) "Indian hemp" has the same meaning as the word "hemp" in the Dangerous Drugs Act, 1930;

of 1930.

1005 M. of Law

12

*x* 1-4-1957, vide notn. no. SRO. 892, dt. 9-3-57, Gazette of India, Pt. II, Sec. 3, p. 602.

(f) "manufacture" includes any process incidental or ancillary to the completion of the manufacture of any dutiable goods;

(g) "medicinal preparation" includes all drugs which are a remedy or prescription prepared for internal or external use of human beings or animals and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals;

(h) "narcotic drug" or "narcotic" means a substance (other than alcohol) which when swallowed or inhaled by, or injected into, a human being induces drowsiness, sleep, stupefaction or insensibility in the human being and which is a dangerous drug within the meaning of the Dangerous Drugs Act, 1930; <sup>2 of 1930.</sup>

(i) "opium" has the same meaning as in the Dangerous Drugs Act, 1930; <sup>2 of 1930.</sup>

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

(k) "toilet preparation" means any preparation which is intended for use in the toilet of the human body or in perfuming apparel of any description, or any substance intended to cleanse, improve or alter the complexion, skin, hair or teeth, and includes deodorants and perfumes.

#### LEVY AND COLLECTION OF DUTIES

Duties of excise to be levied and collected on certain goods.

3. (1) There shall be levied duties of excise, at the rates specified in the Schedule, on all dutiable goods manufactured in India.

(2) The duties aforesaid shall be leviable—

(a) where the dutiable goods are manufactured in bond, in the State in which such goods are released from a bonded-warehouse for home consumption, whether such State is the State of manufacture or not;

(b) where the dutiable goods are not manufactured in bond, in the State in which such goods are manufactured.

(3) Subject to the other provisions contained in this Act, the duties aforesaid shall be collected in such manner as may be prescribed.

*Explanation.*—Dutiable goods are said to be manufactured in bond within the meaning of this section if they are allowed to be manufactured without payment of any duty of excise leviable under any law for the time being in force in respect of alcohol, opium, Indian hemp or other narcotic drug or narcotic which is to be used as an ingredient in the manufacture of such goods.

4. Where alcohol, opium, Indian hemp or other narcotic drug or narcotic had been supplied to a manufacturer of any dutiable goods for use as an ingredient of such goods by, or under the authority of, the collecting Government and a duty of excise on the goods so supplied had already been recovered by such Government under any law for the time being in force, the collecting Government shall, on an application being made to it in this behalf, grant in respect of the duty of excise leviable under this Act, a rebate to such manufacturer of the excess, if any, of the duty so recovered over the duty leviable under this Act.

Rebate of duty on alcohol, etc., supplied for manufacture of dutiable goods.

5. In respect of the duty of excise and any other sums of any kind payable to the collecting Government under any of the provisions of this Act or of the rules made thereunder, the excise officer empowered by the said rules to levy such duty or require the payment of such sums, may deduct the amount so payable from any money owing to the person from whom such sums may be recoverable or due, which may be in his hands or under his disposal or control or may recover the amount by attachment and sale of dutiable goods belonging to such person; and if the amount payable is not so recovered, he may prepare a certificate signed by him specifying the amount due from the person liable to pay the sum and send it to the Collector of the district in which such person resides or conducts his business, and the said Collector on receipt of such certificate shall proceed to recover from the said person the amount specified therein in the same manner as an arrear of land revenue.

Recovery of sums due to Government.

6. (1) The Central Government may, by notification in the Official Gazette, provide that from such date as may be specified in the notification, no person shall engage in the production or manufacture of any dutiable goods or of any specified component parts or ingredients of such goods or of specified containers of such goods or of labels of such containers except under the authority and in accordance with the terms and conditions of a licence granted under this Act.

Certain operations to be subject to licences.

(2) Every licence under sub-section (1) shall be granted for such area, if any, for such period, subject to such restrictions and conditions, and in such form and containing such particulars as may be prescribed.

7. If any person—

(a) contravenes any of the provisions of a notification issued under section 6; or

(b) evades the payment of any duty of excise payable under this Act; or

(c) fails to supply any information which he is required by rules made under this Act to supply or (unless with a reasonable

Offences and penalties.

belief, the burden of proving which shall be upon him, that the information supplied by him is true), supplies false information;  
or

(d) attempts to commit or abets the commission of any offence mentioned in clause (a) or clause (b),

he 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, or with both.

Power of  
courts to  
order  
forfeiture.

8. Any court trying any offence under section 7 may order the forfeiture to the collecting Government of any dutiable goods in respect of which the court is satisfied that an offence under this Act has been committed, and may also order the forfeiture of any alcohol, drugs or materials by means of which the offence has been committed and of any receptacles, packages or coverings in which vessels or other conveyances used in carrying such goods or articles and any implements or machinery used in the manufacture of such goods.

#### POWERS AND DUTIES OF OFFICERS AND LANDHOLDERS

Power  
to  
arrest.

9. (1) Any excise officer duly empowered by rules made in this behalf may arrest any person whom he has reason to believe to be liable to punishment under this Act.

(2) Any person accused or reasonably suspected of committing an offence under this Act or any rules made thereunder, who, on demand of any excise officer duly empowered by rules made under this Act, refuses to give his name and residence, or who gives a name or residence which such officer has reason to believe to be false may be arrested by such officer in order that his name and residence may be ascertained.

Power  
to  
summon  
persons  
to  
give  
evidence  
and  
produce  
documents  
in  
inquiries  
under  
this  
Act.

10. (1) Any excise officer duly empowered by rules made in this behalf shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making for any of the purposes of this Act.

(2) A summons to produce documents or other things under subsection (1) may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person concerned.

(3) All persons so summoned shall be bound to attend either in person or by an authorized agent as such officer may direct and all persons so summoned shall be bound to state the truth on any subject respecting which he is examined or make statements and produce such documents and other things as may be required:

5 of 1908. Provided that the exemptions under section 132 and section 133 of the Code of Civil Procedure, 1908 shall apply to requisitions for attendance under this section.

45 of 1860. (4) Every such inquiry as aforesaid shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code.

11. All officers of Customs and Central Excise, and such other officers of the Central Government as may be specified in this behalf, and all police officers and all officers engaged in the collection of land revenue are hereby empowered and required to assist excise officers in the execution of this Act.

Officers required to assist excise officers.

12. Every owner or occupier of land and the agent of any such owner or occupier in charge of the management of that land, if dutiable goods are manufactured thereon in contravention of the provisions of this Act or the rules made thereunder, shall, in the absence of reasonable excuse, be bound to give notice of such manufacture to a magistrate or to an officer of the Excise, Customs, Police or Land Revenue Department immediately the fact comes to his notice.

Owners or occupiers of land to report manufacture of contraband dutiable goods.

13. Any owner or occupier of land or any agent of such owner or occupier in charge of the management of that land, who wilfully connives at any offence against the provisions of this Act or any rules made thereunder 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 five hundred rupees, or with both.

Punishment for connivance at offences.

5 of 1898. 14. All arrests and searches made under this Act or under any rules made thereunder shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, relating respectively to searches and arrests under that Code.

Searches and arrests how to be made.

15. (1) Every person arrested under this Act shall be forwarded without delay to the nearest excise officer empowered to send persons so arrested to a magistrate or if there is no such excise officer within a reasonable distance to the officer in charge of the nearest police station.

Disposal of persons arrested.

(2) The officer in charge of a police station to whom any person is forwarded under sub-section (1) shall either admit him to bail to appear before a magistrate having jurisdiction, or in default of bail forward him without delay in custody to such magistrate.

16. (1) When any person is forwarded under section 15 to an excise officer empowered to send persons so arrested to a magistrate, the excise officer shall proceed to inquire into the charge against him.

Inquiry how to be made by excise officers against arrested persons forwarded to them.

(2) For the purpose of sub-section (1), the excise officer may exercise the same powers, and shall be subject to the same provisions, as the officer in charge of a police station may exercise and is

subject to under the Code of Criminal Procedure, 1898, when 5 of 1898. investigating a cognizable case:

Provided that—

(a) if the excise officer is of opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall either admit him to bail to appear before a magistrate having jurisdiction in the case, or forward him in custody without delay to such magistrate;

(b) if it appears to the excise officer that there is not sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond, with or without sureties as the excise officer may direct, to appear, if and when so required, before the magistrate having jurisdiction and shall make a full report of all the particulars of the case to his official superior.

(3) All officers exercising any powers under section 15 or this section shall so exercise their powers as to ensure that every person who is arrested and detained in custody is produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate.

Vexatious search, seizure, etc., by excise officer.

17. (1) Any officer exercising powers under this Act or under the rules made thereunder who—

(a) without reasonable ground of suspicion searches or causes to be searched any place, conveyance or vessel;

(b) vexatiously and unnecessarily detains, searches or arrests any person;

(c) vexatiously and unnecessarily seizes the movable property of any person on pretence of seizing or searching for any article liable to confiscation under this Act;

(d) commits, as such officer, any other act to the injury of any person, without having reason to believe that such act is required for the execution of his duty;

shall, for every such offence, 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 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.

Failure of excise officers on duty.

18. Any excise officer who ceases or refuses to perform, or withdraws himself from, the duties of his office, unless he had obtained the express written permission of his superior officer or has given such superior officer two months' notice in writing of his intention



or has other lawful excuse, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to three months' pay, or with both.

## SUPPLEMENTARY PROVISIONS

19. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. <sup>Power to make rules.</sup>

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

(i) provide for the assessment and collection of duties levied under this Act, the authorities by whom functions under this Act are to be discharged, the issue of notices requiring payment, the manner in which the duties shall be payable and the recovery of duty not paid;

(ii) prohibit absolutely, or with such exceptions, or subject to such conditions as the Central Government may think fit, the manufacture, or any process of the manufacture, of dutiable goods or of any component parts or ingredients or containers thereof, except on land or premises approved for the purpose;

(iii) regulate the removal of dutiable goods from the place where they are stored or manufactured or subjected to any process of production or manufacture and their transport to or from the premises of a licensed person, or a bonded warehouse, or to a market;

(iv) regulate the production or manufacture of any process of production or manufacture, the possession and storage of dutiable goods or of any component parts or ingredients or containers thereof, so far as such regulation is essential for the proper levy and collection of duties levied under this Act;

(v) provide for the employment of excise officers to supervise the carrying out of any rules made under this Act;

(vi) require a manufacturer or the licensee of a warehouse to provide accommodation within the precincts of his factory or warehouse for excise officers employed to supervise the carrying out of rules made under this Act and prescribe the scale of such accommodation;

(vii) provide for the appointment, licensing, management and supervision of bonded warehouses and the procedure to be followed in entering dutiable goods into and clearing goods from such warehouses or in the movement of dutiable goods from one bonded warehouse to another;

(viii) provide for the distinguishing of excisable goods which have been manufactured under licence, of materials which have been imported under licence and of goods on which duty has been paid or which are exempt from duty under this Act;

(ix) impose on persons engaged in the manufacture, storage or sale (whether on their own account or as brokers or commission agents) so far as such imposition is essential for the proper levy and collection of the duties levied under this Act, the duty of furnishing information, keeping records and making returns and prescribe the nature of such information and form of such records and returns, the particulars to be contained therein and the manner in which they shall be verified;

(x) require that dutiable goods shall not be sold or offered or kept for sale except in prescribed containers, bearing a banderol, stamp or label of such nature and affixed in such manner as may be prescribed;

(xi) provide for the issue of licences and transport permits and the fees, if any, to be charged therefor;

(xii) provide for the detention of dutiable goods, plant, machinery or material for the purpose of exacting the duty;

(xiii) provide for the confiscation of dutiable goods in respect of which a breach of any rule made under this Act has been committed, and also for the confiscation of any alcohol, drugs or materials by means of which the breach has been committed and of any receptacle, packages or covering in which such goods or articles are contained, and the animals, vehicles, vessels or other conveyances used in carrying such goods or articles and any implements or machinery used in the manufacture of such goods;

(xiv) provide for the levy of a penalty not exceeding two thousand rupees for a breach of any rule made under this Act;

(xv) provide for the procedure in connection with such confiscation and the imposition of such penalty, the maximum limits up to which particular classes of excise officers may adjudge such confiscation or penalty, appeals from orders of such officers and revision of such orders by some higher authority, the time-limit for such appeals and revisions and the disposal of goods and articles confiscated;

(xvi) authorize and regulate the compounding of offences against, or liabilities incurred under, this Act or the rules made thereunder;

(xvii) authorize and regulate the inspection of factories and provide for the taking of samples or for the making of tests of any substance produced therein and for the inspection or search of any place, conveyance or vessel used for the production, storage, sale or transport of dutiable goods in so far as such inspection or search is essential for the proper levy and collection of the duties levied under this Act;

(xviii) provide for the grant of a rebate of the duty paid on dutiable goods which are exported out of India or shipped for consumption on a voyage to any port outside India;

(xix) exempt any dutiable goods from the whole or any part of the duty levied under this Act where in the opinion of the Central Government, it is necessary to grant such exemption in the interest of the trade or in the public interest;

(xx) notify in the Official Gazette lists of the names and descriptions of preparations which would fall for assessment under any particular item of the Schedule or for regulating their manufacture, transport and distribution;

(xxi) authorize particular classes of excise officers to provide by written instructions for supplemental matters arising out of any rule made by the Central Government under this section.

(3) Where any confiscation or penalty has been adjudged in respect of a breach of any rule under this Act, which is also an offence under section 7, the person concerned shall not be prosecuted under that section.

(4) All rules made by the Central Government under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

20. (1) No suit or other legal proceeding shall lie against the collecting Government or against any officer in respect of any order passed in good faith or any act in good faith done or ordered to be done under this Act.

Bar of suits  
and limita-  
tion of suits  
and other  
legal  
proceedings.

(2) No suit, prosecution or other legal proceeding shall be instituted against the collecting Government or against any officer for anything done or ordered to be done under this Act after the expiration of six months from the accrual of the cause of action or from the date of the act or order complained of.

21. If, immediately before the commencement of this Act, there is in force in any State any law corresponding to this Act, that law is hereby repealed:

Repeals and  
savings.

Provided that all rules made, notifications issued, licences or permits granted, powers conferred under any law hereby repealed shall, so far as they are not inconsistent with this Act, have the same force and effect as if they had been respectively made, issued, granted or conferred under this Act and by the authority empowered hereby in that behalf.

**THE SCHEDULE**

(See section 3)

Item No.	Description of dutiable goods	Rate of duty
1.	Medicinal and toilet preparations, containing alcohol, which are prepared by distillation or to which alcohol has been added, and which are capable of being consumed as ordinary alcoholic beverages.	Rupees seventeen and annas eight per gallon of the strength of London proof spirit.
2.	Medicinal and toilet preparations not otherwise specified containing alcohol—	
	(i) Ayurvedic preparations containing self-generated alcohol, which are not capable of being consumed as ordinary alcoholic beverages.	<i>Nil.</i>
	(ii) Ayurvedic preparations containing self-generated alcohol, which are capable of being consumed as ordinary alcoholic beverages.	Rupees three per gallon.
	(iii) All others.	Rupees five per gallon of the strength of London proof spirit.
3.	Medicinal and toilet preparations, not containing alcohol, but containing opium, Indian hemp, or other narcotic drug or narcotic.	<i>Nil.</i>

*Explanation I.*—"Gallon" means a measure of capacity which is equivalent to 160 fluid ounces.

*Explanation II.*—"London proof spirit" means that mixture of ethyl alcohol and distilled water which at the temperature of 51 degrees Fahrenheit weighs exactly 12/13th parts of an equal measure of distilled water at the same temperature.

*Explanation III.*—Where in respect of any dutiable goods the unit of assessment for the purpose of any duty under this Act is a gallon of the strength of London proof spirit, the duty shall be increased or reduced in such proportion as the strength of the dutiable goods is greater or less than that of the London proof spirit.

*Repealed by Act 58 of 1960, S. 24 & Ch. I (w.e.f. 26-12-60)*

OF 1955]

Indian Railways (Amendment)

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1955

ACT No. 17 OF 1955

[3rd May, 1955]

An Act further to amend the Indian Railways Act, 1890.

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

1. This Act may be called the Indian Railways (Amendment) Act, 1955. Short title.

2. In section 137 of the Indian Railways Act, 1890—

Amendment  
of section  
137, Act 9  
of 1890.

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

45 of 1860. “(1) Every railway servant, not being a public servant as defined in section 21 of the Indian Penal Code, shall be deemed to be a public servant for the purposes of Chapter IX and section 409 of that Code.”; and

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

THE INSURANCE (AMENDMENT) ACT, 1955

*Rep. Act 58/60*

ACT No. 18 OF 1955

[3rd May, 1955]

An Act further to amend the Insurance Act, 1938.

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

1. This Act may be called the Insurance (Amendment) Act, 1955. Short title.

19 of 1925. 2. In section 118 of the Insurance Act, 1938, for the words, figures and brackets “to any insurance business carried on by the Central Government, or to any provident fund to which the provisions of the Provident Funds Act, 1925, apply,” the following words, figures and brackets shall be substituted, namely:—

Amendment  
of section  
118, Act 4  
of 1938.

19 of 1925. “to any provident fund to which the provisions of the Provident Funds Act, 1925, apply, or, except to such extent as the Central Government may by order specify, to any insurance business carried on by the Central Government.”

THE COMMANDERS-IN-CHIEF (CHANGE IN  
DESIGNATION) ACT, 1955

See India Code  
Vol. I

ACT NO. 19 OF 1955

[3rd May, 1955]

An Act to amend certain enactments for the purpose of changing the designation of the Commanders-in-Chief of the Armed Forces.

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

1. (1) This Act may be called the Commanders-in-Chief (Change in Designation) Act, 1955. 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. The enactments specified in the Schedule are hereby amended to the extent and in the manner specified in the fourth column thereof. Amendment of certain enactments.

3. Any reference, by whatever form of words, to the Commander-in-Chief of the regular Army, the Commander-in-Chief of the Indian Navy, and the Commander-in-Chief of the Air Force, in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Chief of the Army Staff, the Chief of the Naval Staff, and the Chief of the Air Staff respectively. Construction of references to Commanders-in-Chief in enactments or instruments.

THE SCHEDULE

(See section 2)

Year	No.	Short title	Amendments
1	2	3	4
1881	13	The Fort William Act, 1881.	In section 3, for the words "The Commander-in-Chief, Indian Army", the words "The Chief of the Army Staff" shall be substituted.

\* 7-5-1955

1	2	3	4
1934	34	The Indian Navy (Discipline) Act, 1934.	Throughout the Act, for the words 'the Commander-in-Chief, Indian Navy' wherever they occur, the words 'the Chief of the Naval Staff' shall be substituted.
1948	31	The National Cadet Corps Act, 1948.	In sub-section (1) of section 12, for clauses (e), (f) and (g), the following clauses shall be substituted, namely:—  “(e) the Chief of the Army Staff, <i>ex-officio</i> ; (f) the Chief of the Naval Staff, <i>ex-officio</i> ; (g) the Chief of the Air Staff, <i>ex-officio</i> ;”.
1950	45	The Air Force Act, 1950	(1) In section 4, for clause (xiv), the following clause shall be substituted, namely:—  “(xiv) 'Chief of the Air Staff' means the officer commanding the Air Force ;”.  (2) Throughout the Act, unless otherwise expressly provided, for the words 'the Commander-in-Chief', wherever they occur, the words 'the Chief of the Air Staff' shall be substituted.
1950	46	The Army Act, 1950	(1) In section 3, for clause (iv), the following clause shall be substituted, namely:—  “(iv) 'Chief of the Army Staff' means the officer commanding the regular Army ;”.  (2) Throughout the Act, unless otherwise expressly provided, for the words 'the Commander-in-Chief', wherever they occur, the words 'the Chief of the Army Staff' shall be substituted.
1943	30	The Indian Military Nursing Service Ordinance, 1943.	In sections 7 and 11, for the words 'Commander-in-Chief, Indian Army' the words 'Chief of the Army Staff' shall be substituted.

THE HYDERABAD EXPORT DUTIES (VALIDATION)ACT 1955ACT NO. 20 OF 1955

[6th May, 1955]

An Act to validate the levy and collection of certain duties on the export of goods from the State of Hyderabad.

WHEREAS the State of Hyderabad was, before the commencement of the Constitution, levying duties, whether as fees or

See India Code,  
Vol. VII B.

surcharges, on the export of certain goods from that State to other States;

AND WHEREAS the said duties continued to be levied and collected for a certain period after the commencement of the Constitution;

AND WHEREAS doubts have arisen with respect to the validity of the levy and collection of the said duties;

AND WHEREAS it is expedient in the public interest that the levy and collection of the said duties should be validated;

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

Short title. 1. This Act may be called the Hyderabad Export Duties (Validation) Act, 1955.

Validation of certain duties on the export of goods from Hyderabad. 2. (1) Notwithstanding anything contained in any law or in any judgment, decree or order of any court, all duties levied and collected or purporting to have been levied and collected, whether as fees or surcharges, under any notification as defined in sub-section (2)—

(a) during the period between the 4th day of February, 1945, and the commencement of the Constitution; and

(b) during the period between the commencement of the Constitution and the 30th day of September, 1954;

in respect of the export from the State of Hyderabad to other States of any goods mentioned in such notification, shall for all purposes be deemed to be and to have always been levied and collected in accordance with law, and accordingly—

(i) no suit or other proceeding shall be maintained or continued in any court for the refund of any duties so paid; and

(ii) no court shall enforce any decree or order directing the refund of any duties so paid.

(2) In this section,—

(a) 'notification' means a notification issued in exercise or purported exercise of the powers conferred by the Defence of Hyderabad Rules 1348F made under the Defence of Hyderabad Regulation 1348F;

(b) 'the State of Hyderabad' in relation to the period before the commencement of the Constitution means the corresponding Indian State of the same name.



*Repealed by Act 58/60, 8.2 & S.I. (No. 26-12-60)*

OF 1955]

See Customs (Amendment)

**THE SEA CUSTOMS (AMENDMENT) ACT, 1955**

**ACT NO. 21 OF 1955**

[7th May, 1955]

An Act further to amend the Sea Customs Act, 1878.

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

1. This Act may be called the Sea Customs (Amendment) Act, 1955. Short title.

2. In the proviso to section 25 of the Sea Customs Act, 1878 (hereinafter referred to as the principal Act), for the words "without payment of duty", the following shall be substituted, namely:— Amendment of section 25, Act 8 of 1878.

"without payment of duty if no drawback in respect of the goods has been allowed under section 43B, and on payment of duty equal to the amount of the drawback if drawback has been allowed under that section".

3. After section 29 of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 29A and 29B in Act 8 of 1878.

"29A. Notwithstanding anything contained in this Act, goods chargeable to duty may, prior to the examination thereof, be permitted by the Customs-collector to be assessed for the purposes of this Act on the basis of the statement contained in the bill of entry or shipping bill, as the case may be, but if it is found subsequently on an examination of the goods or otherwise, that any such statement is not true in respect of any matter relevant to the assessment, the goods may, without prejudice to any other action which may be taken under this Act, be reassessed to duty. Assessment of duty prior to examination of goods.

29B. (1) Notwithstanding anything contained in this Act, but without prejudice to the provisions contained in section 29,— Provisional assessment of duty.

(a) where the owner of any goods makes and subscribes a declaration before the Customs-collector to the effect that he is unable for want of full information to state precisely the real value or quantity of such goods in a bill of entry or a shipping bill, as the case may be; or

(b) where the owner of any goods has furnished full information in regard to the real value or quantity of the

goods but the Customs-collector requires further proof in respect thereof; or

(c) where the Customs-collector deems it expedient to subject any goods liable to duty, to any chemical or other test,

the Customs-collector may direct that the duty leviable on such goods may, pending the production of such information or proof or pending the completion of any such test, be assessed provisionally in accordance with, and subject to the provisions of, this section and any rules made thereunder.

(2) When the owner of any goods in respect of which the duty has been assessed provisionally under sub-section (1) has paid such duty, the officer of Customs may make an order allowing the goods to be cleared for home consumption or shipped or water borne to be shipped for exportation, as the case may be, and such order shall be sufficient authority for the removal of the goods by the owner.

(3) When the duty leviable on such goods is assessed finally in accordance with the provisions of this Act, the duty provisionally assessed under sub-section (1) shall be adjusted against the duty finally assessed, and if the duty provisionally assessed falls short of, or is in excess of, the duty finally assessed, the owner of the goods shall pay the deficiency or be entitled to a refund, as the case may be.

(4) The Chief Customs-authority may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this section and, in particular, such rules may provide for—

(a) the circumstances in which, and the restrictions, and conditions subject to which, duty may be provisionally assessed on any goods and the manner in which such duty may be so assessed;

(b) the furnishing of any security for the payment of the deficiency, if any, between the duty finally assessed, and the duty provisionally assessed; and

(c) the final assessment of duty, where the owner of the goods fails to furnish full information within a specified period regarding the real value or quantity of the goods.

(5) All rules made under this section shall be laid before both Houses of Parliament, as soon as may be, after they are made.”

Rep. Act 58/60

of 1955]

Sea Customs (Amendment)

105

4. In section 37 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Amendment  
of section 37,  
Act 8 of  
1878.

“*Explanation*.—A bill of entry shall, for the purposes of this section, be deemed to be delivered—

(a) when it is first presented to the proper officer of Customs; or

(b) where it is delivered in anticipation of the arrival of the importing vessel, on the date on which an order is given under section 57 for the entry of the vessel inwards.”

5. For section 39 of the principal Act, the following section shall be substituted, namely:—

Substitution  
of new sec-  
tion for sec-  
tion 39 in  
Act 8 of  
1878.

“39. (1) When customs duties or charges have not been levied or have been short-levied through inadvertence, error, collusion or misconstruction on the part of the officers of Customs, or through mis-statement as to real value, quantity or description on the part of the owner,

Payment of  
duties not  
levied, short  
levied or er-  
roneously re-  
funded.

or when any such duty or charge, after having been levied, has been, owing to any such cause, erroneously refunded,

the person chargeable with the duty or charge which has not been levied or which has been so short-levied, or to whom such refund has erroneously been made, shall pay the duty or charge or the deficiency or repay the amount paid to him in excess, on a notice of demand being issued to him within three months from the relevant date as defined in sub-section (2);

and the Customs-collector may refuse to pass any goods belonging to such person until the said duties or charges or the said deficiency or excess be paid or repaid.

(2) For the purposes of sub-section (1), the expression “relevant date” means:—

(a) in a case where the duty or charge has not been levied, the date on which the Customs-officer makes an order for clearance of the goods;

(b) in a case where the duty is re-assessed under section 29A, the date of re-assessment;

(c) in a case where the duty is provisionally assessed under section 29B, the date of final adjustment of duty;

(d) in a case where the duty or charge has been erroneously refunded, the date of refund; and

(e) in any other case, the date of the first assessment.”

Amendment of section 40, Act 8 of 1878. 6. To section 40 of the principal Act, the following *Explanation* shall be added, namely:—

“*Explanation.*—Where duty is provisionally assessed under section 29B, the period of three months shall be computed from the date of final adjustment of duty.”

Insertion of new section 54A in Act 8 of 1878. 7. After section 54 of the principal Act, the following section shall be inserted, namely:—

Delivery of manifest before arrival of vessel.

“54A. Notwithstanding anything contained in this Act, the Customs-collector may, subject to any general or special order issued by the Chief Customs-authority, allow a manifest to be delivered in anticipation of the arrival of a vessel.”

Amendment of section 86, Act 8 of 1878. 8. In section 86 of the principal Act, for the first paragraph, the following paragraph shall be substituted, namely:—

“The owner of any goods shall, after the delivery of the manifest by the master of the vessel in which they are imported, make entry of the goods for home consumption or warehousing by delivering to the Customs-collector a bill of entry thereof with such number of copies, in such form and containing such particulars, in addition to the particulars specified in section 29, as may, from time to time, be prescribed by the Chief Customs-officer.”

Amendment of section 140, Act 8 of 1878. 9. In section 140 of the principal Act, for the proviso in the second paragraph, the following proviso shall be substituted, namely:—

“Provided that no such refund shall be allowed unless a claim therefor is made within three months of the date on which the said vessel left the port.”

Amendment of section 167, Act 8 of 1878.

10. In the Schedule to section 167 of the principal Act,—

(a) after item 76, the following items shall be inserted, namely:—

“76A. If any person resists or refuses to allow a radiologist to screen or take X-ray pictures of his body in accordance with an order made by a magistrate. 170A Such person shall on conviction before a magistrate be liable to imprisonment for any term not exceeding six months, or to fine, or to both.

76B. If any person resists or refuses to allow suitable action being taken on the advice and under the supervision of a registered medical practitioner for bringing out any dutiable, or prohibited goods secreted inside his body. 170A Such person shall on conviction before a magistrate be liable to imprisonment for any term not exceeding six months, or to fine, or to both.”;

(b) in item 80, in the entry in the first column, for the words and figures "without the approval of the Customs-collector under section 202", the words and figures "without being in possession of a valid licence required under section 202" shall be substituted;

(c) after item 80, the following item shall be inserted, namely:—

"81. If any person knowingly, and with intent to defraud the Government of any duty payable thereon, or to evade any prohibition or restriction for the time being in force under or by virtue of this Act with respect thereto acquires possession of, or is in any way concerned in carrying, removing, depositing, harbouring, keeping or concealing or in any manner dealing with any goods which have been unlawfully removed from a warehouse or which are chargeable with a duty which has not been paid or with respect to the importation or exportation of which any prohibition or restriction is for the time being in force as aforesaid; or

General Such person shall on conviction before a magistrate be liable to imprisonment for any term not exceeding two years, or to fine, or to both."

If any person is in relation to any goods in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duty chargeable thereon or of any such prohibition or restriction as aforesaid or of any provision of this Act applicable to those goods.

11. After section 170 of the principal Act, the following section shall be inserted, namely:—

"170A. (1) Where any officer of Customs duly employed in the prevention of smuggling has reason to believe that any person on board of any vessel in any port in India or any person who has landed from any vessel has any dutiable, or prohibited goods secreted inside his body, such officer of Customs may detain such person and produce him without unnecessary delay before the nearest magistrate.

Insertion of new section 170A Act 8 of 1878.

Power to screen or X-ray bodies of person for detecting secreted goods,

(2) A magistrate before whom any person is brought under sub-section (1) shall, if he sees no reasonable ground for believing that such person has any such goods secreted inside his body, forthwith discharge such person.

(3) Where any such Magistrate has reasonable ground for believing that such person has any such goods secreted inside his body and the magistrate is satisfied that for the purpose of discovering such goods it is necessary to have the body of such person screened or X-rayed, he may make an order to that effect.

(4) Where a magistrate has made any order under sub-section (3) in relation to any person, any officer of Customs duly

employed in the prevention of smuggling shall, as soon as practicable, take such person before a radiologist possessing qualifications recognized by the Central Government for the purpose of this section, and such person shall allow the radiologist to screen or X-ray his body.

(5) A radiologist before whom any person is brought under sub-section (4) shall, after screening or X-raying the body of such person, forward his report, together with any X-ray pictures taken by him, to the magistrate without any unnecessary delay.

(6) Where on receipt of a report from a radiologist under sub-section (5) or otherwise, the magistrate is satisfied that any person has any dutiable or prohibited goods secreted inside his body, he may direct that suitable action for bringing out such goods be taken on the advice and under the supervision of a registered medical practitioner and such person shall be bound to comply with such direction:

Provided that in the case of a female no such action shall be taken except on the advice and under the supervision of a female registered medical practitioner.

(7) Where any person is brought before a magistrate under this section, such magistrate may for the purpose of enforcing the provisions of this section order such person to be kept in such custody and for such time as he may direct.

(8) Any expenditure incurred for the purpose of enforcing the provisions of this section (including any fees payable to a radiologist or a registered medical practitioner) shall be defrayed out of moneys provided by Parliament.

(9) Nothing in this section shall apply to any person referred to in sub-section (1), who admits that dutiable or prohibited goods are secreted inside his body, and who voluntarily submits himself for suitable action being taken for bringing out such goods.

*Explanation.*—For the purposes of this section, the expression “registered medical practitioner” means any person who holds a qualification granted by an authority specified in the Schedule to the Indian Medical Degrees Act, 1916, or notified under section 3 of that Act, or by an authority specified in any of the Schedules to the Indian Medical Council Act, 1933.”

of 1916.

27 of 1933.

12. After section 171 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 171A in Act 8 of 1878. Power of officers of Customs to summon persons to give evidence and produce documents.

“171A. (1) Any officer of Customs duly employed in the prevention of smuggling shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making in connection with the smuggling of any goods.

(2) A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things 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 an authorized agent, 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 to produce such documents and other things 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.

5 of 1908.

(4) Every such inquiry as aforesaid shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code.”.

45 of 1863

13. In section 172 of the principal Act,—

Amendment of section 172, Act 8 of 1878.

(a) after the words “prohibited goods”, the words “or any documents relating to such goods” shall be inserted, and

(b) after the words “to search for such goods”, the words “or documents” shall be inserted.

14. After section 178 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 178A in Act 8 of 1878. Burden of proof.

“178A. (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 on the person from whose possession the goods were seized.

(2) This section shall apply to gold, gold manufactures, diamonds and other precious stones, cigarettes and cosmetics and any other goods which the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) Every notification issued under sub-section (2) shall be laid before both Houses of Parliament as soon as may be after it is issued.”.

Insertion of new section 187A in Act 8 of 1878. 15. After section 187 of the principal Act, the following section shall be inserted, namely:—

Cognizance of offences.

“187A. No court shall take cognizance of any offence relating to smuggling of goods punishable under item 81 of the Schedule to section 167, except upon complaint in writing, made by the Chief Customs-officer or any other officer of Customs not lower in rank than an Assistant Collector of Customs.

Insertion of new section 190A in Act 8 of 1878. 16. After section 190 of the principal Act, the following section shall be inserted, namely:—

Powers of revision of Chief Customs-authority and Chief Customs-officer.

“190A. (1) The Chief Customs-authority may of its own motion or otherwise call for and examine the record of any proceeding in which an officer of Customs has passed any decision or order under this Act for the purpose of satisfying itself as to the legality or propriety of any such decision or order and may pass such order thereon as it thinks fit:

Provided that no order prejudicial to any person shall be passed under this section unless such person has been given a reasonable opportunity of making a representation against the proposed order.

(2) The powers conferred upon the Chief Customs-authority under sub-section (1) may also, in the like manner and subject to the like conditions, be exercised by the Chief Customs-officer in respect of any decision or order passed under this Act by any officer of Customs subordinate to him.

(3) No decision or order passed by an officer of Customs shall be revised under this section by the Chief Customs-authority or a Chief Customs-officer, as the case may be, after the expiry of two years from the date of the decision or order.”

Substitution of new section for section 202 in Act 8 of 1878. 17. For section 202 of the principal Act, the following section shall be substituted, namely:—

Custom-house agents to be licensed.

“202. (1) With effect from such date as the Central Government may, by notification in the Official Gazette specify, no person shall act as an agent for the transaction of any business relating to the entrance or clearance of any vessel or the import or export of goods or baggage in any custom-house unless such person holds a licence granted in this behalf in accordance with the rules made under sub-section (2).



*(Rep. Act 58/60)*

(2) The Chief Customs-authority may make rules for the purpose of carrying out the provisions of this section and in particular, such rules may provide for—

- (a) the authority by which a licence may be granted under this section and the period of validity of any such licence;
- (b) the form of the licence and the fees payable therefor;
- (c) the qualifications of persons who may apply for a licence;
- (d) the restrictions and conditions (including the furnishing of a security by the licensee for his faithful behaviour as regards the custom-house regulations and officers) subject to which a licence may be granted;
- (e) the circumstances in which a licence may be suspended or revoked; and
- (f) the appeals, if any, against an order or suspension or revocation of a licence, and the period within which such appeals shall be filed."

**THE UNTOUCHABILITY (OFFENCES) ACT, 1955**

*See India Code,  
Vol. III*

ACT NO. 22 OF 1955

[8th May, 1955]

An Act to prescribe punishment for the practice of "Untouchability", for the enforcement of any disability arising therefrom and for matters connected therewith.

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

1. (1) This Act may be called the Untouchability (Offences) Act, 1955.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date\* as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
  - (a) 'hotel' includes a refreshment room, a boarding house, a lodging house, a coffee house and a cafe;
  - (b) 'place' includes a house, a building, a tent, and a vessel:

Short title, extent and commencement.

Definitions.

\*1st June, 1955, vide Notification No. S.R.O. 1109, dt. 23-5-55, Gazette of India, Extraordinary, 1955 Pt. II, Section 3, p. 971.

(c) 'place of public entertainment' includes any place to which the public are admitted and in which an entertainment is provided or held.

*Explanation.*—'Entertainment' includes any exhibition, performance, game, sport and any other form of amusement;

(d) 'place of public worship' means a place, by whatever name known, which is used as a place of public religious worship or which is dedicated generally to, or is used generally by, persons professing any religion or belonging to any religious denomination or any section thereof, for the performance of any religious service, or for offering prayers therein; and includes all lands and subsidiary shrines appurtenant or attached to any such place;

(e) 'shop' means any premises where goods are sold either wholesale or by retail or both wholesale and by retail and includes a laundry, a hair cutting saloon and any other place where services are rendered to customers.

Punishment  
for enforcing  
religious dis-  
abilities.

3. Whoever on the ground of "untouchability" prevents any person—

(a) from entering any place of public worship which is open to other persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person; or

(b) from worshipping or offering prayers or performing any religious service in any place of public worship, or bathing in, or using the waters of, any sacred tank, well, spring or water-course, in the same manner and to the same extent as is permissible to other persons professing the same religion, or belonging to the same religious denomination or any section thereof, as such person;

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

*Explanation.*—For the purposes of this section and section 4 persons professing the Buddhist, Sikh or Jaina religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis, followers of Brahmó, Prarthana, Arya Samaj and the Swaminarayan Sampraday shall be deemed to be Hindus.

Punishment  
for enforc-  
ing social  
disabilities.

4. Whoever on the ground of "untouchability" enforces against any person any disability with regard to—

(i) access to any shop, public restaurant, hotel or place of public entertainment; or

(ii) the use of any utensils, and other articles kept in any public restaurant, hotel, *dharmshala*, *sarai* or *musafirkhana* for the use of the general public or of persons professing the same religion, or belonging to the same religious denomination or any section thereof, as such person; or

(iii) the practice of any profession or the carrying on of any occupation, trade or business; or

(iv) the use of, or access to, any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, burial or cremation ground, any sanitary convenience, any road, or passage, or any other place of public resort which other members of the public, or persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person, have a right to use or have access to; or

(v) the use of, or access to, any place used for a charitable or a public purpose maintained wholly or partly out of State funds or dedicated to the use of the general public, or persons professing the same religion, or belonging to the same religious denomination or any section thereof, as such person; or

(vi) the enjoyment of any benefit under a charitable trust created for the benefit of the general public or of persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person; or

(vii) the use of, or access to, any public conveyance; or

(viii) the construction, acquisition, or occupation of any residential premises in any locality, whatsoever; or

(ix) the use of any *dharmshala*, *sarai* or *musafirkhana* which is open to the general public, or to persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person; or

(x) the observance of any social or religious custom, usage or ceremony or taking part in any religious procession; or

(xi) the use of jewellery and finery;

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

5. Whoever on the ground of "untouchability"—

(a) refuses admission to any person to any hospital, dispensary, educational institution or any hostel attached thereto, if such hospital, dispensary, educational institution or hostel is

Punishment  
for refusing  
to admit per-  
sons to hos-  
pitals, etc.

established or maintained for the benefit of the general public or any section thereof; or

(b) does any act which discriminates against any such person after admission to any of the aforesaid institutions;

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for refusing to sell goods or render services.

6. Whoever on the ground of "untouchability" refuses to sell any goods or refuses to render any service to any person at the same time and place and on the same terms and conditions at or on which such goods are sold or services are rendered to other persons in the ordinary course of business shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for other offences arising out of "untouchability".

7. (1) Whoever—

(a) prevents any person from exercising any right accruing to him by reason of the abolition of "untouchability" under Article 17 of the Constitution; or

(b) molests, injures, annoys, obstructs or causes or attempts to cause obstruction to any person in the exercise of any such right or molests, injures, annoys or boycotts any person by reason of his having exercised any such right; or

(c) by words, either spoken or written, or by signs or by visible representations or otherwise, incites or encourages any person or class of persons or the public generally to practise "untouchability" in any form whatsoever;

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

*Explanation.*—A person shall be deemed to boycott another person who—

(a) refuses to let to such other person or refuses to permit such other person, to use or occupy any house or land or refuses to deal with, work for, hire for, or do business with, such other person or to render to him or receive from him any customary service, or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business; or

(b) abstains from such social, professional or business relations as he would ordinarily maintain with such other person.

(2) Whoever—

(i) denies to any person belonging to his community or any section thereof any right or privilege to which such person would be entitled as a member of such community or section, or

(ii) takes any part in the ex-communication of such person, on the ground that such person has refused to practise "untouchability" or that such person has done any act in furtherance of the objects of this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

8. When a person who is convicted of an offence under section 6 holds any licence under any law for the time being in force in respect of any profession, trade, calling or employment in relation to which the offence is committed, the court trying the offence may, without prejudice to any other penalty to which such person may be liable under that section, direct that the licence shall stand cancelled or be suspended for such period as the court may deem fit, and every order of the court so cancelling or suspending a licence shall have effect as if it had been passed by the authority competent to cancel or suspend the licence under any such law.

Cancellation or suspension of licences in certain cases.

*Explanation.*—In this section, 'licence' includes a permit or a permission.

9. Where the manager or trustee of a place of public worship which is in receipt of a grant of land or money from the Government is convicted of an offence under this Act and such conviction is not reversed or quashed in any appeal or revision, the Government may, if in its opinion the circumstances of the case warrant such a course, direct the suspension or resumption of the whole or any part of such grant.

Resumption or suspension of grants made by Government.

10. Whoever abets any offence under this Act shall be punishable with the punishment provided for the offence.

Abetment of offence.

11. Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment, shall, on every such subsequent conviction, be punishable with both imprisonment and fine.

Enhanced penalty on subsequent conviction.

12. Where any act constituting an offence under this Act is committed in relation to a member of a Scheduled Caste as defined in clause (24) of Article 366 of the Constitution, the court shall presume, unless the contrary is proved, that such act was committed on the ground of ("untouchability")

Presumption by courts in certain cases.

13. (1) No civil court shall entertain or continue any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Act.

Limitation of jurisdiction of civil courts.

(2) No court shall, in adjudicating any matter or executing any decree or order, recognise any custom or usage imposing any disability on any person on the ground of "untouchability".

Offences by companies.

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

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

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

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

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

(b) 'director' in relation to a firm means a partner in the firm.

Offences under the Act to be cognizable and compoundable.

15. Notwithstanding anything contained in the Code of Criminal Procedure, 1898—

(a) every offence under this Act shall be cognizable; and

(b) every such offence may, with the permission of the court, be compounded.

Act to override other laws.

16. Save as otherwise expressly provided in this Act, 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 custom or usage or any instrument having effect by virtue of any such law or any decree or order of any court or other authority.

Repeal.

17. The enactments specified in the Schedule are hereby repealed to the extent to which they or any of the provisions contained therein correspond or are repugnant to this Act or to any of the provisions contained therein.

#### THE SCHEDULE

(See section 17)

1. The Bihar Harijan (Removal of Civil Disabilities) Act, 1949 (Bihar Act 19 of 1949).

2. The Bombay Harijan (Removal of Social Disabilities) Act, 1946 (Bombay Act 10 of 1947).
3. The Bombay Harijan Temple Entry Act, 1947 (Bombay Act 35 of 1947).
4. The Central Provinces and Berar Scheduled Castes (Removal of Civil Disabilities) Act, 1947 (Central Provinces and Berar Act 24 of 1947).
5. The Central Provinces and Berar Temple Entry Authorisation Act, 1947 (Central Provinces and Berar Act 41 of 1947).
6. The East Punjab (Removal of Religious and Social Disabilities) Act, 1948 (East Punjab Act 14 of 1948).
7. The Madras Removal of Civil Disabilities Act, 1938 (Madras Act 21 of 1938).
8. The Orissa Removal of Civil Disabilities Act, 1946 (Orissa Act 11 of 1946).
9. The Orissa Temple Entry Authorisation Act, 1948 (Orissa Act 11 of 1948).
10. The United Provinces Removal of Social Disabilities Act, 1947 (U.P. Act 14 of 1947).
11. The West Bengal Hindu Social Disabilities Removal Act, 1948 (West Bengal Act 37 of 1948).
12. The Hyderabad—Harijan Temple Entry Regulation, 1358F (No. 55 of 1358 Fasli).
13. The Hyderabad Harijan (Removal of Social Disabilities) Regulation, 1358F (No. 56 of 1358 Fasli).
14. The Madhya Bharat Harijan Ayogta Niyaran Vidhan, Samvat 2005 (Madhya Bharat Act No. 15 of 1949).
15. The Removal of Civil Disabilities Act, 1943 (Mysore Act 42 of 1943).
16. The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act 14 of 1948).
17. The Saurashtra Harijan (Removal of Social Disabilities) Ordinance (No. XL of 1948).
18. The Travancore-Cochin Removal of Social Disabilities Act, 1125 (Travancore-Cochin Act 8 of 1125).
19. The Travancore-Cochin Temple Entry (Removal of Disabilities) Act, 1950 (Travancore-Cochin Act 27 of 1950).
20. The Coorg Scheduled Castes (Removal of Civil and Social Disabilities) Act, 1949 (Coorg Act 1 of 1949).
21. The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act 2 of 1949).

## THE STATE BANK OF INDIA ACT, 1955

ACT No. 23 OF 1955

## ARRANGEMENT OF SECTIONS

## CHAPTER I

## PRELIMINARY

## SECTIONS

1. Short title and commencement.
2. Definitions.

## CHAPTER II

## INCORPORATION AND SHARE CAPITAL OF STATE BANK

3. Establishment of the State Bank.
4. Authorised capital.
5. Issued capital.

## CHAPTER III

## TRANSFER OF UNDERTAKING OF THE IMPERIAL BANK TO STATE BANK

6. Transfer of assets and liabilities of the Imperial Bank to the State Bank.
7. Transfer of service of existing officers and employees of the Imperial Bank to the State Bank.
8. Existing provident and other funds of the Imperial Bank.
9. Compensation to be given to shareholders of Imperial Bank.

## CHAPTER IV

## SHARES

10. Transferability of shares.
11. Restrictions on individual holdings.
12. Shares to be approved securities.
13. Principal register of shareholders.
14. Branch registers.
15. Trusts not to be entered on the register.

## CHAPTER V

## MANAGEMENT

16. Offices, branches and agencies.
17. Management.

See India Code,  
Vol. I



## SECTIONS

18. Central Board to be guided by directions of Central Government.
19. Composition of the Central Board.
20. Term of office of chairman, managing director, etc.
21. Local Boards and Local Committees.
22. Disqualifications for directorship of Central Board or membership of Local Boards or Committees.
23. Vacation of office of directors, etc.
24. Removal from office of directors, etc.
25. Casual vacancies.
26. Remuneration of directors.
27. Powers and remuneration of chairman.
28. Powers and remuneration of vice-chairman.
29. Powers and remuneration of managing director.
30. Executive and other committees of the Central Board.
31. Meetings of the Central Board.

## CHAPTER VI

## BUSINESS OF THE STATE BANK

32. State Bank to act as agent of the Reserve Bank.
33. Other business which the State Bank may transact.
34. Business which the State Bank may not transact.
35. State Bank may acquire the business of other Banks.

## CHAPTER VII

## FUNDS, ACCOUNTS AND AUDIT

36. Integration and Development Fund.
37. Reserve Fund.
38. Disposal of profits.
39. Books to be balanced each year.
40. Returns.
41. Audit.
42. Balance sheet etc. of State Bank may be discussed at general meeting.

## CHAPTER VIII

## MISCELLANEOUS

43. State Bank may appoint officers and other employees.
44. Obligation as to fidelity and secrecy.

## SECTIONS

45. Bar to liquidation of State Bank.
46. Indemnity of directors and members of Local Boards and Local Committees, etc.
47. Defects in appointment or constitution not to invalidate acts or proceedings.
48. Power to remove difficulties.
49. Power of Central Government to make rules.
50. Power of Central Board to make regulations.
51. Dissolution of the Imperial Bank and repeal of Act 47 of 1920.
52. Amendment of Act 2 of 1934.
53. Amendment of Act 10 of 1949.

## THE SCHEDULES

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

FOURTH SCHEDULE.

*See India Code*  
*Vol. I*

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**THE STATE BANK OF INDIA ACT, 1955**

ACT No. 23 OF 1955

[8th May, 1955]

An Act to constitute a State Bank for India, to transfer to it the undertaking of the Imperial Bank of India and to provide for other matters connected therewith or incidental thereto.

WHEREAS for the extension of banking facilities on a large scale, more particularly in the rural and semi-urban areas, and for diverse other public purposes it is expedient to constitute a State Bank for India, and to transfer to it the undertaking of the Imperial Bank of India and to provide for other matters connected therewith or incidental thereto;

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

## CHAPTER I

## PRELIMINARY

Short title  
and com-  
mencement.

1. (1) This Act may be called the State Bank of India Act, 1955.

(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 on which this Act comes into force;

(b) "Central Board" means the Central Board of Directors of the State Bank;

(c) "goods" includes bullion, wares and merchandise;

(d) "Imperial Bank" means the Imperial Bank of India constituted under the Imperial Bank of India Act, 1920;

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

(f) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934;

(g) "State Bank" means the State Bank of India constituted under this Act.

## CHAPTER II

### INCORPORATION AND SHARE CAPITAL OF STATE BANK

3. (1) A Bank to be called the State Bank of India shall be constituted to carry on the business of banking and other business in accordance with the provisions of this Act and for the purpose of taking over the undertaking of the Imperial Bank.

Establishment of the State Bank.

(2) The Reserve Bank, together with such other persons as may from time to time become shareholders in the State Bank in accordance with the provisions of this Act, shall, so long as they are shareholders in the State Bank, constitute a body corporate with perpetual succession and a common seal under the name of the State Bank of India, and shall sue and be sued in that name.

(3) The State Bank shall have power to acquire and hold property, whether movable or immovable, for the purposes for which it is constituted and to dispose of the same.

4. Subject to the provisions of this Act, the authorised capital of the State Bank shall be twenty crores of rupees divided into twenty lakhs of fully paid up shares of one hundred rupees each:

Authorised capital.

Provided that the Central Government may increase or reduce the authorised capital as it thinks fit so however that the shares in all cases shall be fully paid up shares of one hundred rupees each.

5. (1) The issued capital of the State Bank shall, on the appointed day, be five crores, sixty-two lakhs and fifty thousand rupees divided into five lakhs, sixty-two thousand and five hundred shares, all of which shall, on the appointed day, stand allotted to the Reserve Bank in lieu of the shares of the Imperial Bank transferred to it by paragraph 2 of the First Schedule.

Issued capital.

<sup>1</sup>1st July, 1955, *Vide* Notification No. S.R.O. 1077, dated the 14th May, 1955, Gazette of India, Pt. II, Sec. 3, Page 869.

(2) The Central Board may from time to time increase the issued capital but no increase in the issued capital shall be made in such a manner that the Reserve Bank holds at any time less than fifty-five per cent. of the issued capital of the State Bank.

(3) No increase in the issued capital beyond twelve crores and fifty lakhs of rupees shall be made under sub-section (2) without the previous sanction of the Central Government.

### CHAPTER III

Transfer of assets and liabilities of the Imperial Bank to the State Bank.

#### ✓ TRANSFER OF UNDERTAKING OF THE IMPERIAL BANK TO STATE BANK

6. (1) Subject to the other provisions contained in this Act, on the appointed day,

(a) all shares in the capital of the Imperial Bank shall be transferred to, and shall vest in, the Reserve Bank, free of all trusts, liabilities and encumbrances, and

(b) the undertaking of the Imperial Bank shall be transferred to, and shall vest in, the State Bank.

(2) The undertaking of the Imperial Bank shall be deemed to include all rights, powers, authorities and privileges, and all property, movable and immovable, including cash balances, reserve funds, investments and all other interests and rights in, or arising out of, such property as may be in the possession of that Bank immediately before the appointed day, and all books, accounts, and documents relating thereto, and shall also be deemed to include all debts, liabilities and obligations of whatever kind then existing of that Bank.

(3) Without prejudice to the provisions contained in section 7, all contracts and other instruments of whatever nature, subsisting or having effect immediately before the appointed day and to which the Imperial Bank is a party, shall be of as full force and effect against or in favour of the State Bank, as the case may be, and may be enforced as fully and effectually as if instead of the Imperial Bank the State Bank had been a party thereto.

(4) If on the appointed day any suit, appeal or other legal proceeding of whatever nature, is pending by or against the Imperial Bank, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer to the State Bank of the undertaking of the Imperial Bank or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the State Bank.

Transfer of service of existing officers and employees of the Imperial Bank to the State Bank

7. (1) Every officer or other employee of the Imperial Bank (excepting the managing director, the deputy managing director and other directors) in the employment of the Imperial Bank immediately before the appointed day shall, on and from the appointed day, become an officer or other employee, as the case may be, of the State Bank, and shall hold his office or service

therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as he would have held the same on the appointed day if the undertaking of the Imperial Bank had not vested in the State Bank, and shall continue to do so unless and until his employment in the State Bank is terminated or until his remuneration, terms or conditions are duly altered by the State Bank.

(2) Any person who, on the appointed day, is entitled to or is in receipt of, a pension or other superannuation or compassionate allowance or benefit from the Imperial Bank or any provident, pension or other fund or any authority administering such fund shall be entitled to be paid by, and to receive from, the State Bank or any provident, pension or other fund or any authority administering such fund the same pension, allowance or benefit so long as he observes the conditions on which the pension, allowance or benefit was granted, and if any question arises whether he has so observed such conditions, the question shall be determined by the Central Government and the decision of the Central Government thereon shall be final.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), no appointment made or promotion, increment in salary, pension, allowance or any other benefit granted to any person after the 19th day of December, 1954, and before the appointed day which would not ordinarily have been made or granted or which would not ordinarily have been admissible under the rules or authorisations of the Imperial Bank or of any provident, pension or other fund in force prior to the 19th day of December, 1954, shall have effect or be payable or claimable from the State Bank or from any provident, pension or other fund or from any authority administering the fund, unless the Central Government has, by general or special order, confirmed the appointment, promotion or increment or has directed the continued grant of the pension, allowance or other benefit as the case may be.

(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 the Imperial Bank from that Bank to the State Bank shall not entitle such officer or other employee to any compensation under that Act or other law, and no such claim shall be entertained by any court, tribunal or other authority.

(5) Any person holding office as managing director, deputy managing director, director or member of any Local Board of the Imperial Bank immediately before the appointed day shall be deemed to have vacated his office as such on the appointed day, and notwithstanding anything contained in this Act or in any other law

for the time being in force or in any agreement or contract, he shall not be entitled to any compensation from the Imperial Bank or the State Bank for the loss of office or for the premature termination of any agreement or contract relating to his employment, except such pension, compensation or other benefit which the State Bank may grant to him, having regard to what that person would have received as an officer of the Imperial Bank if this Act had not been passed and if he had retired from his employment in the ordinary course.

(6) Where any managing director, deputy managing director, director, officer or other employee of the Imperial Bank has, after the 19th day of December, 1954, and before the appointed day, been paid any sum by way of compensation or gratuity, the State Bank shall be entitled to claim refund of any sum so paid if the payment is not confirmed by the Central Government by general or special order.

Existing provident and other funds of the Imperial Bank.

8. For the persons who immediately before the appointed day are the trustees of the following funds, that is to say,—

- (a) the Imperial Bank of India Employees Provident Fund;
- (b) the Imperial Bank of India Employees Pension and Guarantee Fund;
- (c) the Bank of Bombay Officers Pension and Guarantee Fund;
- (d) the Bank of Madras Pension and Gratuity Fund; and
- (e) the Bank of Madras Officers Provident and Mutual Guarantee Fund;

there shall be substituted as trustees such persons as the Central Government may, by general or special order, specify.

Compensation to be given to shareholders of Imperial Bank.

9. (1) Every person who immediately before the appointed day is registered as a holder of shares in the Imperial Bank shall be entitled to compensation in accordance with the provisions contained in the First Schedule.

(2) Nothing contained in sub-section (1) shall affect the rights *inter se* between the holder of any share in the Imperial Bank and any other person who may have an interest in such share, and such other person shall be entitled to enforce his interest against the compensation awarded to the holder of such share, but not against the Reserve Bank.

#### CHAPTER IV

##### SHARES

Transferability of shares.

10. (1) Save as otherwise provided in sub-section (2), the shares of the State Bank shall be freely transferable.

(2) Nothing contained in sub-section (1) shall entitle the Reserve Bank to transfer any shares held by it in the State Bank if such

transfer will result in reducing the shares held by it to less than fifty-five per cent. of the issued capital of the State Bank.

11. (1) No person shall be registered as a shareholder in respect of any shares held by him, whether in his own name or jointly with any other person, in excess of two hundred shares, or be entitled to payment of any dividend on the excess shares held by him, or to exercise any of the rights of a shareholder in respect of such excess shares otherwise than for the purpose of selling them: Restrictions on individual holdings.

Provided that nothing contained in this sub-section shall apply to—

- (a) the Reserve Bank;
- (b) a corporation;
- (c) an insurer as defined in the Insurance Act, 1938;
- (d) a local authority;
- (e) a co-operative society; and
- (f) a trustee of a public or private religious or charitable trust.

(2) Notwithstanding anything contained in sub-section (1), no person referred to in the proviso to that sub-section, other than the Reserve Bank, shall be entitled to exercise voting rights in respect of any shares held by him in excess of one per cent. of the issued capital.

12. Notwithstanding anything contained in the Acts hereinafter mentioned in this section, the shares of the State Bank shall be deemed to be included among the securities enumerated in section 20 of the Indian Trusts Act, 1882, and also to be approved securities for the purposes of the Insurance Act, 1938, and the Banking Companies Act, 1949. Shares to be approved securities.

13. The State Bank shall keep at its Central Office a register in one or more books of the shareholders (in this Act referred to as the principal register), and shall enter therein the following particulars so far as they may be available:— Principal register of shareholders.

(i) the names, addresses and occupations, if any, of the shareholders and a statement of the shares held by each shareholder, distinguishing each share by its denoting number;

(ii) the date on which each person is so entered as a shareholder;

(iii) the date on which any person ceases to be a shareholder;

and

(iv) such other particulars as may be prescribed.

14. (1) The State Bank shall cause to be kept at its local head offices branch registers which shall be deemed to be part of the Branch registers.

principal register, and in which shall be entered the particulars as in the principal register of shareholders whose registered addresses are within the areas prescribed with reference to each register.

(2) Any shareholder may apply to have his name transferred from one branch register to another in respect of the whole, but not any part, of the shares standing in his name, and the State Bank shall, subject to such conditions as may be prescribed, cause the registers to be amended accordingly.

Trusts not  
to be entered  
on the regis-  
ter.

15. Notwithstanding anything contained in section 11, no notice of any trust, express, implied or constructive, shall be entered on the principal or any branch register or be receivable by the State Bank.

## CHAPTER V

### MANAGEMENT

Offices, bran-  
ches and  
agencies.

16. (1) Unless otherwise provided by the Central Government, by notification in the Official Gazette, the Central Office of the State Bank shall be at Bombay.

(2) The State Bank shall have local head offices in Bombay, Calcutta and Madras and at such other places in India as the Central Government, in consultation with the Central Board, may determine.

(3) The State Bank shall maintain as its branches or agencies all branches or agencies of the Imperial Bank which were in existence immediately before the appointed day, and no such branch may be closed without the previous approval of the Reserve Bank.

(4) The State Bank may establish branches or agencies at any place in or outside India in addition to the branches or agencies referred to in sub-section (3).

(5) Notwithstanding anything contained in sub-section (4), the State Bank shall establish not less than four hundred branches in addition to the branches referred to in sub-section (3) within five years of the appointed day or such extended period as the Central Government may specify in this behalf, and the places where such additional branches are to be established shall be determined in accordance with any such programme as may be drawn up by the Central Government from time to time in consultation with the Reserve Bank and the State Bank, and no branch so established shall be closed without the previous approval of the Reserve Bank.

Management.

17. (1) The general superintendence and direction of the affairs and business of the State Bank shall be entrusted to the Central Board which may exercise all powers and do all such acts and things as may be exercised or done by the State Bank and are not by this Act expressly directed or required to be done by the State Bank in general meeting.



(2) The Central Board in discharging its functions shall act on business principles, regard being had to public interest.

18. (1) In the discharge of its functions, the State Bank shall be guided by such directions in matters of policy involving public interest as the Central Government may, in consultation with the Governor of the Reserve Bank and the chairman of the State Bank, give to it.

Central Board to be guided by directions of Central Government.

(2) All directions given by the Central Government shall be given through the Reserve Bank and, if any question arises whether a direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.

19. (1) The Central Board shall consist of the following, namely:—

Composition of the Central Board.

(a) a chairman and a vice-chairman to be appointed by the Central Government in consultation with the Reserve Bank and after consideration, except in the case of first appointments, of the recommendations made by the Central Board in that behalf;

(b) not more than two managing directors, if any, appointed by the Central Board with the approval of the Central Government;

(c) six directors to be elected in the prescribed manner by the shareholders, other than the Reserve Bank, whose names are entered in the various branch registers:

Provided that if the total amount of the holdings of all such shareholders on any branch register three months before the date fixed for election is below two and a half per cent. of the total issued capital, all the directors to be elected by the shareholders on that register shall be nominated by the Reserve Bank, and such directors shall, for the purposes of this Act, be deemed to be directors elected under this clause;

(d) eight directors to be nominated by the Central Government in consultation with the Reserve Bank to represent, as far as possible, territorial and economic interests and in such manner that not less than two of them have special knowledge of the working of co-operative institutions and or rural economy and the others have experience in commerce, industry, banking or finance;

(e) one director to be nominated by the Central Government; and

(f) one director to be nominated by the Reserve Bank.

(2) Notwithstanding anything contained in clauses (b) and (c) of sub-section (1), on the first constitution of the Central Board, all the directors referred to in the said clauses shall be appointed by the Central Government, and the directors so appointed shall, for the

purposes of this Act, be deemed to have been appointed or elected, as the case may be, within the meaning of the said clauses.

(3) All directors of the Central Board first constituted, other than the chairman, vice-chairman and managing directors, shall retire at the expiry of two years from the appointed day.

Term of office of chairman, managing director, etc.

20. (1) The chairman and the vice-chairman shall hold office for such term, not exceeding five years, as the Central Government may fix when appointing them and shall be eligible for reappointment.

(2) A managing director shall hold office for such term, not exceeding five years, as the Central Board or in the case of the first two appointments, the Central Government, may fix when appointing him, and shall be eligible for reappointment.

(3) Subject to the provisions contained in section 19 and in sub-section (5), a director elected under clause (c) of sub-section (1) of section 19 or nominated under clause (d) of that sub-section shall hold office for four years and thereafter until his successor shall have been duly elected or nominated, and shall be eligible for re-election or renomination.

(4) A director nominated under clause (e) or clause (f) of sub-section (1) of section 19 shall hold office during the pleasure of the authority nominating him.

(5) The following provisions shall have effect in relation to directors elected or nominated to the Central Board after the expiration of two years from the appointed day:—

(i) out of the six directors elected under clause (c) of sub-section (1) of section 19, two shall retire at the end of one year, two at the end of two years and two at the end of three years from such expiration;

(ii) out of the eight directors nominated under clause (d) of sub-section (1) of section 19, two shall retire at the end of one year, two at the end of two years, two at the end of three years and two at the end of four years from such expiration.

(iii) the directors to retire at the end of each year under clauses (i) and (ii) shall be determined by lot.

Local Board and Local Committees.

21. (1) There shall be constituted at each place where the State Bank has a local head office, a Local Board which shall consist of the following members, namely:—

(a) all the directors elected or nominated to the Central Board under clause (c) or clause (d) of sub-section (1) of section 19 and ordinarily resident in the area served by the branch register of the local head office; and

(b) such number not exceeding four to be elected by the shareholders whose names are entered on the branch register or nominated by the Central Government in consultation with the Reserve Bank as may be prescribed.

(2) A Local Committee may be constituted by the Central Board for any area consisting of such number of members as it may determine.

(3) A Local Board and a Local Committee shall exercise such powers and perform such functions and duties as the Central Board may assign to the Local Board or Local Committee.

22. (1) No person shall be qualified to be a director of the Central Board or a member of a Local Board or of a Local Committee if—

Disqualifications for directorship of Central Board or membership of Local Boards or Committees.

(a) he holds the office of director, provisional director, promoter, agent or manager of any banking company already established or advertised as about to be established; or

(b) he is a salaried officer of Government not specially authorised by the Central Government to be a director or member; or

(c) he has been removed or dismissed from the service of Government on a charge of corruption or bribery; or

(d) he holds any office of profit under the State Bank other than the office of chairman, vice-chairman or managing director; or

(e) he is or at any time has been adjudicated an insolvent or has suspended payment of his debts or has compounded with his creditors; or

(f) he is declared lunatic or becomes of unsound mind; or

(g) he is or has been convicted of any offence involving moral turpitude; or

(h) in the case of an elected director, he is not registered as a holder in his own right of unencumbered shares in the State Bank of a nominal value of at least five thousand rupees and in the case of an elected member of a nominal value of at least one thousand rupees:

Provided that in the case of a director or member deemed to have been elected to the Central Board or a Local Board, as the case may be, on its first constitution, the disqualification mentioned in clause (h) shall not operate for a period of six months from his becoming such director or member.

(2) No two persons who are partners of the same firm or are directors of the same private company or one of whom is an agent of

the other or holds a power of attorney from a firm of which the other is a partner may be directors of the Central Board or members of the same Local Board or Local Committee at the same time.

(3) The appointment, nomination or election as director or member of a Local Board or of a Local Committee of any person who is a member of Parliament or the Legislature of any State shall be void unless within two months of the date of his appointment, nomination or election he ceases to be a member of Parliament or the State Legislature, and if any director or member of a Local Board or of a Local Committee is elected or nominated as a member of Parliament or any State Legislature, he shall cease to be a director or member of the Local Board or of the Local Committee as from the date of such election or nomination, as the case may be.

Vacation of office of directors, etc.

23. If a director of the Central Board or a member of a Local Board or a Local Committee—

(a) becomes subject to any of the disqualifications mentioned in section 22; or

(b) resigns his office by giving notice in writing under his hand, in the case of the chairman and vice-chairman, to the Central Government and in the case of other directors or members of Local Boards or Committees, to the Central Board, and the resignation is accepted; or

(c) is absent without leave of the Central Board, the Local Board or the Local Committee of which he is a director or member, as the case may be, for more than three consecutive meetings thereof;

his seat shall thereupon become vacant.

Removal from office of directors, etc.

24. (1) The Central Government may, after consulting the Reserve Bank, remove from office the chairman or the vice-chairman.

(2) The Central Board may, with the approval of the Central Government, remove from office a managing director.

(3) The Central Government, after consulting the Reserve Bank, may remove from office any director nominated under clause (d) of sub-section (1) of section 19 and nominate in his stead another person to fill the vacancy.

(4) The shareholders, other than the Reserve Bank, may, by a resolution passed by majority of the votes of such shareholders holding in the aggregate not less than one-half of the share capital held by all such shareholders, remove any director elected under clause (c) of sub-section (1) of section 19 and elect in his stead another person to fill the vacancy.

(5) The shareholders whose names are entered on a branch register, other than the Reserve Bank, may, by a resolution passed

by the votes of the shareholders holding in the aggregate not less than one-half of the share capital on the branch register held by such shareholders, remove any elected member of a Local Board and elect in his stead another person to fill the vacancy.

(6) No person shall be removed from his office under sub-section (1) or sub-section (2) or sub-section (3) unless he has been given an opportunity of showing cause against his removal.

25. (1) If the chairman, vice-chairman or a managing director is rendered incapable of discharging his duties by reason of infirmity or otherwise or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government may, in the case of the chairman or vice-chairman, in consultation with the Reserve Bank and after considering the recommendations of the Central Board, and the Central Board may, in the case of a managing director, with the approval of the Central Government, appoint another person to officiate in the vacancy. Casual vacancies.

(2) Where any vacancy occurs before the expiry of the term of office of a director, other than the chairman, vice-chairman or a managing director, the vacancy shall be filled—

(a) in the case of an elected director, by election; and

(b) in the case of a director nominated under clause (d) of sub-section (1) of section 19, by nomination in consultation with the Reserve Bank:

Provided that where the duration of the vacancy in the office of an elected director is likely to be less than six months, the vacancy may be filled by the remaining directors by co-opting a person not disqualified under section 22.

(3) A person elected or nominated or co-opted, as the case may be, under this section shall hold office for the unexpired portion of the term of his predecessor.

26. (1) Without prejudice to the provisions contained in sections 27, 28 and 29, the directors shall be paid such fees and allowances for attending the meetings of the Central Board or of any of its Committees and for attending to any other work of the State Bank as may be prescribed. Remuneration of directors.

(2) Notwithstanding anything contained in sub-section (1), no fees shall be payable to a managing director or any other director who is an officer of the Central Government or the Reserve Bank.

27. (1) The chairman shall preside at all meetings of the Central Board and, subject to such general or special directions as the Central Board may give, exercise all such powers and do all such acts and things as may be exercised or done by the State Bank. Powers and remuneration of chairman.

(2) The chairman shall receive such salary, fees, allowances and perquisites as may be determined by the Central Board with the approval of the Central Government:

Provided that in respect of the first chairman, the Central Government may determine his salary, fees, allowances and perquisites.

Powers and remuneration of vice-chairman.

28. (1) The vice-chairman shall preside at the meetings of the Central Board in the absence of the chairman and, subject to the general control of the chairman, exercise such powers and perform such duties as may be entrusted or delegated to him by the Central Board.

(2) The vice-chairman shall receive such salary, fees, allowances and perquisites as may be determined by the Central Board with the approval of the Central Government:

Provided that in respect of the first vice-chairman, the Central Government may determine his salary, fees, allowances and perquisites.

(3) The fact that the vice-chairman exercises any of the powers and does any act or thing for or on behalf of the State Bank shall be conclusive proof of his authority to do so.

Powers and remuneration of managing director.

29. (1) A managing director—

(a) shall be a whole-time officer of the State Bank; and

(b) subject to the general control of the chairman and the vice-chairman, shall exercise such powers and perform such duties as may be entrusted or delegated to him by the Central Board.

(2) A managing director shall receive such salary and allowances as may be determined by the Central Board with the approval of the Central Government:

Provided that in respect of the first managing director or directors, the Central Government may determine the salary and allowances payable to him or them.

Executive and other committees of the Central Board.

30. The Central Board may constitute such and so many committees, including an executive committee, of itself as it deems fit to exercise such powers and perform such duties as may, subject to such conditions, if any, as the Central Board may impose, be delegated to them by the Central Board.

Meetings of the Central Board.

31. (1) The Central Board shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of (business at its meetings as may be prescribed.

(2) All questions at the meeting shall be decided by a majority of the votes of the directors present and in the case of equality of votes, the chairman or, in his absence, the vice-chairman shall have a second or casting vote.

(3) A director who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into by or on behalf of the State Bank shall at the earliest possible opportunity disclose the nature of his interest to the Central Board and shall not be present at any meeting of the Central Board when any such contract, loan, arrangement or proposal is discussed unless his presence is required by the other directors for the purpose of eliciting information, and no director so required to be present shall vote on any such contract, loan, arrangement or proposal.

(4) If for any reason neither the chairman nor the vice-chairman is able to be present at a meeting of the Central Board, any director, other than a managing director, authorised by the chairman in writing in this behalf, and in the absence of such authorization, any such director elected by the directors present from amongst themselves, shall preside at the meeting and, in the event of equality of votes, shall have a second or casting vote.

## CHAPTER VI

### BUSINESS OF THE STATE BANK

32. (1) The State Bank shall, if so required by the Reserve Bank, **State Bank to act as agent of the Reserve Bank.** act as agent of the Reserve Bank at all places in India where it has a branch, and where there is no branch of the banking department of the Reserve Bank, for—

(a) paying, receiving, collecting and remitting money, bullion and securities on behalf of any Government in India; and

(b) undertaking and transacting any other business which the Reserve Bank may from time to time entrust to it.

(2) The terms and conditions on which any such agency business shall be carried on by the State Bank on behalf of the Reserve Bank shall be such as may be agreed upon.

(3) If no agreement can be reached on any matter referred to in sub-section (2) or if a dispute arises between the State Bank and the Reserve Bank as to the interpretation of any agreement between them, the matter shall be referred to the Central Government and the decision of the Central Government thereon shall be final.

(4) The State Bank may transact any business or perform any functions entrusted to it under sub-section (1) either by itself or through an agent approved by the Reserve Bank.

Other business which the State Bank may transact.

33. Subject to the other provisions contained in this Act, the State Bank may carry on and transact any of the following kinds of business, namely:—

(i) the advancing and lending of money and the opening of cash credits upon the security of—

(a) stocks, funds and securities (other than immovable property) in which a trustee is authorised to invest trust money by any law for the time being in force in India or in any other country in which the State Bank has a branch;

(b) debentures or other securities for money issued by or on behalf of a district board, municipal board, committee or other local authority under the authority of any Central Act, Provincial Act or State Act or of any law for the time being in force in any other country in which the State Bank has a branch;

(c) subject to such directions as may be issued by the Central Board, debentures of companies with limited liability registered either in India or in such other country as the Central Government may approve in this behalf;

(d) subject to such directions as may be issued by the Central Board, shares and debentures of corporations established under any law for the time being in force in India;

(e) goods which, or the documents of title to which, are deposited with or assigned to the State Bank as security for such advances, loans or credits;

(f) goods which are hypothecated to the State Bank as security for such advances, loans or credits, if so authorised by special directions of the Central Board;

(g) accepted bills of exchange and promissory notes endorsed by payees, and joint and several promissory notes of two or more persons or firms unconnected with each other in general partnership;

(h) fully paid shares of companies with limited liability or immovable property or documents of title relating thereto as collateral security only where the original security is one of those specified in sub-clauses (a) to (e) and, subject to such directions as may be issued by the Central Board, where the original security is one of the kinds specified in sub-clauses (f) and (g):

Provided that where the Central Government or a State Government or any Government or authority outside India, which the Central Government may approve in this behalf, may accept from the State Bank any advances or loans under



any law for the time being in force, the Central Board may, if it thinks fit, make such advances or loans without any specific security;

(ii) the selling and realisation of the proceeds of sale of any promissory notes, debentures, stock-receipts, bonds, annuities, stock, shares, securities or goods which, or the documents of title to which, have been deposited with, or pledged, hypothecated, assigned or transferred to the State Bank as security for such advances, loans or credits or which are held by the State Bank or over which the State Bank is entitled to any lien or charge in respect of any loan, advance, credit or claim of the State Bank, and which have not been redeemed in due time in accordance with the terms and conditions of such deposit, pledge, hypothecation, assignment or transfer;

(iii) the drawing, accepting, discounting, buying and selling of bills of exchange and other negotiable securities;

(iv) the investing of the funds of the State Bank upon any of the securities specified in sub-clauses (a) to (d) of clause (i) and the conversion of the same into money whenever required, and the alteration, conversion or transposition of any such investment for or into any of the other investments above specified;

(v) the issuing of demand drafts, telegraphic transfers and other kinds of remittances made payable at its own offices, branches or agencies, the purchasing of drafts, telegraphic transfers and other remittances, and the making, issuing and circulating of letters of credit to order or otherwise than to the bearer on demand;

(vi) the buying and selling of gold and silver, whether coined or uncoined;

(vii) the receiving of deposits and keeping cash accounts on such terms as may be agreed upon;

(viii) the receiving of all kinds of bonds, scrips, title deeds or valuables on deposit or for safe custody or otherwise on such terms as may be agreed upon;

(ix) the selling and realising of all property, whether movable or immovable, which may in any way come into the possession of the State Bank in satisfaction or part satisfaction of any of its claims, and the acquisition and holding of, and generally the dealing with, any right, title or interest in any property, movable or immovable, which may be the State Bank's security for any loan or advance or may be connected with any such security;

(x) the acting as agent of any co-operative bank which is registered or deemed to be registered under the Co-operative Societies Act, 1912; or any other law for the time being in force <sup>2 of 1912.</sup> in any part of India relating to co-operative societies in the transaction of such business, and on such terms as may be agreed upon;

(xi) the underwriting of the issues of any stocks, shares, debentures or other securities in which the State Bank is authorised to invest its funds under clause (iv);

(xii) the transacting of pecuniary agency business on commission and the entering into of contracts of indemnity, suretyship or guarantee with specific security or otherwise;

(xiii) the administration, whether alone or jointly with other persons, of estates for any purpose, whether as executor, trustee or otherwise, the acting, whether alone or jointly with other persons, as trustee under any settlement or debenture trust deed or as liquidator of any banking institution, or the acting as an agent on commission in the transaction of the following kinds of business, namely:—

(a) the buying, selling, transferring and taking charge of any securities or any shares in any public company;

(b) the receiving of the proceeds (whether principal, interest or dividends) of any securities or shares;

(c) the remittance of such proceeds by bills of exchange, payable either in India or elsewhere;

(xiv) the drawing of bills of exchange and the granting of letters of credit payable out of India;

(xv) the buying of bills of exchange payable out of India at any usance not exceeding fifteen months in the case of bills relating to the financing of seasonal agricultural operations or six months in other cases;

(xvi) the borrowing of money for the purposes of the business of the State Bank, and the giving of security for money so borrowed by pledging assets or otherwise;

(xvii) the advancing or lending of money to, or the opening of cash credit in favour of, any company having a share capital which is expressed in rupees in its memorandum of association or any society registered under the Co-operative Societies Act, 1912, or any other law for the time being in force in India <sup>2 of 1912.</sup> relating to co-operative societies, for the purpose of averting the winding up of the company or society or, where any such company or society is being wound up, for the purpose of facilitating such winding up, for any period upon the security of all

or any of the assets whatsoever of such company or society and such advance, loan or cash credit may be made by the State Bank either alone or conjointly with other persons;

(xviii) the advancing and lending of money to courts of wards upon the security of estates in their charge or under their superintendence and the realisation of such advances or loans and any interest due thereon, provided that no such advance or loan shall be made without the previous sanction of the State Government concerned, and that the period for which any such advance or loan is made shall not exceed fifteen months in the case of advances or loans relating to the financing of seasonal agricultural operations and six months in other cases;

(xix) with the approval of the Reserve Bank, the subscribing to, buying, acquiring or holding, and the selling of any shares in or the capital of any banking institution and the forming or conducting of any such banking institution as a subsidiary of the State Bank or in any other manner;

(xx) the subsidising from time to time of the pension funds referred to in section 8, if necessary;

(xxi) the doing of any other kind of business which the Central Government, in consultation with the Reserve Bank and on the recommendation of the Central Board, may authorise;

(xxii) the performance of the functions entrusted to, or required of, the State Bank by this Act or by any other law for the time being in force; and

(xxiii) generally, the doing of all such matters and things as may be incidental or subsidiary to the transacting of the various kinds of business, including foreign exchange business, herein specified.

34. (1) The State Bank shall not make a loan or advance—

(a) for a longer period than six months except as otherwise provided in this Act; or

(b) upon the security of stock or shares of the State Bank; or

(c) upon the security of any immovable property or the documents of the title relating thereto, except to the extent necessary for any of the purposes of this Act.

(2) The State Bank shall not, except upon a security of the kind specified in sub-clauses (a) to (c) of clause (1) of section 33 discount bills for any individual or firm for an amount exceeding in the whole at any one time such sum as may be prescribed, or lend or advance in any way to any individual or firm an amount exceeding in the whole at any one time such sum as may be prescribed.

Business which the State Bank may not transact.

(3) The State Bank shall not discount or buy, or advance or lend or open cash credits, on the security of any negotiable instrument of any individual or firm payable at the place where it is presented for discount which does not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership.

(4) The State Bank shall not discount, lend or advance or open cash credits on the security of any negotiable security (not being a security in which a trustee may invest trust money under section 20 of the Indian Trusts Act, 1882, or the corresponding provision of law for the time being in force in any country where the State Bank has a branch) which—

2 of 1882.

(a) at the date of the proposed transaction has a longer period to run than fifteen months, if the security is a bill drawn for the purpose of financing seasonal agricultural operations and six months in other cases; or

(b) if the security is a bill drawn after sight, it is drawn for a longer period than fifteen months in the case of a bill drawn for the purposes of financing seasonal agricultural operations and six months in other cases.

(5) Nothing contained in this section shall prevent the State Bank from allowing any person who keeps an account with the State Bank to overdraw such account without security to such extent as may be prescribed.

(6) Save as otherwise provided in section 33, the State Bank shall not own or acquire any interest in immovable property except for the purpose of providing buildings or other accommodation in which to carry on the business of the State Bank or for providing residences for its officers and other employees:

Provided that if any such building or other accommodation is not immediately required for any of the purposes of the State Bank, the State Bank may utilize it to the best advantage by letting it out or in any other manner.

State Bank  
may acquire  
the business  
of other  
Banks.

35. (1) The State Bank may, with the sanction of the Central Government, and shall, if so directed by the Central Government in consultation with the Reserve Bank, enter into negotiations for acquiring the business, including the assets and liabilities, of any banking institution.

(2) If the terms and conditions relating to the acquisition of any such banking institution are approved by the Central Board and the directorate of the banking institution concerned and are also approved by the Reserve Bank, they shall be submitted to the Central Government, and, if sanctioned by the Central Government by order in writing, shall, notwithstanding anything to the contrary

7 of 1913. contained in the Indian Companies Act, 1913, or in the Banking Com-  
10 of 1949. panies Act, 1949, be binding on the State Bank and the banking  
institution concerned as well as the shareholders and creditors.

(3) The consideration for the acquisition of any banking institution or of any assets or liabilities of a banking institution under this section may, if so agreed upon, be paid either in cash or by allotment of shares in the capital of the State Bank or partly in cash and partly by way of such allotment, and the State Bank may, for the purpose of any such allotment of shares, increase, subject to the other provisions contained in this Act relating to the increase of capital, the capital of the State Bank by the issue of such number of shares as may be determined by the State Bank.

(4) Any banking business acquired under this section shall thereafter be carried on by the State Bank in accordance with the provisions of this Act subject to such exemptions or modifications as the Central Government may, by notification in the Official Gazette, make in this behalf in consultation with the Reserve Bank:

Provided that no such exemption or modification shall be made so as to have effect for a period of more than seven years from the date of acquisition.

## CHAPTER VII

### FUNDS, ACCOUNTS AND AUDIT

36. (1) The State Bank shall maintain a special fund to be known as the Integration and Development Fund into which shall be paid—

(a) the dividends payable to the Reserve Bank on such shares of the State Bank held by it as do not exceed fifty-five per cent. of the total issued capital; and

(b) such contributions as the Reserve Bank or the Central Government may make from time to time.

(2) The amount in the said Fund shall be applied exclusively for meeting—

(a) losses in excess of such yearly sum as may be agreed upon between the Reserve Bank and the State Bank and attributable to the branches established in pursuance of sub-section (5) of section 16; and

(b) such other losses or expenditure as may be approved by the Central Government in consultation with the Reserve Bank.

(3) Subject to the provisions of sub-section (2), the said Fund shall be the property of the Reserve Bank and no shareholder of the State Bank or any other person shall have any claim to the amount held in the said Fund.

Reserve  
Fund.

37. The State Bank shall establish a Reserve Fund which shall consist of—

(a) the amount held in the Reserve Fund of the Imperial Bank transferred to the State Bank on the appointed day; and

(b) such further sums as may be transferred to it by the State Bank out of its annual net profits before declaring a dividend.

Disposal of  
profits.

38. (1) After making provision for bad and doubtful debts, depreciation in assets, equalisation of dividends, contribution to staff and superannuation funds and for all other matters for which provision is necessary by or under this Act or which are usually provided for by banking companies, the State Bank may, out of its net profits, declare a dividend.

(2) Subject to the provisions of paragraph 6 of the First Schedule, the rate of dividend shall be determined by the Central Board.

Books to be  
balanced  
each year.

39. The Central Board shall cause the books of the State Bank to be closed, and balanced on the 31st day of December in each year.

Returns.

40. (1) The State Bank shall furnish to the Central Government and to the Reserve Bank within two months from the date on which its accounts are closed and balanced its balance sheet, together with the profit and loss account and the auditors' report on the working of the State Bank during the period covered by the accounts.

(2) The balance sheet and the profit and loss account shall be signed by the chairman, vice-chairman, managing directors, if any, and a majority of the other directors.

(3) The State Bank shall also, within two months from the date on which its accounts are closed and balanced, transmit to the Central Government and the Reserve Bank a statement showing, as far as may be available, the name, address and occupation of, and the number of shares held by, each shareholder of the State Bank as on the said date.

Audit.

41. (1) The affairs of the State Bank shall be audited by two auditors duly qualified to act as auditors of companies under subsection (1) of section 144 of the Indian Companies Act, 1913, who shall be appointed by the Reserve Bank in consultation with the Central Government. 7 of 1913.

(2) The auditors shall receive such remuneration as the Reserve Bank may fix in consultation with the Central Government.

(3) An auditor may be a shareholder but no director or member of a Local Board or of a Local Committee or an officer of the State Bank shall be eligible to be an auditor during his continuance in office as such director, member or officer.

(4) An auditor shall on relinquishing office be eligible for re-appointment.

(5) The auditors shall severally be, and continue to act as, auditors until the first general meeting after their respective appointment, and if any vacancy arises before the expiry of the term of office of an auditor, the vacancy may be filled by the Reserve Bank.

(6) Every auditor shall be supplied with a copy of the annual balance sheet and profit and loss account, and a list of all books kept by the State Bank, and it shall be the duty of the auditor to examine the balance sheet and profit and loss account with the accounts and vouchers relating thereto, and in the performance of his duties, the auditor—

(a) shall have, at all reasonable times, access to the books, accounts and other documents of the State Bank;

(b) may, at the expense of the State Bank, or if he is appointed by the Central Government, at the expense of the Central Government, employ accountants or other persons to assist him in investigating such accounts; and

(c) may, in relation to such accounts, examine any director or any member of a Local Board or of a Local Committee or any officer of the State Bank.

(7) The auditors shall make a report to the Central Government upon the annual balance sheet and accounts, and in every such report they shall state—

(a) whether, in their opinion, the balance sheet is a full and fair balance sheet containing all the necessary particulars and properly drawn up so as to exhibit a true and correct view of the affairs of the State Bank, and in case they have called for any explanation or information, whether it has been given and whether it is satisfactory;

(b) whether or not the transactions of the State Bank which have come to their notice have been within the powers of the State Bank;

(c) whether or not the returns received from the offices and branches of the State Bank have been found adequate for the purpose of their audit;

(d) whether the profit and loss account shows a true balance of profit and loss for the period covered by such account; and

(e) any other matter which they consider should be brought to the notice of the shareholders or the Central Government, as the case may be.

(8) The auditors shall also forward a copy of the audit report to the State Bank.

(9) Without prejudice to anything contained in the foregoing provisions, the Central Government may appoint at any time such auditors as it thinks fit to examine and report on the accounts of the State Bank.

Balance Sheet, etc. of State Bank may be discussed at general meeting.

42. (1) A general meeting (hereinafter referred to as an annual general meeting) shall be held at such time and at such place where there is a local head office of the State Bank, as shall from time to time be specified by the Central Board before the end of February in each year, and a general meeting may be convened by the State Bank at any other time:

Provided that the first annual general meeting shall be held at Bombay.

(2) The shareholders present at an annual general meeting shall be entitled to discuss the balance sheet and the profit and loss account of the State Bank made up to the previous 31st day of December, the report of the Central Board on the working of the State Bank for the period covered by the accounts and the auditors' report on the balance sheet and accounts.

## CHAPTER VIII

### MISCELLANEOUS

State Bank may appoint officers and other employees.

43. The State Bank may appoint such number of officers, advisers and employees as it considers necessary or desirable for the efficient performance of its functions, and determine the terms and conditions of their appointment and service.

Obligation as to fidelity and secrecy.

44. (1) The State Bank shall observe, except as otherwise required by law, the practices and usages customary among bankers, and, in particular, it shall not divulge any information relating to or to the affairs of its constituents except in circumstances in which it is, in accordance with the law or practice and usage customary among bankers, necessary or appropriate for the State Bank to divulge such information.

(2) Every director, member of a Local Board or of a Local Committee, auditor, adviser, officer or other employee of the State Bank shall, before entering upon his duties, make a declaration of fidelity and secrecy as in the form set out in the Second Schedule.

Bar to liquidation of State Bank.

45. No provision of law relating to the winding up of companies shall apply to the State Bank, and the State Bank shall not be placed in liquidation save by order of the Central Government and in such manner as it may direct.

Indemnity of directors and members of Local Boards and Local Committees, etc.

46. (1) Every director and every member of a Local Board or a Local Committee shall be indemnified by the State Bank against all losses and expenses incurred by him in or in relation to the discharge of his duties except such as are caused by his own wilful act or default.



(2) Neither a director nor a member of a Local Board or a Local Committee shall be responsible for any loss or expense caused to the State Bank by the insufficiency or deficiency of the value of or title to any property or security acquired or taken on behalf of the State Bank or by the insolvency or wrongful act of any customer or debtor or by anything done in or in relation to the execution of the duties of his office or otherwise than for his wilful act or default.

47. (1) No act or proceeding of the Central Board or of a Local Board or a Local Committee shall be questioned on the ground merely of the existence of any vacancy or defect in the constitution of the Board or Committee, as the case may be.

Defects in appointment or constitution not to invalidate acts or proceedings.

(2) All acts done by any person acting in good faith as a director or as a member of a Local Board or of a Local Committee shall, notwithstanding that there was some defect in his appointment or qualifications, be as valid as if he was a director of the Central Board or a member of the Local Board or the Local Committee, as the case may be.

48. The Central Government may, for the purpose of removing any difficulties, particularly in relation to transition from the provisions of the Imperial Bank of India Act, 1920, to the provisions of this Act, by order, direct that this Act shall, during such period as may be specified in such order, have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem expedient:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of one year from the appointed day.

49. (1) The Central Government, in consultation with the Reserve Bank, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power of Central Government to make rules.

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

(a) the procedure for the payment of compensation under this Act;

(b) the determination of persons to whom the said compensation shall be payable in all cases, including cases where shares in the Imperial Bank have been held by more than one person, or where they have been transferred before the appointed day but the transfer has not been registered or where the shareholder is dead.

50. (1) The Central Board may, after consultation with the Reserve Bank and with the previous sanction of the Central Government make regulations, not inconsistent with this Act and the rules made thereunder, to provide for all matters for which pro-

Power of Central Board to make regulations.

vision is expedient for the purpose of giving effect to the provisions of this Act.

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

(a) the nature of shares of the State Bank, the manner in which and the conditions subject to which shares may be held and transferred and generally all matters relating to the rights and duties of shareholders;

(b) the maintenance of share registers, and the particulars to be entered in the principal register in addition to those specified in section 13, the areas to be served by each branch register, the inspection and closure of the registers and all other matters connected therewith;

(c) the holding and conduct of elections under this Act, including the allocation of elected directors to the various areas served by the different branch registers, and the final determination of doubts or disputes regarding the qualifications of candidates for election or regarding the validity of elections;

(d) the number of elected or nominated members of Local Boards and Local Committees, the terms of office of the members, the manner of their election or nomination, the formation and constitution of committees of Local Boards, the powers, functions and duties of Local Boards, Local Committees and committees of Local Boards, the holding of meetings of Local Boards, Local Committees and committees of Local Boards and the conduct of business thereat;

(e) the fees and allowances which may be paid to directors, or members of Local Boards or Local Committees for attending any meetings of the Central Board or of its committees or of the Local Boards or Local Committees, as the case may be, or for attending to any other work of the State Bank;

(f) the manner in which the business of the Central Board shall be transacted and the procedure to be followed at the meetings thereof;

(g) the formation of committees of the Central Board and the delegation of powers and functions of the Central Board to such committees and the conduct of business in such committees;

(h) the delegation of powers and functions of the Central Board to the vice-chairman, the managing directors or other directors or officers or other employees of the State Bank;

(i) the manner in which general meetings shall be convened, the procedure to be followed thereat and the manner in which voting rights may be exercised;

(j) the holding of meetings of shareholders on branch registers and the business to be transacted thereat;

(k) the manner in which notices may be served on behalf of the State Bank upon shareholders or other persons;

(l) the provision of seals for the State Bank and the manner and effect of their use;

(m) the conduct and defence of legal proceedings and the manner of signing pleadings;

(n) the duties and conduct of officers, other employees, advisers and agents of the State Bank;

(o) the establishment and maintenance of pension, provident or other funds for the benefit of employees or for the purposes of the State Bank;

(p) the form and manner in which contracts binding on the State Bank may be executed;

(q) the maximum amounts which may be advanced or lent to, or for which bills may be discounted for, any individual or partnership without security, the conditions under which advances may be made on security and the extent to which accounts may be overdrawn without security;

(r) the conditions subject to which alone, advances may be made to directors, members of Local Boards or of Local Committees or officers of the State Bank, or the relatives of such directors, members or officers or to companies, firms or individuals with which or with whom such directors, members, officers, or relatives, are connected as partners, directors, managers, servants, shareholders or otherwise;

(s) the statements, returns, and forms that are required for the purposes of this Act;

(t) the payment of dividends, including interim dividends;

(u) generally for the conduct of the business of the State Bank.

(3) Notwithstanding anything contained in this section, the first regulations shall be made by the Reserve Bank with the previous sanction of the Central Government, and thereupon shall be deemed to be the regulations made by the Central Board under this section and shall have force accordingly until they are amended or repealed.

51. (1) On the appointed day, the Imperial Bank shall be dissolved and thereafter no person shall make any claim or demand or take any proceeding against that Bank or a director, officer or employee thereof in his capacity as such director, officer or employee except in so far as may be necessary for enforcing the provisions of this Act or except in so far as it relates to any offence committed by any such director, officer or other employee.

Dissolution  
of the Imperial  
Bank and  
repeal of Act  
47 of 1920.

(2) On the appointed day, the Imperial Bank of India Act, 47 of 1920, shall stand repealed.

(3) Without prejudice to the other provisions contained in this Act and notwithstanding the repeal of the Imperial Bank of India Act, 1920, any reference to the Imperial Bank or to the Bank of Bengal, the Bank of Madras or the Bank of Bombay in any law, notification or in any contract or other instrument shall, on and from the appointed day, be deemed to be a reference to the State Bank.

Amendment  
of Act 2 of  
1934.

52. The Reserve Bank of India Act, 1934, shall be amended in the manner directed in the Third Schedule.

Amendment  
of Act 10 of  
1949.

53. The Banking Companies Act, 1949, shall be amended in the manner directed in the Fourth Schedule.

### THE FIRST SCHEDULE

(See section 9)

#### COMPENSATION FOR THE TRANSFER OF SHARES OF THE IMPERIAL BANK TO THE RESERVE BANK

1. In this Schedule, "shareholder" means any person who immediately before the appointed day is registered as the holder of a share in the Imperial Bank.

2. As compensation for the shares in the capital of the Imperial Bank which, by reason of this Act, are transferred to and vested in the Reserve Bank, the Reserve Bank shall pay to every shareholder, in the manner set out hereinafter, an amount calculated at the rate of one thousand seven hundred and sixty-five rupees and ten annas per share in the case of a fully paid-up share and four hundred and thirty-one rupees, twelve annas and four pies per share in the case of a partly paid-up share.

3. Notwithstanding the transfer of the shares in the capital of the Imperial Bank to the Reserve Bank, any shareholder who immediately before the appointed day is entitled to payment of dividend on the shares of the Imperial Bank held by him shall be entitled to receive from the State Bank—

(a) all dividends accruing due on his shares in respect of any half-year which ended before the appointed day and remaining unpaid:

(b) dividends calculated at a rate to be specified by the Central Government in respect of any period immediately preceding the appointed day for which the Imperial Bank has not declared any dividend.

4. (1) The compensation provided for in this Schedule shall be given in Central Government securities, and the form of such securities and the value thereof, computed with reference to their market value, shall be such as the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that where the amount of such compensation is not an exact multiple of the value of the government security as so notified, the amount in excess of the nearest lower multiple of such value shall be paid by cheque drawn on the Reserve Bank.

(2) Notwithstanding anything contained in sub-paragraph (1), any person who is registered as the holder of a share in the Imperial Bank on the 19th day of December, 1954, and continues to be so until the appointed day shall, if he applies in writing in this behalf to the Reserve Bank before the expiry of three months from the appointed day, be entitled to be paid, by cheque drawn on the Reserve Bank, any compensation payable to him upto the first ten thousand rupees.

5. (1) Any shareholder to whom compensation is payable under this Schedule may apply to the Reserve Bank before the expiry of three months from the appointed day for the transfer to him of shares in the State Bank in lieu of such compensation, and for the purposes of such transfer the value of each share of the State Bank shall be such as may be determined by the Reserve Bank in this behalf.

(2) If on receipt of an application under sub-paragraph (1), the Reserve Bank, in its discretion, decides to transfer any shares to the applicant, it shall issue to the State Bank a warrant in the prescribed form directing it to transfer in favour of the person specified in the warrant such number of shares as may be specified therein out of the shares standing allotted to it under sub-section (1) of section 5, and the State Bank shall be bound to comply with such warrant.

2 of 1899.

(3) A warrant issued by the Reserve Bank under this paragraph shall not be liable to duty under the Indian Stamp Act, 1899.

6. (1) The Reserve Bank may, if it decides to transfer, in pursuance of paragraph 5, more than two lakhs, fifty-three thousand and one hundred and twenty-five shares, require the State Bank to issue to it such further shares as may be necessary to secure that it holds not less than fifty-five per cent. of the issued capital of the State Bank, and the State Bank shall, without prejudice to the provisions contained in sub-section (3) of section 5, comply with such requirement on the Reserve Bank subscribing one hundred rupees for each share.

(2) No share issued to the Reserve Bank at par under this paragraph shall carry dividend at a rate higher than four per cent. per annum.

## THE SECOND SCHEDULE

(See section 44)

## DECLARATION OF FIDELITY AND SECRECY

I..... do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as Director, member of Local Board, member of Local Committee, auditor, adviser, officer or other employee (as the case may be) of the State Bank and which properly relate to the office or position in the said State Bank held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the State Bank or to the affairs of any person having any dealing with the State Bank; nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the State Bank and relating to the business of the State Bank or to the business of any person having any dealing with the State Bank.

## THE THIRD SCHEDULE

(See section 52)

## AMENDMENTS TO THE RESERVE BANK OF INDIA ACT, 1934

2 of 1934

Section 2.—After clause (e), insert the following, namely:—

“(ee) ‘State Bank’ means the State Bank of India constituted under the State Bank of India Act, 1955.”

Section 10.—In clause (e) of sub-section (1), for the words “other than a bank”, substitute the following, namely:—

“other than the State Bank or any of its subsidiary banks or a bank”.

Section 17.—(1) After clause (8), insert the following, namely:—

“(8A) the purchase and sale of shares in, or the capital of the State Bank or any of its subsidiary banks.”

(2) For clause (15A), substitute the following, namely:—

“(15A) the exercise of powers and functions and the performance of duties entrusted to the Bank under this Act or under any other law for the time being in force;”

Section 42.—(i) In the *Explanation* to sub-section (1), for the words “the Reserve Bank or the Imperial Bank of India” substitute “the Bank, the State Bank or any other bank notified by the Central Government in this behalf”.

(ii) In clauses (a) and (aa) of sub-section (2), for the words "the Imperial Bank of India" substitute "the State Bank and any other bank notified by the Central Government in this behalf".

For section 45, substitute the following, namely:—

"45. Unless otherwise directed by the Central Government with reference to any place, the Bank shall appoint the State Bank as its sole agent at all places in India where it does not have an office or branch of the banking department and there is a branch of the State Bank: Obligation to appoint State Bank as agent.

Provided that nothing herein contained shall affect the provisions of any agreement subsisting on the day on which the State Bank of India Act, 1955, comes into force between the Bank and any other banking institution for the conduct of Government business or other matters in a Part B State."

THE SECOND SCHEDULE.—For the words "Imperial Bank of India" substitute "State Bank of India".

Omit the Third Schedule.

#### THE FOURTH SCHEDULE

(See section 53)

#### AMENDMENTS TO THE BANKING COMPANIES ACT, 1949.

In section 39.—After the words "the Reserve Bank" appearing for the second time therein, insert "or the State Bank of India, as the case may be, as stated in such application".

For section 51, substitute the following, namely:—

"51. Without prejudice to the provisions of the State Bank of India Act, 1955, the provisions of sections 10, 13 to 17, 19 to 21, 23 to 31, 34 to 36, 37, 45, 46 to 48, 50, 52 and 53 shall also apply, as far as may be, to and in relation to the State Bank of India as they apply to and in relation to banking companies: Application of certain provisions to the State Bank of India.

Provided that nothing contained in section 46 shall apply to any directors nominated under clauses (e) and (f) of section 19 of the State Bank of India Act, 1955."

*Repealed by Act 58 of 1960, S. 2 + Sch. I (w.e.f. 26-12-60)*

THE RESERVE BANK OF INDIA (AMENDMENT)

ACT, 1955

ACT No. 24 OF 1955

[8th May, 1955]

An Act further to amend the Reserve Bank of India Act, 1934.

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

Short title.

1. This Act may be called the Reserve Bank of India (Amendment) Act, 1955.

Amendment  
of section 2,  
Act 2 of  
1934.

2. In section 2 of the Reserve Bank of India Act, 1934 (herein after referred to as the principal Act), after clause (b), the following clause shall be inserted, namely:—

“(bb) ‘co-operative credit society’ means a society registered, or deemed to be registered, under the Co-operative Societies Act, 1912, or any other law relating to co-operative societies for the time being in force in any part of the territories to which this Act extends, the primary object of which is to provide financial accommodation to its members and includes a co-operative land mortgage bank;”<sup>21 of 1912.</sup>

Amendment  
of section 6,  
Act 2 of  
1934.

3. In section 6 of the principal Act, the words “and a branch in London” shall be omitted.

Amendment  
of section  
Act 2 of  
1934.

4. In section 8 of the principal Act, in clause (a) of sub-section (1), for the word “two”, the word “three” shall be substituted.

Amendment  
of section 13,  
Act 2 of  
1934.

5. In sub-section (3) of section 13 of the principal Act, for the words “in his absence”, the words “if for any reason, he is unable to attend,” shall be substituted.

Amendment  
of section 17,  
Act 2 of  
1934.

6. In section 17 of the principal Act,—

(a) in clause (4),—

(i) after the words “State co-operative banks”, the words and figures “State Financial Corporations established under the State Financial Corporations Act, 1951” shall be inserted;<sup>63 of 1951.</sup>

(ii) in sub-clause (c), after the words “the Bank”, the words “or as are fully guaranteed as to the repayment of



the principal and payment of interest by a State Government" shall be inserted;

(iii) in sub-clause (d), for the words "a cash credit or overdraft granted", the words "a loan or advance made" shall be substituted;

(b) for clause (4A), the following clause shall be substituted, namely:—

"(4A) the making of loans and advances out of the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund established under section 46A and section 46B respectively for the purposes specified in the said sections;"

7. After section 46 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 46A and 46B in Act 2 of 1934.

"46A. (1) The Bank shall establish and maintain a Fund to be known as the National Agricultural Credit (Long Term Operations) Fund to which shall be credited—

National Agricultural Credit (Long Term Operations) Fund.

(a) an initial sum of ten crores of rupees by the Bank; and

(b) such further sums of money as the Bank may contribute every year:

Provided that the annual contribution during each of the five years commencing with the year ending on the 30th day of June, 1956 shall not be less than five crores of rupees:

Provided further that the Central Government may, if the circumstances so require, authorize the Bank to increase or reduce the amount of its annual contribution in any year.

(2) The amount in the said Fund shall be applied by the Bank only to the following objects, namely:—

(a) the making of loans and advances to State Governments for subscribing directly or indirectly to the share capital of a co-operative credit society and repayable on the expiry of fixed periods not exceeding twenty years from the date of making such loan or advance;

(b) the making to State co-operative banks of loans and advances for agricultural purposes, repayable on the expiry of fixed periods not being less than fifteen months and not exceeding five years from the date of making such loan or advance, against such securities as may be specified in this behalf by the Bank:

Provided that such loans and advances are fully guaranteed as to the repayment of the principal and payment of interest by the State Government;

(c) the making to Central Land Mortgage Banks of loans and advances repayable on the expiry of fixed periods not exceeding twenty years from the date of making such loan or advance:

Provided that such loans and advances are fully guaranteed as to the repayment of the principal and payment of interest by the State Government;

(d) the purchase of debentures of Central Land Mortgage Banks:

Provided that such debentures are fully guaranteed as to the repayment of the principal and payment of interest by the State Government.

*Explanation.*—For the purposes of this section, a Central Land Mortgage Bank includes an institution engaged in the grant of loans on the mortgage of agricultural land and declared as such by the State Government in this behalf.

National  
Agricultural  
Credit  
(Stabilisa-  
tion) Fund.

46B. (1) The Bank shall establish and maintain a Fund to be known as the National Agricultural Credit (Stabilisation) Fund to which shall be credited such sums of money as the Bank may contribute every year:

Provided that the annual contribution during each of the five years commencing with the year ending on the 30th day of June, 1956 shall not be less than one crore of rupees:

Provided further that the Central Government may, if the circumstances so require, authorize the Bank to increase or reduce the amount of its annual contribution in any year.

(2) The amount in the said Fund shall be applied by the Bank only to the making to State co-operative banks of loans and advances repayable on the expiry of fixed periods not being less than fifteen months and not exceeding five years from the date of making such loan or advance and on such terms and conditions as may be specified in this behalf by the Bank:

Provided that no such loans or advances shall be made—

(a) except for the purpose of enabling the State co-operative banks to pay any dues in respect of bills of exchange and promissory notes purchased or rediscounted by the Bank under clause (2) of section 17 or loans and advances made to them by the Bank under clause (4) of section 17, and unless, in the opinion of the Bank, the State

co-operative banks are unable to pay such dues in time owing to drought, famine or other natural calamities; and

(b) unless such loans and advances are fully guaranteed as to the repayment of the principal and payment of interest by the State Government.”.

8. In section 47 of the principal Act, for the words “and such other contingencies as”, the words “and for all other matters for which provision is to be made by or under this Act or which” shall be substituted. Amendment of section 47, Act 2 of 1934.

9. In sub-section (1) of section 52 of the principal Act, the words “if appointed by it or at the expense of the Central Government if appointed by that Government” shall be omitted. Amendment of section 52, Act 2 of 1934.

10. After section 54 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 54A in Act 2 of 1934.

“54A. (1) The Governor may, by general or special order, delegate to a Deputy Governor, subject to such conditions and limitations, if any, as may be specified in the order, such of the powers and functions exercisable by him by or under this Act or under any other law for the time being in force as he may deem necessary for the efficient administration of the functions of the Bank. Delegation of powers.

(2) The fact that a Deputy Governor exercises any power or does any act or thing in pursuance of this Act shall be conclusive proof of his authority to do so.”.

11. In the First Schedule to the principal Act, in paragraph 3, for the word “Kashmir”, the words “Jammu and Kashmir” shall be substituted. Amendment of the First Schedule Act 2 of 1934.

## THE HINDU MARRIAGE ACT, 1955

ACT No. 25 OF 1955

See India Code vol.

### ARRANGEMENT OF SECTIONS

#### PRELIMINARY

VI-A

#### SECTIONS

1. Short title and extent.
2. Application of Act.
3. Definitions.
4. Over-riding effect of Act.

## SECTIONS

## HINDU MARRIAGES

5. Conditions for a Hindu marriage.
6. Guardianship in marriage.
7. Ceremonies for a Hindu marriage.
8. Registration of Hindu marriages.

## RESTITUTION OF CONJUGAL RIGHTS AND JUDICIAL SEPARATION

9. Restitution of conjugal rights.
10. Judicial separation.

## NULLITY OF MARRIAGE AND DIVORCE

11. Void marriages.
12. Voidable marriages.
13. Divorce.
14. No petition for divorce to be presented within three years of marriage.
15. Divorced persons when may marry again.
16. Legitimacy of children of void and voidable marriages.
17. Punishment of bigamy.
18. Punishment for contravention of certain other conditions for a Hindu marriage.

## JURISDICTION AND PROCEDURE

19. Court to which petition should be made.
20. Contents and verification of petitions.
21. Application of Act V of 1908.
22. Proceedings may be *in camera* and may not be printed or published.
23. Decree in proceedings.
24. Maintenance *pendente lite* and expenses of proceedings.
25. Permanent alimony and maintenance.
26. Custody of children.
27. Disposal of property.
28. Enforcement of, and appeal from, decrees and orders.

## SAVINGS AND REPEALS

29. Savings.
30. Repeals.

## THE HINDU MARRIAGE ACT, 1955

ACT No. 25 OF 1955

[18th May, 1955]

An Act to amend and codify the law relating to marriage among Hindus.

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

## PRELIMINARY

1. (1) This Act may be called the Hindu Marriage Act, 1955.

Short title  
and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to Hindus domiciled in the territories to which this Act extends who are outside the said territories.

2. (1) This Act applies—

Application  
of Act.

(a) to any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahma, Prarthana or Arya Samaj,

(b) to any person who is a Buddhist, Jaina or Sikh by religion, and

(c) to any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

*Explanation.*—The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be:—

(a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

(b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged; and

(c) any person who is a convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

(3) The expression 'Hindu' in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

**Definitions.**

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

(a) the expressions "custom" and "usage" signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to public policy; and

Provided further that in the case of a rule applicable only to a family it has not been discontinued by the family;

(b) "district court" means, in any area for which there is a city civil court, that court, and in any other area the principal civil court of original jurisdiction, and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;

(c) "full blood" and "half blood"—two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives;

(d) "uterine blood"—two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands;

*Explanation.*—In clauses (c) and (d), "ancestor" includes the father and "ancestress" the mother;

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

(f) (i) "*sapinda* relationship" with reference to any person extends as far as the third generation (inclusive) in the line of ascent through the mother, and the fifth (inclusive) in the line of ascent through the father, the line being traced upwards in each case from the person concerned, who is to be counted as the first generation;

(ii) two persons are said to be "*sapindas*" of each other if one is a lineal ascendant of the other within the limits of *sapinda* relationship, or if they have a common lineal ascendant who is within the limits of *sapinda* relationship with reference to each of them;

(g) "degrees of prohibited relationship"—two persons are said to be within the "degrees of prohibited relationship"—

(i) if one is a lineal ascendant of the other; or

(ii) if one was the wife or husband of a lineal ascendant or descendant of the other; or

(iii) if one was the wife of the brother or of the father's or mother's brother or of the grandfather's or grandmother's brother of the other; or

(iv) if the two are brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters;

*Explanation.*—For the purposes of clauses (f) and (g), relationship includes—

(i) relationship by half or uterine blood as well as by full blood;

(ii) illegitimate blood relationship as well as legitimate;

(iii) relationship by adoption as well as by blood;

and all terms of relationship in those clauses shall be construed accordingly.

4. Save as otherwise expressly provided in this Act,—

Over-riding  
effect of Act.

(a) any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act;

(b) any other law in force immediately before the commencement of this Act shall cease to have effect in so far as it is inconsistent with any of the provisions contained in this Act.

#### HINDU MARRIAGES

5. A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:—

Conditions  
for a Hindu  
marriage.

(i) neither party has a spouse living at the time of the marriage;

(ii) neither party is an idiot or a lunatic at the time of the marriage;

(iii) the bridegroom has completed the age of eighteen years and the bride the age of fifteen years at the time of the marriage;

(iv) the parties are not within the degrees of prohibited relationship, unless the custom or usage governing each of them permits of a marriage between the two;

(v) the parties are not *sapindas* of each other, unless the custom or usage governing each of them permits of a marriage between the two;

(vi) where the bride has not completed the age of eighteen years, the consent of her guardian in marriage, if any, has been obtained for the marriage.

6. (1) Wherever the consent of a guardian in marriage is necessary for a bride under this Act, the persons entitled to give such

Guardian-  
ship in  
marriage.

consent shall be the following in the order specified hereunder, namely:—

- (a) the father;
- (b) the mother;
- (c) the paternal grandfather;
- (d) the paternal grandmother;
- (e) the brother by full blood; as between brothers the elder being preferred;
- (f) the brother by half blood; as between brothers by half blood the elder being preferred;

Provided that the bride is living with him and is being brought up by him;

- (g) the paternal uncle by full blood; as between paternal uncles the elder being preferred;

- (h) the paternal uncle by half blood; as between paternal uncles by half blood the elder being preferred;

Provided that the bride is living with him and is being brought up by him;

- (i) the maternal grandfather;

- (j) the maternal grandmother;

- (k) the maternal uncle by full blood; as between maternal uncles the elder being preferred;

Provided that the bride is living with him and is being brought up by him.

(2) No person shall be entitled to act as a guardian in marriage under the provisions of this section unless such person has himself completed his or her twenty-first year.

(3) Where any person entitled to be the guardian in marriage under the foregoing provisions refuses, or is for any cause unable or unfit, to act as such, the person next in order shall be entitled to be the guardian.

(4) In the absence of any such person as is referred to in subsection (1), the consent of a guardian shall not be necessary for a marriage under this Act.

(5) Nothing in this Act shall affect the jurisdiction of a court to prohibit by injunction an intended marriage, if in the interests of the bride for whose marriage consent is required, the court thinks it necessary to do so.

Ceremonies  
for a Hindu  
marriage.

7. (1) A Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto.

(2) Where such rites and ceremonies include the *Saptapadi* (that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step is taken.

Registration  
of Hindu  
marriages.

8. (1) For the purpose of facilitating the proof of Hindu marriages, the State Government may make rules providing that the parties to any such marriage may have the particulars relating to their marriage entered in such manner and subject to such conditions as may be prescribed in a Hindu Marriage Register kept for the purpose.



(2) Notwithstanding anything contained in sub-section (1), the State Government may, if it is of opinion that it is necessary or expedient so to do, provide that the entering of the particulars referred to in sub-section (1) shall be compulsory in the State or in any part thereof, whether in all cases or in such cases as may be specified, and where any such direction has been issued, any person contravening any rule made in this behalf shall be punishable with fine which may extend to twenty-five rupees.

(3) All rules made under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(4) The Hindu Marriage Register shall at all reasonable times be open for inspection, and shall be admissible as evidence of the statements therein contained and certified extracts therefrom shall, on application, be given by the Registrar on payment to him of the prescribed fee.

(5) Notwithstanding anything contained in this section, the validity of any Hindu marriage shall in no way be affected by the omission to make the entry.

#### RESTITUTION OF CONJUGAL RIGHTS AND JUDICIAL SEPARATION

9. (1) When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly. Restitution of conjugal rights.

(2) Nothing shall be pleaded in answer to a petition for restitution of conjugal rights which shall not be a ground for judicial separation or for nullity of marriage or for divorce.

10. (1) Either party to a marriage, whether solemnized before or after the commencement of this Act, may present a petition to the district court praying for a decree for judicial separation on the ground that the other party— Judicial separation.

(a) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or

(b) has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the other party; or

(c) has, for a period of not less than one year immediately preceding the presentation of the petition, been suffering from a virulent form of leprosy; or

(d) ~~has, immediately before~~ the presentation of the petition, been suffering from venereal disease in a communicable form, the disease not having been contracted from the petitioner; or

(e) ~~has been continuously~~ of unsound mind for a period of not less than two years immediately preceding the presentation of the petition; or

(f) has, after the solemnization of the marriage, had sexual intercourse with any person other than his or her spouse.

[has, for a period of not less than three years immediately preceding]

*Explanation.*—In this section, the expression “desertion”, with its grammatical variations and cognate expressions, means the desertion of the petitioner by the other party to the marriage without reasonable cause and without the consent or against the wish of such party, and includes the wilful neglect of the petitioner by the other party to the marriage.

(2) Where a decree for judicial separation has been passed, it shall no longer be obligatory for the petitioner to cohabit with the respondent, but the court may, on the application by petition of either party and on being satisfied of the truth of the statements made in such petition, rescind the decree if it considers it just and reasonable to do so.

#### NULLITY OF MARRIAGE AND DIVORCE

Void marriages.

11. Any marriage solemnized after the commencement of this Act shall be null and void and may, on a petition presented by either party thereto, be so declared by a decree of nullity if it contravenes any one of the conditions specified in clauses (i), (iv) and (v) of section 5.

Voidable marriages.

12. (1) Any marriage solemnized, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds, namely:—

(a) that the respondent was impotent at the time of the marriage and continued to be so until the institution of the proceeding; or

(b) that the marriage is in contravention of the condition specified in clause (ii) of section 5; or

(c) that the consent of the petitioner, or where the consent of the guardian in marriage of the petitioner is required under section 5, the consent of such guardian was obtained by force or fraud; or

(d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner.

(2) Notwithstanding anything contained in sub-section (1), no petition for annulling a marriage—

(a) on the ground specified in clause (c) of sub-section (1) shall be entertained if—

(i) the petition is presented more than one year after the force had ceased to operate or, as the case may be, the fraud had been discovered; or

(ii) the petitioner has, with his or her full consent, lived with the other party to the marriage as husband or wife after the force had ceased to operate or, as the case may be, the fraud had been discovered;

(b) on the ground specified in clause (d) of sub-section (1) shall be entertained unless the court is satisfied—

(i) that the petitioner was at the time of the marriage ignorant of the facts alleged;

(ii) that proceedings have been instituted in the case of a marriage solemnized before the commencement of this Act within one year of such commencement and in the case of marriages solemnized after such commencement within one year from the date of the marriage; and

(iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree.

13. (1) Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party—

(i) is living in adultery; or

(ii) has ceased to be a Hindu by conversion to another religion; or

(iii) has been incurably of unsound mind for a continuous period of not less than three years immediately preceding the presentation of the petition; or

(iv) has, for a period of not less than three years immediately preceding the presentation of the petition, been suffering from a virulent and incurable form of leprosy; or

(v) has, for a period of not less than three years immediately preceding the presentation of the petition, been suffering from venereal disease in a communicable form; or

(vi) has renounced the world by entering any religious order; or

(vii) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of it, had that party been alive; or

(viii) has not resumed cohabitation for a space of two years or upwards after the passing of a decree for judicial separation against that party; or

(ix) has failed to comply with a decree for restitution of conjugal rights for a period of two years or upwards after the passing of the decree.

(2) A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground,—

(i) in the case of any marriage solemnized before the commencement of this Act, that the husband had married again before such commencement or that any other wife of the husband married before such commencement was alive at the time of the solemnization of the marriage of the petitioner:

Provided that in either case the other wife is alive at the time of the presentation of the petition; or

(ii) that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality.

No petition for divorce to be presented within three years of marriage. 14. (1) Notwithstanding anything contained in this Act, it shall not be competent for any court to entertain any petition for dissolution of a marriage by a decree of divorce, unless at the date of the presentation of the petition three years have elapsed since the date of the marriage:

Provided that the court may, upon application made to it in accordance with such rules as may be made by the High Court in that behalf, allow a petition to be presented before three years have elapsed since the date of the marriage on the ground that the case is one of exceptional hardship to the petitioner or of exceptional depravity on the part of the respondent, but, if it appears to the court at the hearing of the petition that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree, do so subject to the condition that the decree shall not have effect until after the expiry of three years from the date of the marriage or may dismiss the petition without prejudice to any petition which may be brought after the expiration of the said three years upon the same or substantially the same facts as those alleged in support of the petition so dismissed.

(2) In disposing of any application under this section for leave to present a petition for divorce before the expiration of three years from the date of the marriage, the court shall have regard to the interests of any children of the marriage and to the question whether there is a reasonable probability of a reconciliation between the parties before the expiration of the said three years.

Divorced persons when may marry again.

15. When a marriage has been dissolved by a decree of divorce and either there is no right of appeal against the decree or, if there is such a right of appeal, the time for appealing has expired without an appeal having been presented, or an appeal has been presented but has been dismissed, it shall be lawful for either party to the marriage to marry again:

Provided that it shall not be lawful for the respective parties to marry again unless at the date of such marriage at least one year has elapsed from the date of the decree in the court of the first instance.

Legitimacy of children of void and voidable marriages.

16. Where a decree of nullity is granted in respect of any marriage under section 11 or section 12, any child begotten or conceived before the decree is made who would have been the legitimate child of the parties to the marriage if it had been dissolved instead of having been declared null and void or annulled by a decree of nullity shall be deemed to be their legitimate child notwithstanding the decree of nullity:

Provided that nothing contained in this section shall be construed as conferring upon any child of a marriage which is declared null and void or annulled by a decree of nullity any rights in or to the property of any person other than the parents in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents.

Punishment of bigamy.

17. Any marriage between two Hindus solemnized after the commencement of this Act is void if at the date of such marriage either party had a husband or wife living; and the provisions of

45 of 1860.

sections 494 and 495 of the Indian Penal Code, shall apply accordingly.

18. Every person who procures a marriage of himself or herself to be solemnized under this Act in contravention of the conditions specified in clauses (iii), (iv), (v) and (vi) of section 5 shall be punishable—

Punishment for contravention of certain other conditions for a Hindu marriage.

(a) in the case of a contravention of the condition specified in clause (iii) of section 5, with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both;

(b) in the case of a contravention of the condition specified in clause (iv) or clause (v) of section 5, with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both; and

(c) in the case of a contravention of the condition specified in clause (vi) of section 5, with fine which may extend to one thousand rupees.

#### JURISDICTION AND PROCEDURE

19. Every petition under this Act shall be presented to the district court within the local limits of whose ordinary original civil jurisdiction the marriage was solemnized or the husband and wife reside or last resided together.

Court to which petition should be made.

20. (1) Every petition presented under this Act shall state distinctly as the nature of the case permits the facts on which the claim to relief is founded and shall also state that there is no collusion between the petitioner and the other party to the marriage.

Contents and verification of petitions.

(2) The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints, and may, at the hearing, be referred to as evidence.

21. Subject to the other provisions contained in this Act and to such rules as the High Court may make in this behalf, all proceedings under this Act shall be regulated, as far as may be, by the Code of Civil Procedure, 1908.

Application of Act 5 of 1908.

5 of 1908.

22. (1) A proceeding under this Act shall be conducted *in camera* if either party so desires or if the court so thinks fit to do, and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except with the previous permission of the court.

Proceedings may be *in camera* and may not be printed or published.

(2) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (1), he shall be punishable with fine which may extend to one thousand rupees.

23. (1) In any proceeding under this Act, whether defended or not, if the court is satisfied that—

Decree in proceedings.

(a) any of the grounds for granting relief exists and the petitioner is not in any way taking advantage of his or her own wrong or disability for the purpose of such relief, and

(b) where the ground of the petition is the ground specified in clause (f) of sub-section (1) of section 10, or in clause (i) of

sub-section (1) of section 13, the petitioner has not in any manner been accessory to or connived at or condoned the act or acts complained of, or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty, and

(c) the petition is not presented or prosecuted in collusion with the respondent, and

(d) there has not been any unnecessary or improper delay in instituting the proceeding, and

(e) there is no other legal ground why relief should not be granted,

then, and in such a case, but not otherwise, the court shall decree such relief accordingly.

(2) Before proceeding to grant any relief under this Act, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties.

Maintenance  
*pendente lite*  
and expenses  
of proceed-  
ings.

24. Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable.

Permanent  
alimony and  
maintenance.

25. (1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall, while the applicant remains unmarried, pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant and the conduct of the parties, it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

(2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the court is satisfied that the party in whose favour an order has been made under this section has remarried or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, it shall rescind the order.

Custody of  
children.

26. In any proceeding under this Act, the court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody,

maintenance and education of minor children, consistently with their wishes, wherever possible, and may, after the decree, upon application by petition for the purpose, make from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceeding for obtaining such decree were still pending, and the court may also from time to time revoke, suspend or vary any such orders and provisions previously made.

27. In any proceeding under this Act, the court may make such provisions in the decree as it deems just and proper with respect to any property presented, at or about the time of marriage, which may belong jointly to both the husband and the wife. Disposal of property.

28. All decrees and orders made by the court in any proceeding under this Act shall be enforced in like manner as the decrees and orders of the court made in the exercise of the original civil jurisdiction are enforced, and may be appealed from under any law for the time being in force. Enforcement of, and appeal from, decrees and orders.

Provided that there shall be no appeal on the subject of costs only.

SAVINGS AND REPEALS

29. (1) A marriage solemnized between Hindus before the commencement of this Act, which is otherwise valid, shall not be deemed to be invalid or even to have been invalid by reason only of the fact that the parties thereto belonged to the same *gotra* or *pravara* or belonged to different religions, castes or sub-divisions of the same caste. Savings.

(2) Nothing contained in this Act shall be deemed to affect any right recognised by custom or conferred by any special enactment to obtain the dissolution of a Hindu marriage, whether solemnized before or after the commencement of this Act.

(3) Nothing contained in this Act shall affect any proceeding under any law for the time being in force for declaring any marriage to be null and void or for annulling or dissolving any marriage or for judicial separation pending at the commencement of this Act, and any such proceeding may be continued and determined as if this Act had not been passed.

43 of 1954.

(4) Nothing contained in this Act shall be deemed to affect the provisions contained in the Special Marriage Act, 1954 with respect to marriages between Hindus solemnized under that Act, whether before or after the commencement of this Act.

28 of 1946.  
21 of 1949.  
Bom. 25 of 1946.  
Bom. 22 of 1947.  
Mad. 6 of 1949.  
Sauras. 5 of 1950.  
Sauras 30 of 1952.

30. The Hindu Marriage Disabilities Removal Act, 1946, the Hindu Marriages Validity Act, 1949, the Bombay Prevention of Hindu Bigamous Marriages Act, 1946, the Bombay Hindu Divorce Act, 1947, the Madras Hindu (Bigamy Prevention and Divorce) Act, 1949, the Saurashtra Prevention of Hindu Bigamous Marriages Act, 1950 and the Saurashtra Hindu Divorce Act, 1952 are hereby repealed. Repeals.

THE CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) ACT, 1955

ACT No. 26 OF 1955

[10th August, 1955.]

An Act further to amend the Code of Criminal Procedure, 1898.

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

Short title and commencement. 1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1955.

(2) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States and for different provisions of this Act.

~~3 xxx/ Amendment of section 4. 2. In section 4 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), in clause (w) of sub-section (1), for the words "transportation or imprisonment for a term exceeding six months", the words "imprisonment for life or imprisonment for a term exceeding one year" shall be substituted.~~

Amendment of section 9. 3. For sub-section (2) of section 9 of the principal Act, the following sub-section shall be substituted, namely:—

"(2) The State Government may, by general or special order in the Official Gazette, direct at what place or places the Court of Session shall ordinarily hold its sitting; but if, in any particular case, the Court of Session is of opinion that it will tend to the general convenience of the parties and witnesses to hold its sitting at any other place in the sessions division, it may, with the consent of the prosecution and the accused, sit at that place for the disposal of the case or the examination of any witness or witnesses therein".

Amendment of section 14. 4. In sub-section (1) of section 14 of the principal Act, after the words "any person", the words "who holds or has held any judicial post under the Union or a State or possesses such other qualifications as may, in consultation with the High Court, be specified in this behalf by the State Government by a notification in the Official Gazette" shall be inserted.

Amendment of section 29B. 5. In section 29B of the principal Act, for the word "transportation", the word "imprisonment" shall be substituted.

↓ 1-1-1956, vide notifi. no. 111/55-Judl. (R), dt. 1-12-1955,  
Gaz. of India, 1955, Pt. I, Sec. I, p. 320

↓ Sections 2-115 rep. by Act 58 of 1960, s. 2 & Sch. I (wef. 26-12-60)



6. For section 30 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 30.

“30. Notwithstanding anything contained in section 28 or section 29, the State Government may, in consultation with the High Court, invest any district magistrate, presidency magistrate or magistrate of the first class with power to try as a magistrate all offences not punishable with death or with imprisonment for life or with imprisonment for a term exceeding seven years:

Offences punishable with imprisonment not exceeding seven years.

Provided that no district magistrate, presidency magistrate or magistrate of the first class shall be invested with such powers unless he has, for not less than ten years, exercised as a magistrate powers not inferior to those of a magistrate of the first class.”

7. In sub-section (3) of section 31 of the principal Act, for the words “of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years”, the words “of imprisonment for life or of imprisonment for a term exceeding ten years” shall be substituted.

Amendment of section 31.

8. In sub-section (1) of section 32 of the principal Act,—

Amendment of section 32.

(i) in clause (a), for the words “one thousand”, the words “two thousand” shall be substituted;

(ii) in clause (b), for the words “two hundred”, the words “five hundred” shall be substituted;

(iii) in clause (c), for the word “fifty”, the words “one hundred” shall be substituted.

9. In section 34 of the principal Act, for the words “transportation for a term exceeding seven years”, the words “imprisonment for life” shall be substituted.

Amendment of section 34.

10. In sub-section (1) of section 35 of the principal Act, the words “or transportation” shall be omitted.

Amendment of section 35.

11. In sub-section (1) of section 45 of the principal Act, after the words “management of that land”, the words and brackets “and every member of a village panchayat, other than a judicial panchayat (where such panchayat, by whatever name called, is constituted under any law for the time being in force)” shall be inserted.

Amendment of section 45.

12. In sub-section (3) of section 46 of the principal Act, for the word “transportation”, the word “imprisonment” shall be substituted.

Amendment of section 46.

13. In section 47 of the principal Act, for the words “the person residing”, the words “any person residing” shall be substituted.

Amendment of section 47.

14. In section 90 of the principal Act, the words “or assessor” shall be omitted.

Amendment of section 90.

15. In sub-section (3) and sub-section (4) of section 103 of the principal Act, the words “at his request” shall be omitted.

Amendment of section 103.

Amendment  
of section  
107.

16. For sub-section (2) of section 107 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) Proceedings under this section may be taken before any Magistrate empowered to proceed under sub-section (1) when either the place where the breach of the peace or disturbance is apprehended is within the local limits of such magistrate’s jurisdiction or there is within such limits a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such limits.”

Amendment  
of section  
117.

17. For sub-section (2) of section 117 of the principal Act, the following sub-section shall be inserted, namely:—

“(2) Such inquiry shall be made, as nearly as may be practicable, in the manner hereinafter prescribed for conducting trials and recording evidence in summons cases.”

Amendment  
of section  
145.

18. In section 145 of the principal Act,—

(a) to sub-section (1), the words “and further requiring them to put in such documents, or to adduce, by putting in affidavits, the evidence of such persons, as they rely upon in support of such claims” shall be added;

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

“(4) The Magistrate shall then, without reference to the merits or the claims of any of such parties to a right to possess the subject of dispute, peruse the statements, documents and affidavits, if any, so put in, hear the parties and conclude the inquiry, as far as may be practicable, within a period of two months from the date of the appearance of the parties before him and, if possible, decide the question whether any and which of the parties was at the date of the order before mentioned in such possession of the said subject:

Provided that the Magistrate may, if he so thinks fit, summon and examine any person whose affidavit has been put in as to the facts contained therein:

Provided further that, if it appears to the Magistrate that any party has within two months next before the date of such order been forcibly and wrongfully dispossessed, he may treat the party so dispossessed as if he had been in possession at such date:

Provided also that, if the Magistrate considers the case one of emergency, he may at any time attach the subject of dispute, pending his decision under this section.”;

(c) in sub-section (6), for the words “first proviso” wherever they occur, the words “second proviso” shall be substituted.

Amendment  
of section  
146.

19. In section 146 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) If the Magistrate is of opinion that none of the parties was then in such possession, or is unable to decide as to which of them was then in such possession, of the subject of dispute, he may attach it, and draw up a statement of the facts of the case and forward the record of the proceeding to a Civil Court of competent jurisdiction to decide the question whether any

and which of the parties was in possession of the subject of dispute at the date of the order as explained in sub-section (4) of section 145; and he shall direct the parties to appear before the Civil Court on a date to be fixed by him:

Provided that the district magistrate or the magistrate who has attached the subject of dispute may withdraw the attachment at any time, if he is satisfied that there is no longer any likelihood of a breach of the peace in regard to the subject of dispute.

(1A) On receipt of any such reference, the Civil Court shall peruse the evidence on record and take such further evidence as may be produced by the parties respectively, consider the effect of all such evidence, and after hearing the parties, decide the question of possession so referred to it.

(1B) The Civil Court shall, as far as may be practicable, within a period of three months from the date of the appearance of the parties before it, conclude the inquiry and transmit its finding together with the record of the proceeding to the magistrate by whom the reference was made, and the magistrate shall, on receipt thereof, proceed to dispose of the proceeding under section 145 in conformity with the decision of the Civil Court.

(1C) The costs, if any, consequent on a reference for the decision of the Civil Court, shall be costs in the proceedings under this section.

(1D) No appeal shall lie from any finding of the Civil Court given on a reference under this section nor shall any review or revision of any such finding be allowed.

(1E) An order under this section shall be subject to any subsequent decision of a Court of competent jurisdiction."

20. In section 147 of the principal Act,—

Amendment  
of section  
147.

(a) in sub-section (1), for the words and figures "in the manner provided in section 145 and the provisions of that section shall as far as may be, be applicable in the case of such inquiry" the words "in the manner hereinafter provided" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The magistrate shall then peruse the statements so put in, hear the parties receive all such evidence as may be produced by them respectively, consider the effect of such evidence, take such further evidence, if any, as he thinks necessary and, if possible, decide whether such right exists and the provisions of section 145 shall, as far as may be, be applicable in the case of such inquiry."

21. To section 160 of the principal Act, the following proviso shall be added, namely:—

Amendment  
of section  
160.

"Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides."

Substitution  
of new  
section for  
section 162.

22. For section 162 of the principal Act, the following section shall be substituted, namely:—

Statements  
to police not  
to be signed;  
use of state-  
ments in  
evidence.

“162. (1) No statement made by any person to a police officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, any part of his statement, if duly proved, may be used by the accused, and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by section 145 of the Indian Evidence Act, 1872, and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1) of the Indian Evidence Act, 1872, or to affect the provisions of section 27 of that Act.”

Amendment  
of section  
173.

23. In section 173 of the principal Act, for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) After forwarding a report under this section, the officer in charge of the police station shall, before the commencement of the inquiry or trial, furnish or cause to be furnished to the accused, free of cost, a copy of the report forwarded under sub-section (1) and of the first information report recorded under section 154 and of all other documents or relevant extracts thereof, on which the prosecution proposes to rely, including the statements and confessions, if any recorded under section 164 and the statements recorded under sub-section (3) of section 161 of all the persons whom the prosecution proposes to examine as its witnesses.

(5) Notwithstanding anything contained in sub-section (4), if the police officer is of opinion that any part of any statement recorded under sub-section (3) of section 161 is not relevant to the subject-matter of the inquiry or trial or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interests, he shall exclude such part from the copy of the statement furnished to the accused and in such a case he shall make a report to the magistrate stating his reasons for excluding such part:

Provided that at the commencement of the inquiry or trial, the magistrate shall, after perusing the part so excluded and considering the report of the police officer, pass such orders as he thinks fit and if he so directs, a copy of the part so excluded or such portion thereof, as he thinks proper, shall be furnished to the accused.”

24. In clause (2) of section 196A of the principal Act, for the word "transportation", the words "imprisonment for life" shall be substituted.

Amendment of section 196A.

25. After section 198A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 198B.

"198B. (1) Notwithstanding anything contained in this Code, when any offence falling under Chapter XXI of the Indian Penal Code (other than the offence of defamation by spoken words) is alleged to have been committed against the President, or the Vice-President, or the Governor or Rajpramukh of a State, or a Minister, or any other public servant employed in connection with the affairs of the Union or of a State, in respect of his conduct in the discharge of his public functions, a Court of Session may take cognizance of such offence, without the accused being committed to it for trial, upon a complaint in writing made by the Public Prosecutor.

Prosecution for defamation against public servants in respect of their conduct in the discharge of public functions.

45 of 1860.

(2) Every such complaint shall set forth the facts which constitute the offence alleged, the nature of such offence and such other particulars as are reasonably sufficient to give notice to the accused of the offence alleged to have been committed by him.

(3) No complaint under sub-section (1) shall be made by the Public Prosecutor except with the previous sanction,—

(a) in the case of the President or the Vice-President or the Governor or Rajpramukh of a State, of any Secretary to the Government authorised by him in this behalf;

(b) in the case of a Minister of the Central Government or of a State Government, of the Secretary to the Council of Ministers, if any, or of any Secretary to the Government authorised in this behalf by the Government concerned;

(c) in the case of any other public servant employed in connection with the affairs of the Union or of a State, of the Government concerned.

(4) No Court of Session shall take cognizance of an offence under sub-section (1), unless the complaint is made within six months from the date on which the offence is alleged to have been committed.

(5) When the Court of Session takes cognizance of an offence under sub-section (1), then, notwithstanding anything contained in this Code, the Court of Session shall try the case without a jury and in trying the case, shall follow the procedure prescribed for the trial by magistrates of warrant cases instituted otherwise than on a police report and the person against whom the offence is alleged to have been committed shall, unless the Court of Session, for reasons to be recorded otherwise directs, be examined as a witness for the prosecution.

(6) If in any case instituted under this section, the Court of Session by which the case is heard discharges or acquits all or any of the accused, and is of opinion that the accusation against them or any of them was false and either frivolous or vexatious, the Court of Session may, by its order of discharge or acquittal,

direct the person against whom the offence was alleged to have been committed (other than the President, Vice-President or the Governor or Rajpramukh of a State) to show cause why he should not pay compensation to such accused or to each or any of such accused, when there are more than one.

(7) The Court of Session shall record and consider any cause which may be shown by the person so directed and if it is satisfied that the accusation was false and either frivolous or vexatious, it may, for reasons to be recorded, direct that compensation to such amount, not exceeding one thousand rupees, as it may determine, be paid by such person to the accused or to each or any of them.

(8) All compensation awarded under sub-section (7) may be recovered as if it were a fine.

(9) No person who has been directed to pay compensation under sub-section (7) shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made under this section:

Provided that any amount paid to an accused person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter.

(10) The person who has been ordered under sub-section (7) to pay compensation may appeal from the order, in so far as the order relates to the payment of the compensation, as if he had been convicted in a trial held by the Court of Session.

(11) When an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (10), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

(12) For the purposes of this section, the expression "Court of Session" includes the High Courts at Calcutta and Madras in the exercise of their original criminal jurisdiction.

(13) The provisions of this section shall be in addition to, and not in derogation of, those of section 198.

Amendment  
of section  
200.

26. In section 200 of the principal Act, for the words "examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant", the words "examine the complainant and the witnesses present, if any, upon oath and the substance of the examination shall be reduced to writing and shall be signed by the complainant and the witnesses" shall be substituted.

Amendment  
of section  
203.

27. In section 203 of the principal Act, after the words "of the complainant", the words "and the witnesses" shall be inserted.

Amendment  
of section  
204.

28. In section 204 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) No summons or warrant shall be issued against the accused under sub-section (1) until a list of the prosecution witnesses has been filed.

(1B) In a proceeding instituted upon a complaint made in writing, every summons or warrant issued under sub-section (1) shall be accompanied by a copy of such complaint."

29. For section 207 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for section 207.

"207. In every inquiry before a magistrate where the case is triable exclusively by a Court of Session or High Court, or, in the opinion of the magistrate, ought to be tried by such Court, the magistrate shall,—

Procedure in inquiries preparatory to commitment.

(a) in any proceeding instituted on a police report, follow the procedure specified in section 207A; and

(b) in any other proceeding, follow the procedure specified in the other provisions of this Chapter.

207A. (1) When, in any proceeding instituted on a police report the magistrate receives the report forwarded under section 173, he shall, for the purpose of holding an inquiry under this section, fix a date which shall be a date not later than fourteen days from the date of the receipt of the report, unless the magistrate, for reasons to be recorded, fixes any later date.

Procedure to be adopted in proceedings instituted on police report.

(2) If, at any time before such date, the officer conducting the prosecution applies to the magistrate to issue a process to compel the attendance of any witness or the production of any document or thing, the magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

(3) At the commencement of the inquiry, the magistrate shall, when the accused appears or is brought before him, satisfy himself that the documents referred to in section 173 have been furnished to the accused and if he finds that the accused has not been furnished with such documents or any of them, he shall cause the same to be so furnished.

(4) The magistrate shall then proceed to take the evidence of such persons, if any as may be produced by the prosecution as witnesses to the actual commission of the offence alleged, and if the magistrate is of opinion that it is necessary in the interests of justice to take the evidence of any one or more of the other witnesses for the prosecution, he may take such evidence also.

(5) The accused shall be at liberty to cross-examine the witnesses examined under sub-section (4), and in such case, the prosecutor may re-examine them.

(6) When the evidence referred to in sub-section (4) has been taken and the magistrate has considered all the documents referred to in section 173 and has, if necessary, examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him and given the prosecution and the accused an opportunity of being heard, such magistrate shall, if he is of opinion that such evidence and documents disclose no grounds for committing the accused person for trial, record his reasons and discharge him unless it appears to the Magistrate that such person should be tried before himself

or some other magistrate, in which case he shall proceed accordingly.

(7) When, upon such evidence being taken, such documents being considered, such examination (if any) being made and the prosecution and the accused being given an opportunity of being heard, the magistrate is of opinion that the accused should be committed for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged.

(8) As soon as such charge has been framed, it shall be read and explained to the accused and a copy thereof shall be given to him free of cost.

(9) The accused shall be required at once to give in, orally or in writing, a list of the persons, if any, whom he wishes to be summoned to give evidence on his trial:

Provided that the magistrate may, in his discretion, allow the accused to give in his list or any further list of witnesses at a subsequent time; and, where the accused is committed for trial before the High Court, nothing in this sub-section shall be deemed to preclude the accused from giving, at any time before his trial, to the Clerk of the State a further list of the persons whom he wishes to be summoned to give evidence on such trial.

(10) When the accused, on being required to give in a list under sub-section (9), has declined to do so, or when he has given in such list, the magistrate may make an order committing the accused for trial by the High Court or the Court of Session, as the case may be, and shall also record briefly the reasons for such commitment.

(11) When the accused has given in any list of witnesses under sub-section (9) and has been committed for trial, the magistrate shall summon the witnesses included in the list to appear before the Court to which the accused has been committed:

Provided that where the accused has been committed to the High Court, the magistrate may, in his discretion, leave such witnesses to be summoned by the Clerk of the State and such witnesses may be summoned accordingly:

Provided also that if the magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such magistrate thinks necessary to defray the expense of obtaining the attendance of the witness and all other proper expenses.

(12) Witnesses for the prosecution, whose attendance before the Court of Session or High Court is necessary and who appear before the magistrate shall execute before him bonds binding themselves to be in attendance when called upon by the Court of Session or High Court to give evidence.

(13) If any witness refuses to attend before the Court of Session or High Court, or execute the bond above directed, the



magistrate may detain him in custody until he executes such bond or until his attendance at the Court of Session or High Court is required, when the magistrate shall send him in custody to the Court of Session or High Court as the case may be.

(14) When the accused is committed for trial, the magistrate shall issue an order to such person as may be appointed by the State Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge; and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Court of Session or where the commitment is made to the High Court, to the Clerk of the State or other officer appointed in this behalf by the High Court.

(15) When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

(16) Until and during the trial, the magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused by warrant to custody."

30. In sub-section (1) of section 208 of the principal Act, for the words "The magistrate shall", the words "In any proceeding instituted otherwise than on a police report, the magistrate shall" shall be substituted. Amendment  
of section  
208.

31. In sub-section (1) of section 227 of the principal Act,— Amendment  
of section  
227.

(i) after the words "in the case of trials", the words "by jury" shall be inserted;

(ii) the words "or the opinions of the assessors are expressed" shall be omitted.

32. In section 247 of the principal Act, for the proviso, the following proviso shall be substituted, namely:— Amendment  
of section  
247.

"Provided that where the magistrate is of opinion that the personal attendance of the complainant is not necessary, the magistrate may dispense with his attendance, and proceed with the case."

33. In sub-section (2) of section 250 of the principal Act, for the words "one hundred rupees or, if the magistrate is a magistrate of the third class, not exceeding fifty rupees", the words "one-half of the amount of fine he is empowered to impose" shall be substituted. Amendment  
of section  
250.

34. For section 251 of the principal Act, the following sections shall be substituted, namely:— Substitution  
of new sec-  
tions for  
section 251.

"251. In the trial of warrant cases by magistrates, the magistrate shall,— Procedure in  
warrant  
cases.

(a) in any case instituted on a police report, follow the procedure specified in section 251A; and

(b) in any other case, follow the procedure specified in the other provisions of this Chapter.

Procedure to be adopted in case instituted on police report.

251A. (1) When, in any case instituted on a police report, the accused appears or is brought before a magistrate at the commencement of the trial, such magistrate shall satisfy himself that the documents referred to in section 173 have been furnished to the accused, and if he finds that the accused has not been furnished with such documents or any of them, he shall cause them to be so furnished.

(2) If, upon consideration of all the documents referred to in section 173 and making such examination, if any, of the accused as the magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the magistrate considers the charge against the accused to be groundless, he shall discharge him.

(3) If, upon such documents being considered, such examination, if any, being made and the prosecution and the accused being given an opportunity of being heard, the magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

(4) The charge shall then be read and explained to the accused and he shall be asked whether he is guilty or claims to be tried.

(5) If the accused pleads guilty, the magistrate shall record the plea and may, in his discretion, convict him thereon.

(6) If the accused refuses to plead, or does not plead, or claims to be tried, the magistrate shall fix a date for the examination of witnesses.

(7) On the date so fixed, the magistrate shall proceed to take all such evidence as may be produced in support of the prosecution:

Provided that the magistrate may permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined, or recall any witness for further cross-examination.

(8) The accused shall then be called upon to enter upon his defence and produce his evidence; and if the accused puts in any written statement the magistrate shall file it with the record.

(9) If the accused, after he has entered upon his defence, applies to the magistrate to issue any process for compelling the attendance of any witness for the purpose of examination or cross-examination, or the production of any document or other thing, the magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice. Such ground shall be recorded by him in writing:

Provided that, when the accused has cross-examined or had the opportunity of cross-examining any witness after the charge is framed, the attendance of such witness shall not be compelled under this section, unless the magistrate is satisfied that it is necessary for the purposes of justice.

(10) The magistrate may, before summoning any witness on such application under sub-section (9), require that his reasonable expenses incurred in attending for the purpose of the trial be deposited in court.

(11) If, in any case under this section in which a charge has been framed, the magistrate finds the accused not guilty, he shall record an order of acquittal.

(12) Where in any case under this section, the magistrate does not proceed in accordance with the provisions of section 349 or section 562, he shall, if he finds the accused guilty, pass sentence upon according to law.

(13) In a case where a previous conviction is charged under the provisions of section 221, sub-section (7), and the accused does not admit that he has been previously convicted as alleged in the charge, the magistrate may, after he has convicted the said accused under sub-section (5) or sub-section (12), take evidence in respect of the alleged previous conviction, and shall record a finding thereon."

35. In sub-section (1) of section 252 of the principal Act, for the words "When the accused appears", the words "In any case instituted otherwise than on a police report, when the accused appears" shall be substituted. Amendment of section 252.

36. In sub-section (1) of section 260 of the principal Act,— Amendment of section 260.

(a) for the word "transportation", the words "imprisonment for life" shall be substituted;

(b) for the words "fifty rupees" wherever they occur, the words "two hundred rupees" shall be substituted.

37. For section 264 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 264.

"264. In every case tried summarily by a magistrate or bench in which an appeal lies, such magistrate or bench shall record the substance of the evidence and also the particulars mentioned in section 263 and shall, before passing any sentence, record a judgment in the case." Record in appealable cases.

38. For section 268 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 268.

"268. All trials before a Court of Session shall be either by jury or by the judge himself." Trials before Court of Session.

39. In section 269 of the principal Act,— Amendment of section 269.

(a) in sub-section (3), for the words "by the Court of Session, with the aid of jurors as assessors", the words "by the judge himself" shall be substituted;

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

"(4) When, in respect of a trial in which the accused is charged with an offence triable by jury, it appears to the High Court, on an application made to it or otherwise, that

having regard to the volume or complexity of the evidence in the case, the trial is not likely to be concluded within two weeks from its commencement, or that the case would involve consideration of evidence of a highly technical nature, which renders it undesirable that it should be tried by a jury, the High Court may, notwithstanding anything contained in any order made under sub-section (1), by order, direct that that case shall be tried by the judge himself without a jury and the judge shall proceed to try the case accordingly."

Substitution of new section for section 272.

40. For section 272 of the principal Act, the following section shall be substituted, namely:—

Refusal to plead or claim to be tried.

"272. If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall, in a case triable by jury, proceed to choose jurors as hereinafter directed and to try the case, but in any other case, the Judge shall proceed to try the case himself:

Provided that, in cases triable by jury, the same jury may, subject to the right of objection hereinafter mentioned, try as many accused persons successively as the Court thinks fit."

Amendment of section 274.

41. In sub-section (2) of section 274 of the principal Act.—

(i) for the word "five", the word "seven" shall be substituted;

(ii) in the proviso, for the words "shall consist of not less than seven persons and, if practicable, of nine persons", the words "shall consist, if practicable, of nine persons" shall be substituted.

Substitution of new section for section 282.

42. For section 282 of the principal Act, the following section shall be substituted, namely:—

Procedure when juror ceases to attend, etc.

"282. (1) If, in the course of a trial by jury at any time before the return of the verdict,—

(a) any juror, from any sufficient cause, is prevented from attending the trial on any day, or

(b) if any juror absents himself and it is not practicable to enforce his attendance, or

(c) if it appears that any juror is unable to understand the language in which the evidence is given or, when such evidence is interpreted, the language in which it is interpreted,

the Court, in any case falling under clause (a), may either adjourn the trial or discharge the juror and in any case falling under clause (b) or clause (c), shall discharge the juror; and in any case where any juror is so discharged, the jury shall be deemed to be reconstituted with the remaining jurors as if the jury had consisted of such persons only from the commencement of the trial and the trial shall proceed before the jury so reconstituted and notwithstanding anything contained elsewhere in this Code, such trial shall not be invalid by reason only of the fact that the number of persons originally constituting the jury has been reduced.

(2) Notwithstanding anything contained in sub-section (1), if, in the course of a trial by jury, the number of persons constituting the jury is so reduced that,—

(a) when the jury originally consisted of nine persons, it falls below seven, or

(b) when the jury originally consisted of seven persons, it falls below five,

the jury shall be discharged and a new jury chosen, and in each of such cases, the trial shall commence anew.”

43. Section 284 and section 285 of the principal Act shall be omitted. Omission of sections 284 and 285.

44. In section 286 of the principal Act, in sub-section (1), for the words “When the jurors or assessors have been chosen”, the words “In a case triable by jury, when the jurors have been chosen or, in any other case, when the Judge is ready to hear the case” shall be substituted. Amendment of section 286.

45. In section 287 of the principal Act, for the word “duly”, the words “if any” shall be substituted. Amendment of section 287.

46. In sub-section (2) and sub-section (3) of section 289 of the principal Act, for the words “in a case tried with the aid of assessors” wherever they occur, the words “in a case tried by the Judge himself” shall be substituted. Amendment of section 289.

47. In section 291 of the principal Act, after the words “in sections”, the figures and letter “207A” shall be inserted. Amendment of section 291.

48. In section 293 of the principal Act, the words “or assessors” wherever they occur shall be omitted. Amendment of section 293.

49. In section 294 of the principal Act, the words “or assessor” shall be omitted. Amendment of section 294.

50. In section 295 of the principal Act, the words “or assessors” shall be omitted. Amendment of section 295.

51. To section 297 of the principal Act, the following words shall be added, namely:— Amendment of section 297.

“and the charge to the jury shall, wherever practicable, be taken down in shorthand in the language in which it is delivered and a transcript thereof signed by the Judge shall form part of the record”.

52. In section 301 of the principal Act, after the words “verdict of a majority”, the words “or that the jurors are equally divided in opinion” shall be inserted. Amendment of section 301.

53. In section 302 of the principal Act, after the words “although they are not unanimous”, the words “or the foreman may inform the Judge that the jurors are still equally divided in opinion” shall be inserted. Amendment of section 302.

Amendment of section 307. 54. In section 307 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If, in any such case, the jurors are equally divided in opinion on all or any of the charges on which any accused person has been tried, the Judge shall submit the case in respect of such accused person to the High Court recording his opinion on such charge or charges and the grounds of his opinion, and in such case, if the accused is further charged under the provisions of section 310, he shall proceed to try him on such charge as if the verdict of the jury had been one of conviction.”

Substitution of new sub-head and new section for sub-head H and section 309. Judgment in cases tried by the Judge himself. 55. For sub-head H and section 309 of the principal Act, the following shall be substituted, namely:—

“H—Conclusion of trial in cases tried by the Judge himself.

309. (1) When, in a case tried by the Judge himself, the case for the defence and the prosecutor's reply (if any) are concluded, the Judge shall give a judgment in the case.

(2) If the accused is convicted, the Judge shall, unless he proceeds in accordance with the provisions of section 562, pass sentence on him according to law.”

Amendment of section 310. 56. In section 310 of the principal Act,—

(a) for the words “or with the aid of assessors”, the words “or by the Judge himself” shall be substituted;

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

“(ii) in the case of a trial by a jury, the jury have delivered their verdict on the charge of the subsequent offence;”;

(c) in clause (b), for the words “held with the aid of assessors”, the words “held by the Judge himself” shall be substituted.

Amendment of section 319. 57. In section 319 of the principal Act,—

(a) the word “male” shall be omitted;

(b) the words “or assessors” shall be omitted.

Amendment of sub-head K and sections 320, 321, 324, 326, 327, 328, 329, 330, 331, 332 and 339A. 58. In sub-head K and sections 320, 321, 324, 326, 327, 328, 329, 330, 331, 332 and 339A, the words “and assessors”, “or assessor”, “or assessors”, “or as an assessor”, “or as assessor, as the case may be”, “or assessor, as the case may be” and “and trials with the aid of assessors”, wherever they occur, shall be omitted.

Amendment of section 337. 59. In section 337 of the principal Act,—

(a) in sub-section (1),—

(i) for the words and figures “which may extend to ten years, or any offence punishable under section 211 of the Indian Penal Code with imprisonment which may extend to seven years”, the words “which may extend to seven years” shall be substituted;

(ii) after the words "the Indian Penal Code, namely, sections", the figures and letter "161, 165, 165A" shall be inserted;

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

"(2B) In every case where the offence is punishable under section 161 or section 165 or section 165A of the Indian Penal Code or sub-section (2) of section 5 of the Prevention of Corruption Act, 1947 and where a person has accepted a tender of pardon and has been examined under sub-section (2), then, notwithstanding anything contained in sub-section (2A), a Magistrate shall, without making any further inquiry, send the case for trial to the Court of the Special Judge appointed under the Criminal Law Amendment Act, 1952.

46 of 1952.

60. In section 342 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

Amendment of section 342.

"(4) No oath shall be administered to the accused when he is examined under sub-section (1)."

61. After section 342 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 342A.

"342A. Any person accused of an offence before a Criminal Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Accused person to be competent witness.

Provided that—

(a) he shall not be called as a witness except on his own request in writing; or

(b) his failure to give evidence shall not be made the subject of any comment by any of the parties or the Court or give rise to any presumption against himself or any person charged together with him at the same trial."

62. In section 344 of the principal Act,—

Amendment of section 344.

(a) sub-section (1) shall be re-numbered as sub-section (1A) of that section and the following sub-section shall be inserted as sub-section (1) thereof, namely:—

"(1) In every inquiry or trial, the proceedings shall be held as expeditiously as possible and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded.";

(b) in sub-section (1A) as so re-numbered, after the proviso, the following further proviso shall be inserted, namely:—

"Provided further that when witnesses are in attendance, no adjournment or postponement shall be granted, without examining them, except for special reasons to be recorded in writing."

Amendment  
of section  
345.

63. In section 345 of the principal Act, for the table next following sub-section (2), the following table shall be substituted, namely:—

Offence	Sections of the Indian Penal Code applicable	Persons by whom offence may be compounded
Voluntarily causing hurt by dangerous weapons or means.	324	The person to whom hurt is caused.
Voluntarily causing grievous hurt . . . . .	325	Ditto.
Voluntarily causing grievous hurt on grave and sudden provocation.	335	Ditto.
Causing hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	337	Ditto.
Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	338	Ditto.
Wrongfully confining a person for three days or more.	343	The person confined.
Wrongfully confining for 10 or more days . . . . .	344	Ditto.
Wrongfully confining a person in secret . . . . .	346	Ditto.
Assault or criminal force in attempting wrongfully to confine a person.	357	The person assaulted or to whom the force was used.
Theft, where the value of property stolen does not exceed two hundred and fifty rupees.	379	The owner of the property stolen.
Theft by clerk or servant of property in possession of master, where the value of the property stolen does not exceed two hundred and fifty rupees.	381	Ditto.
Dishonest misappropriation of property . . . . .	403	The owner of the property misappropriated.
Criminal breach of trust, where the value of the property does not exceed two hundred and fifty rupees.	406	The owner of the property in respect of which the breach of trust has been committed.
Criminal breach of trust by a carrier, wharfinger, etc., where the value of the property does not exceed two hundred and fifty rupees.	407	The owner of the property in respect of which the breach of trust has been committed.
Criminal breach of trust by a clerk or servant, where the value of property does not exceed two hundred and fifty rupees.	408	Ditto.
Cheating . . . . .	417	The person cheated.
Cheating a person whose interest the offender was bound, by law or by legal contract, to protect.	418	Ditto.



Offence	Sections of the Indian Penal Code applicable	Persons by whom offence may be compounded
Cheating by personation	419	The person cheated.
Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security.	420	Ditto.
Fraudulent removal or concealment of property, etc., to prevent distribution among creditors.	421	The creditors who are affected thereby.
Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	422	Ditto.
Fraudulent execution of deed of transfer containing false statement of consideration.	423	The person affected thereby.
Fraudulent removal or concealment of property.	424	Ditto.
Mischief by killing or maiming animal of the value of ten rupees or upwards.	428	The owner of the animal.
Mischief by killing or maiming cattle, etc., of any value or any other animal of the value of fifty rupees or upwards.	429	The owner of the cattle or animal.
Mischief by injury to work of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to a private person.	430	The person to whom the loss or damage is caused.
House-trespass to commit an offence (other than theft) punishable with imprisonment.	451	The person in possession of the house trespassed upon.
Using a false trade or property mark	482	The person to whom loss or injury is caused by such use.
Counterfeiting a trade or property mark used by another.	483	The person whose trade or property mark is counterfeited.
Knowingly selling, or exposing or possessing for sale or for trade or manufacturing purpose, goods marked with a counterfeit trade or property mark.	486	The person whose trade or property mark is counterfeited.
Marrying again during the life-time of a husband or wife.	494	The husband or wife of the person so marrying.
Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman.	509	The woman whom it was intended to insult or whose privacy was intruded upon."

Amendment  
of section  
350.

64. In sub-section (1) of section 350 of the principal Act, for the words "or he may resummon the witnesses and re-commence the inquiry or trial" and the proviso, the following proviso shall be substituted, namely:—

"Provided that if the succeeding Magistrate is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, he may re-summon any such witness and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged."

Amendment  
of section  
356.

65. In section 356 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "in the language of the Court by the Magistrate or Sessions Judge", the words "in the language of the Court either by the Magistrate or Sessions Judge with his own hand or from his dictation in open Court" shall be substituted;

(ii) for the words "shall be signed by the Magistrate or Sessions Judge", the words "the evidence so taken down shall be signed by the Magistrate or Sessions Judge and shall form part of the record" shall be substituted;

(b) in sub-section (2), after the words "with his own hand", the words "or cause it to be taken down in writing in that language from his dictation in open Court" shall be inserted;

(c) in sub-section (3), for the words "In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge", the words "In cases in which the Magistrate or Sessions Judge does not either take down the evidence with his own hand or cause it to be taken down in writing from his dictation in open Court" shall be substituted.

Amendment  
of section  
367.

66. For sub-section (5) of section 367 of the principal Act, the following sub-section shall be substituted, namely:—

"(5) In trials by jury, the Court need not write a judgment, but the Court of Session shall record the heads of the charge to the jury:

Provided that it shall not be necessary to record such heads of the charge in cases where the charge has been delivered in English and taken down in shorthand."

Amendment  
of section  
368.

67. Sub-section (2) of section 368 of the principal Act shall be omitted.

Amendment  
of section  
371.

68. In section 371 of the principal Act,—

(a) in sub-section (2), after the words "charge to the jury", the words and figures "or, where a transcript of the charge forms part of the record under section 297, a copy of such transcript" shall be inserted; and

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

“(4) When the accused is sentenced to imprisonment, then, without prejudice to the provisions of sub-section (1) or sub-section (2), a copy of the finding and sentence shall, as soon as may be after the delivery of the judgment, be given to the accused free of cost”.

69. In sub-section (2) of section 375 of the principal Act, the words “or assessors” shall be omitted. Amendment of section 375.

70. In section 376 of the principal Act, the words “whether tried with the aid of assessors or by jury” shall be omitted. Amendment of section 376.

71. In section 382 of the principal Act, for the word “transportation”, the word “imprisonment” shall be substituted. Amendment of section 382.

72. In section 383 of the principal Act, for the word “transportation”, the words “imprisonment for life” shall be substituted. Amendment of section 383.

73. After section 387 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 387A.

“387A. Notwithstanding anything contained in this Code or in any other law for the time being in force, when an offender has been sentenced to pay a fine by a Criminal Court in the State of Jammu and Kashmir and the Court passing the sentence issues a warrant to the Collector of a District in the territories to which this Code extends authorizing him to realise the amount by execution according to civil process against the movable or immovable property, or both, of the defaulter, such warrant shall be deemed to be a warrant issued under clause (b) of sub-section (1) of section 386 by a Court in the territories to which this Code extends and the provisions of sub-section (3) of the said section as to the execution of such warrant shall apply accordingly.” Warrant for levy of fine issued by a Court in Jammu and Kashmir.

~~74. In section 393 of the principal Act, in clause (b), for the word “transportation”, the words “imprisonment for life” shall be substituted.~~ ~~Amendment of section 393.~~ /xxx

75. In section 396 of the principal Act,— Amendment of section 396.

(a) in sub-section (1),—

(i) after the words “of death”, the words “imprisonment for life” shall be inserted;

(ii) the words “or transportation” shall be omitted;

(b) in sub-section (3), the words “or transportation, as the case may be” shall be omitted;

(c) in the *Explanation*, clause (a) shall be omitted.

76. For section 397 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 397.

“397. (1) When a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment or imprisonment for life, such imprisonment or imprisonment for life shall commence at the expiration of the imprisonment to which he has been previously sentenced, unless Sentence on offender already sentenced for another offence.

the Court directs that the subsequent sentence shall run concurrently with such previous sentence:

Provided that where a person who has been sentenced to imprisonment by an order under section 123 in default of furnishing security is, whilst undergoing such sentence, sentenced to imprisonment for an offence committed prior to the making of such order, the latter sentence shall commence immediately.

(2) When a person already undergoing a sentence of imprisonment for life is sentenced on a subsequent conviction to imprisonment or imprisonment for life, the subsequent sentence shall run concurrently with such previous sentence."

Amendment  
of section  
398.

77. In sub-section (2) of section 398 of the principal Act,—

(a) the words "or to a sentence of transportation" shall be omitted;

(b) the words "or transportation" shall be omitted.

Amendment  
of section  
401.

78. To sub-section (6) of section 401 of the principal Act, the following proviso shall be added, namely:—

"Provided that in the case of any sentence (other than a sentence of fine or whipping) passed on a male person above the age of eighteen years, no such petition by the person sentenced or by any other person on his behalf shall be entertained, unless the person sentenced is in jail, and—

(a) where such petition is made by the person sentenced, it is presented through the officer in charge of the jail; or

(b) where such petition is made by any other person, it contains a declaration that the person sentenced is in jail."

Amendment  
of section  
402.

79. In sub-section (1) of section 402 of the principal Act, for the word "transportation", the words "imprisonment for life" shall be substituted.

Amendment  
of section  
406.

80. In section 406 of the principal Act,—

(a) the first proviso shall be omitted;

(b) in the second proviso, the word "further" shall be omitted.

Omission of  
section 407.

81. Section 407 of the principal Act shall be omitted.

Amendment  
of section  
408.

82. In section 408 of the principal Act,—

(a) for the words "other Magistrate of the first class", the words "any other Magistrate" shall be substituted;

(b) for the words "by a Magistrate of the first class", the words "by any Magistrate" shall be substituted;

(c) in the proviso, in clause (b), the words "or any sentence of transportation" shall be omitted.

83. For section 409 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 409.

"409. (1) Subject to the provisions of this section, an appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge or an Assistant Sessions Judge:

Appeals to Courts of Session how heard.

Provided that no such appeal shall be heard by an Assistant Sessions Judge unless the appeal is of a person convicted on a trial held by any Magistrate of second or third class.

(2) An Additional Sessions Judge or an Assistant Sessions Judge shall hear only such appeals as the State Government may, by general or special order, direct or as the Sessions Judge of the division may make over to him."

84. For section 417 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 417.

"417. (1) Subject to the provisions of sub-section (5), the State Government may, in any case, direct the Public prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

Appeal in case of acquittal.

(2) If such an order of acquittal is passed in any case in which the offence has been investigated by the Delhi Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946, the Central Government may also direct the Public Prosecutor to present an appeal to the High Court from the order of acquittal.

(3) If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court.

(4) No application under sub-section (3) for the grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of sixty days from the date of that order of acquittal.

(5) If, in any case, the application under sub-section (3) for the grant of special leave to appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1)."

85. In section 423 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment of section 423.

"(1A) Where an appeal from a conviction lies to the High Court, it may enhance the sentence, notwithstanding anything inconsistent therewith contained in clause (b) of sub-section (1):

Provided that the sentence shall not be so enhanced, unless the accused has had an opportunity of showing cause against such enhancement."

Amendment  
of section  
426.

86. In section 426 of the principal Act,—

(a) in sub-section (2A), for the words “accused of a non-bailable offence”, the words “convicted of a non-bailable offence” shall be substituted;

(b) in sub-section (3), for the word “transportation”, the words “imprisonment for life” shall be substituted.

Amendment  
of section  
428.

87. In sub-section (3) of section 428 of the principal Act, the words “or assessors” shall be omitted.

Amendment  
of section  
465.

88. In sub-section (1) of section 465 of the principal Act, the words “with the aid of assessors” shall be omitted.

Insertion  
new section  
479A.

89. After section 479 of the principal Act, the following section shall be inserted, namely:—

Procedure in  
certain cases  
of false evi-  
dence.

“479A. (1) Notwithstanding anything contained in sections 476 to 479 inclusive, when any Civil, Revenue or Criminal Court is of opinion that any person appearing before it as a witness has intentionally given false evidence in any stage of the judicial proceeding or has intentionally fabricated false evidence for the purpose of being used in any stage of the judicial proceeding, and that, for the eradication of the evils of perjury and fabrication of false evidence and in the interests of justice, it is expedient that such witness should be prosecuted for the offence which appears to have been committed by him, the Court shall, at the time of the delivery of the judgment or final order disposing of such proceeding, record a finding to that effect stating its reasons therefor and may, if it so thinks fit, after giving the witness an opportunity of being heard, make a complaint thereof in writing signed by the presiding officer of the Court setting forth the evidence which, in the opinion of the Court, is false or fabricated and forward the same to a Magistrate of the first class having jurisdiction. and may, if the accused is present before the Court, take sufficient security for his appearance before such Magistrate and may bind over any person to appear and give evidence before such Magistrate:

Provided that where the Court making the complaint is a High Court, the complaint may be signed by such officer of the Court as the Court may appoint.

*Explanation.*—For the purposes of this sub-section, a Presidency Magistrate shall be deemed to be a Magistrate of the first class.

(2) Such Magistrate shall thereupon proceed according to law and as if upon complaint made under section 200.

(3) No appeal shall lie from any finding recorded and complaint made under sub-section (1).

(4) Where, in any case, a complaint has been made under sub-section (1) and an appeal has been preferred against the decision arrived at in the judicial proceeding out of which the matter has arisen, the hearing of the case before the Magistrate to whom the complaint was forwarded or to whom the case may have been transferred shall be adjourned until such appeal is

decided; and the appellate Court, after giving the person against whom the complaint has been made an opportunity of being heard, may, if it so thinks fit, make an order directing the withdrawal of the complaint; and a copy of such order shall be sent to the Magistrate before whom the hearing of the case is pending.

(5) In any case, where an appeal has been preferred from any decision of a Civil, Revenue or Criminal Court but no complaint has been made under sub-section (1), the power conferred on such Civil, Revenue or Criminal Court under the said sub-section may be exercised by the appellate Court; and where the appellate Court makes such complaint, the provisions of sub-section (1) shall apply accordingly, but no such order shall be made, without giving the person affected thereby an opportunity of being heard.

(6) No proceedings shall be taken under sections 476 to 479 inclusive for the prosecution of a person for giving or fabricating false evidence, if in respect of such a person proceedings may be taken under this section.

90. After section 485 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 485A.

“485A. (1) If any witness being summoned to appear before a Criminal Court is legally bound to appear at a certain place and time in obedience to the summons and without just excuse neglects or refuses to attend at that place or time or departs from the place where he has to attend before the time at which it is lawful for him to depart, and the Court before which the witness is to appear is satisfied that it is expedient in the interests of justice that such witness should be tried summarily, the Court may take cognizance of the offence and after giving the offender an opportunity of showing cause why he should not be punished under this section, sentence him to fine not exceeding one hundred rupees.

Summary procedure for punishment for non-attendance by a witness in obedience to summons.

(2) In every such case the Court shall follow, as nearly as may be practicable, the procedure prescribed for summary trials in which an appeal lies.”

91. In sub-section (1) of section 486 of the principal Act, after the word and figures “section 485”, the words, figures and letter “or section 485A” shall be inserted.

Amendment of section 486.

92. In sub-section (1) of section 488 of the principal Act, for the words “one hundred rupees”, the words “five hundred rupees” shall be substituted.

Amendment of section 488.

93. In sub-section (1) of section 489 of the principal Act, for the words “one hundred”, the words “five hundred” shall be substituted.

Amendment of section 489.

94. In section 497 of the principal Act,—

(a) in sub-section (1),—

Amendment of section 497.

(i) after the words “accused of”, the words “or suspected of the commission of” shall be inserted; and

(ii) for the word “transportation”, the word “imprisonment” shall be substituted;

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

“(3A) If, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded

within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.”

Amendment  
of section  
498.

95. Section 498 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) A High Court or Court of Session may cause any person who has been admitted to bail under sub-section (1) to be arrested and may commit him to custody.”

Amendment  
of section  
499.

96. In section 499 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) For the purpose of determining whether the sureties are sufficient, the Court may, if it so thinks fit, accept affidavits in proof of the facts contained therein relating to the sufficiency of the sureties or may make such further inquiry as it deems necessary.”

Amendment  
of section  
503.

97. In section 503 of the principal Act,—

(a) in sub-section (1), for the words “District Magistrate or Presidency Magistrate”, the words “or any Magistrate” shall be substituted;

(b) to the said sub-section, the following proviso shall be added, namely:—

“Provided that where the examination of the President or the Vice-President or the Governor or Rajpramukh of a State as a witness is necessary for the ends of justice, a commission shall be issued for the examination of such a witness”;

(c) sub-section (2) shall be omitted.

Amendment  
of section  
505.

98. In sub-section (1) of section 505 of the principal Act, the words “of the first class” shall be omitted.

Amendment  
of section  
510.

99. Section 510 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, after the words “Examiner to Government”, the words “or the Chief Inspector of Explosives or the Director of Finger Print Bureau or an officer of the Mint” shall be inserted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The Court may, if it thinks fit, and shall, on the application of the prosecution or the accused, summon and examine any such person as to the subject-matter of his report.”

Insertion of  
new section  
510A.

100. After section 510 of the principal Act, the following section shall be inserted, namely:—

Evidence on  
affidavits.

“510A. (1) The evidence of any person whose evidence is of a formal character may be given by affidavit and may, subject to all just exceptions, be read in evidence in any inquiry, trial or other proceeding under this Code.



(2) The Court may, if it thinks fit, and shall, on the application of the prosecution or the accused, summon and examine any such person as to the facts contained in his affidavit."

101. In sub-section (2) of section 512 of the principal Act, for the word "transportation", the words "imprisonment for life" shall be substituted. Amendment of section 512.

102. In section 516A of the principal Act, after the words "speedy or natural decay", the words "or if it is otherwise expedient so to do, the Court" shall be inserted. Amendment of section 516A.

103. In section 526 of the principal Act,— Amendment of section 526.  
(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), no application shall lie to the High Court for the exercise of its powers under the said sub-section for transferring any case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.";

(b) in sub-section (8),—

(i) after the words "make an application under this section", the words and figures "or under section 528" shall be inserted; and

(ii) in the proviso, after the words "from the same party", the words "if the application is intended to be made to the same Court to which the party has been given an opportunity of making such an application" shall be inserted.

104. In section 528 of the principal Act,— Amendment of section 528.

(a) in sub-section (1), for the words "any case" wherever they occur, the words "any case or appeal" shall be substituted;

(b) in sub-section (1B), for the words, brackets, figures and letter "recalls a case under sub-section (1) or recalls a case or appeal under sub-section (1A)", the words, brackets, figures and letter "recalls a case or appeal under sub-section (1) or sub-section (1A)" shall be substituted;

(c) after sub-section (1B), the following sub-section shall be inserted, namely:—

"(1C) Any Sessions Judge, on an application made to him in this behalf, may, if he is of opinion that it is expedient for the ends of justice, order that any particular case be transferred from one Criminal Court to another Criminal Court in the same sessions division."

105. For section 536 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 536.

"536. If an offence triable by a jury is tried without a jury, the trial shall not on that ground only be invalid, unless the objection is taken before the Court proceeds to record evidence in the case." Trial without jury of offences triable by jury.

Amendment  
of section  
537.

106. In section 537 of the principal Act,—

- (i) in clause (a), the word “charge” shall be omitted;
- (ii) after clause (a), the following clause shall be inserted, namely:—

“(b) of any error, omission or irregularity in the charge, including any misjoinder of charges, or”;

- (iii) in clause (c), the words “or assessors” shall be omitted.

Substitution  
of new sec-  
tions for sec-  
tion 539A.

107. For section 539A of the principal Act, the following sections shall be substituted, namely:—

Affidavit in  
proof of con-  
duct of pub-  
lic servant.

“539A. (1) When any application is made to any Court in the course of any inquiry, trial or other proceeding under this Code, and allegations are made therein respecting any public servant, the applicant may give evidence of the facts alleged in the application by affidavit, and the Court may, if it thinks fit, order that evidence relating to such facts be so given.

(2) Affidavits under this section shall be confined to, and shall state separately, such facts as the deponent is able to prove from his own knowledge and such facts as he has reasonable ground to believe to be true, and in the latter case, the deponent shall clearly state the grounds of such belief.

Authorities  
before whom  
affidavits  
may be  
sworn.

“539AA. (1) An affidavit to be used before any Court other than a High Court under section 510A or section 539A may be sworn or affirmed in the manner prescribed in section 539 or before any Magistrate.

(2) The Court may order any scandalous and irrelevant matter in the affidavit to be struck out or amended.”.

Amendment  
of section  
539B.

108. In sub-section (2) of section 539B of the principal Act, in the proviso,—

- (i) the words “or with the aid of assessors” shall be omitted;
- (ii) the words “or assessors” shall be omitted.

Amendment of  
section 540  
A.

109. For sub-section (1) of section 540A of the principal Act, the following sub-section shall be substituted, namely:—

“(1) At any stage of an inquiry or trial under this Code, if the Judge or Magistrate is satisfied, for reasons to be recorded, that the personal attendance of the accused before the Court is not necessary in the interests of justice, the Judge or Magistrate may, if the accused is represented by a pleader, dispense with his attendance and proceed with such inquiry or trial in his

absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused."

110. In sub-section (1) of section 545 of the principal Act,— Amendment of section 545.

(i) for the words "a sentence of which fine forms a part", the words and brackets "a sentence (including a sentence of death) of which fine forms a part" shall be substituted;

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

"(bb) when any person is convicted of any offence for having caused the death of another person or of having abetted the commission of such an offence, in paying compensation to the persons who are, under the Fatal Accidents Act, 1855, entitled to recover damages from the person sentenced for the loss resulting to them from such death."

13 of 1855.

111. After section 555 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 555A.

"555A. (1) Every High Court may, from time to time, and with the previous approval of the State Government, make rules— Power of High Court to make rules in respect of petition writers.

(a) as to the persons who may be permitted to act as petition writers in the Criminal Courts subordinate to it;

(b) regulating the issue of licence to such persons, the conduct of business by them, and the scale of fees to be charged by them; and

(c) providing a penalty for a contravention of any of the rules so made and determining the authority by which such contravention may be investigated and the penalties imposed:

Provided that the rules made under this section shall not be inconsistent with this Code or any other law in force for the time being.

(2) All rules made under this section shall be published in the Official Gazette."

112. In sub-section (1) of section 562 of the principal Act, for the words "transportation for life", the words "imprisonment for life" shall be substituted. Amendment of section 562.

113. In sub-section (1) of section 565 of the principal Act, the words "transportation or" shall be omitted. Amendment of section 565.

Amendment 114. In Schedule II to the principal Act,—

(a) for the entries relating to section 500, section 501 and section 502, the following entries shall be substituted, namely:—

1	2	3	4	5	6	7	8
500	(a) Defamation (other than defamation by spoken words) against the President or the Vice-President or the Governor or Rajpramukh of a State or a Minister or any other public servant employed in connection with the affairs of the Union or of a State in respect of his conduct in the discharge of his public functions, when instituted upon a complaint made by the Public Prosecutor.	Shall not arrest without warrant.	Warrant.	Bailable.	Compoundable with the permission of the Court before which the prosecution is pending.	Simple imprisonment for two years or fine or both.	Court of Session.
	(b) Defamation in any other case.	Ditto.	Ditto.	Ditto.	Compoundable.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first class.
501	(a) Printing or engraving matter knowing it to be defamatory against the President or the Vice-President or the Governor or Rajpramukh of a State or a Minister or any other public servant employed in connection with the affairs of the Union or of a State in respect of his conduct in the discharge of his public functions, when	Ditto.	Ditto.	Ditto.	Compoundable with the permission of the Court before which the prosecution is pending.	Ditto.	Court of Session.

	instituted upon a complaint made by the Public Prosecutor.						
	(b) Printing or engraving matter knowing it to be defamatory, in any other case.	Ditto.	Ditto.	Ditto.	Compoundable.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first class.
502	(a) Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter against the President or the Vice-President or the Governor or Rajpramukh of a State or a Minister or any other public servant employed in connection with the affairs of the Union or of a State in respect of his conduct in the discharge of his public functions, when instituted upon a complaint made by the Public Prosecutor.	Ditto.	Ditto.	Ditto.	Compoundable with the permission of the Court before which the prosecution is pending.	Ditto.	Court of Session.
	(b) Sale of printed or engraved substance containing defamatory matter knowing it to contain such matter, in any other case.	Ditto.	Ditto.	Ditto.	Compoundable.	Ditto.	Court of Session, Presidency Magistrate or Magistrate of the first class."

(b) in the entries relating to sections 161, 162, 163, 164 and 165, in the 3rd column, for the words "Shall not arrest without warrant" wherever they occur, the words "May arrest without warrant" shall be substituted;

(c) in the entries relating to sections 344, 421, 422, 423, 424, 428 and 429, in the 6th column, for the words "Not compoundable" wherever they occur, the words "Compoundable when permission is given by the Court before which the prosecution is pending" shall be substituted;

(d) in the entries relating to sections 379, 381, 406, 407 and 408 in the 6th column, for the words, "Not compoundable" wherever they occur, the words "Compoundable when the value of the property does not exceed two hundred and fifty rupees and permission is given by the Court before which the prosecution is pending" shall be substituted.

(e) in the 2nd column and the 7th column,—

(i) for the words "transportation for life" wherever they occur, the words "imprisonment for life" shall be substituted;

(ii) any reference to transportation for any term or to transportation for any shorter term shall be omitted.

(iii) for the word "transportation" wherever it occurs, if it means transportation for life, the words "imprisonment for life" shall be substituted; and the word "transportation" wherever it occurs, if it means transportation for any shorter term, shall be omitted.

Amendment  
of Schedule  
V.

115. In Schedule V to the principal Act,—

(a) in Form XXXII, the words "and Assessors", wherever they occur shall be omitted;

~~(b) in Form XXXIII, the words "Assessors or" and the words "and Assessor" shall be omitted;~~

z [(b) in Form XXXIII, the words "ASSESSOR OR" in the heading shall be omitted; and for the words and brackets "an Assessor (or a Juror)", the words "a juror" shall be substituted;]

~~ment for life shall be substituted~~

Savings.

116. Notwithstanding that all or any of the provisions of this Act have come into force in any State,—

(a) the provisions of section 14 or section 30 or section 145 or section 146 of the principal Act as amended by this Act shall not apply to, or affect, any trial or other proceeding which, on the date of such commencement, is pending before any Magistrate, and every such trial or other proceeding shall be continued and disposed of as if this Act had not been passed;

(b) the provisions of section 406 or section 408 or section 409 of the principal Act as amended by this Act shall not apply to, or affect, any appeal which, on the date of such commencement, is pending before the District Magistrate or any Magistrate of the first class empowered by the State Government to hear

z Sube. by Act 36 of 1957, s. 3 & sch. II.

such appeals, and every such appeal shall, notwithstanding the repeal of the first proviso to section 406 or of section 407 of the principal Act, be heard and disposed of as if this Act had not been passed;

(c) the provisions of clause (w) of section 4 or section 207A or section 251A or section 260 of the principal Act as amended by this Act shall not apply to, or affect, any inquiry or trial before a Magistrate in which the Magistrate has begun to record evidence prior to the date of such commencement and which is pending on that date, and every such inquiry or trial shall be continued and disposed of as if this Act had not been passed;

(d) the provisions of Chapter XXIII of the principal Act as amended by this Act shall not apply to, or affect, any trial before a Court of Session either by jury or with the aid of assessors in which the Court of Session has begun to record evidence prior to the date of such commencement and which is pending on that date, and every such trial shall be continued and disposed of as if this Act had not been passed;

but, save as aforesaid, the provisions of this Act and the amendments made thereby shall apply to all proceedings instituted after the commencement of this Act and also to all proceedings pending in any Criminal Court on the date of such commencement.

45 of 1860,  
10 of 1873,  
9 of 1908.

~~117. The Indian Penal Code, the Indian Oaths Act, 1873 and the Indian Limitation Act, 1908 shall be amended in the manner specified in the Schedule.~~

Amendment  
of Act 45  
of 1860, Act  
10 of 1873  
and Act 9  
of 1908.

THE SCHEDULE  
(See section 117)

A. AMENDMENTS TO THE INDIAN PENAL CODE

45 of 1860.

1. In section 53, for the words "Secondly,—Transportation", the words "Secondly,—Imprisonment for life" shall be substituted.

2. After section 53, the following section shall be inserted, namely:—

"53A. (1) Subject to the provisions of sub-section (2) and sub-section (3), any reference to "transportation for life" in any other law for the time being in force or in any instrument or order having effect by virtue of any such law or of any enactment repealed shall be construed as a reference to "imprisonment for life."

Construction  
of reference  
to transport-  
ation.

26 of 1956.

(2) In every case in which a sentence of transportation for a term has been passed before the commencement of the Code of Criminal Procedure (Amendment) Act, 1955, the offender shall be dealt with in the same manner as if sentenced to rigorous imprisonment for the same term.

(3) Any reference to transportation for a term or to transportation for any shorter term (by whatever name called) in any

*1/2 Omitted by Act 58 of 1960, s. 2 + sch. I. (wef. 26-12-60)*

other law for the time being in force shall be deemed to have been omitted.

(4) Any reference to "transportation" in any other law for the time being in force shall,—

(a) if the expression means transportation for life, be construed as a reference to imprisonment for life;

(b) if the expression means transportation for any shorter term, be deemed to have been omitted."

3. In section 55 and section 57, for the word "transportation" wherever it occurs, the word "imprisonment" shall be substituted.

4. Section 58 and section 59 shall be omitted.

5. In section 75, section 115, section 118 and section 119, for the words "transportation for life" wherever they occur, the words "imprisonment for life", shall be substituted.

6. In sub-section (1) of section 120B, for the word "transportation", the words "imprisonment for life" shall be substituted.

7. In section 121, for the words "transportation for life", the words "imprisonment for life" shall be substituted.

8. In section 121A, for the words "transportation for life or any shorter term", the words "imprisonment for life" shall be substituted.

9. In section 122, for the words "transportation for life", the words "imprisonment for life" shall be substituted.

10. In section 124A, for the words "transportation for life or any shorter term", the words "imprisonment for life" shall be substituted.

11. In section 125, section 128, section 130, section 131, section 132 and section 194, for the words "transportation for life", the words "imprisonment for life" shall be substituted.

12. In section 195, for the words "transportation for life" and "such transportation" wherever they occur, the words "imprisonment for life" shall be substituted.

13. In section 201, section 211, section 212, section 213, section 214, section 216 and section 221, for the words "transportation for life" wherever they occur, the words "imprisonment for life" shall be substituted.

14. In section 222 and section 225,—

(i) for the words "transportation for life" wherever they occur, the words "imprisonment for life" shall be substituted;

(ii) the word "transportation" shall be omitted.

15. Section 226 shall be omitted.

16. In section 232, section 238, section 255, section 302, section 303, section 304, section 305, section 307, section 311, section 313, section 314, section 326, section 329, section 364, section 371, section 376, section 377, section 388, section 389, section 394, section 395, section 396, section 400, section 409, section 412, section 413, section 436, section 438, section 449, section 450, section 459, section 460, section 467, section 472, section 474, section 475, section 477, section 489A,



section 489B and section 489D, for the words "transportation for life" wherever they occur, the words "imprisonment for life" shall be substituted.

17. In section 506, for the word "transportation", the words "imprisonment for life" shall be substituted.

18. In section 511,—

(i) for the word "transportation" where it occurs for the first time, the words "imprisonment for life" shall be substituted;

(ii) for the words "transportation or imprisonment of any description provided for the offence, for a term of transportation or imprisonment which may extend to one-half of the longest term provided for that offence", the following words shall be substituted:—

"imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence".

B. AMENDMENT TO THE INDIAN OATHS ACT, 1873

10 of 1873.

In section 5, after the words "oath or affirmation to the accused person", the words "unless he is examined as a witness for the defence" shall be inserted.

C. AMENDMENT TO THE INDIAN LIMITATION ACT, 1908

9 of 1908.

In the ~~Third~~ Division of the First Schedule, in article 157, for the entry in the ~~second~~ column, the entry "~~three months~~" shall be substituted.

[second] 2

*Repealed by Act 58 of 1960, S. 2 & sch I (1960-12-26-60).*

THE INDIAN TARIFF (AMENDMENT) ACT, 1955

ACT No. 27 OF 1955

[23rd August, 1955]

An Act further to amend the Indian Tariff Act, 1934.

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

1. This Act may be called the Indian Tariff (Amendment) Act, Short title. 1955.

2. In the First Schedule to the Indian Tariff Act, 1934,—

(i) for Item No. 28(1), the following Item shall be substituted, namely:—

Amendment of the First Schedule to Act 22 of 1934.

" 28(1)	Bleaching paste and bleaching powder.	Protective	15 per cent. ad valorem.	..	..	December 31st, 1958.
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*1/2 Sub. by Act 36 of 1957, S. 3 & sch. II.*

(ii) for Item No. 28(20), the following Item shall be substituted, namely:—

"28(20)	(a) Acid Oleic or any product containing 70 per cent. or more of free liquid fatty acids.	Protective	31½ per cent. <i>ad valorem</i> or 8 annas per lb., whichever is higher.	..	..	December 31st, 1957.
	(b) Any product manufactured from (a) and containing 70 per cent. or more of combined liquid fatty acids.	Protective	31½ per cent. <i>ad valorem</i> or 8 annas per lb., whichever is higher.	..	..	December 31st, 1957.
	(c) Acid Stearic or any product containing 70 per cent. or more of free solid fatty acids.	Protective	31½ per cent. <i>ad valorem</i> or 8 annas per lb., whichever is higher.	..	..	December 31st, 1957.
	(d) Any product manufactured from (c) and containing 70 per cent. or more of combined solid fatty acids.	Protective	31½ per cent. <i>ad valorem</i> or 8 annas per lb., whichever is higher.	..	..	December 31st, 1957.
	(e) Mixture of (a) and (c) above containing 70 per cent. or more of free fatty acids.	Protective	31½ per cent. <i>ad valorem</i> or 8 annas per lb., whichever is higher.	..	..	December 31st, 1957.

(iii) after Item No. 28(33), the following Item shall be inserted, namely:—

"28(34)	Caustic soda—					
	(a) of British manufacture.	Protective	27.3 per cent. <i>ad valorem</i> .	..	..	December 31st, 1958.
	(b) not of British manufacture.	Protective	Preferential rate of duty actually charged for the time being for such products of British manufacture plus ten per cent. <i>ad valorem</i> .	.	..	December 31st, 1958.
	Note :— Caustic soda manufactured in a British Colony shall be deemed to be of British manufacture.					..

(iv) in Item No. 30(1), in the entry in the second column, for the words and figures "other than Alizarine moist exceeding 20 per cent., Alizarine red, Azo dyes, Sulphur black, Sulphur dyes of other colours, Ultrazols and vats, powder", the words "not otherwise specified" shall be substituted;

(v) in item No. 30(13), in the entry in the second column,—

(a) after the words "Azo dyes", the words "not otherwise specified" shall be inserted; and

(b) the words "Sulphur black" shall be omitted;

(vi) after Item No. 30(14), the following Items shall be inserted, namely:—

"30(15)	Dyes derived from coal-tar, and coal-tar derivatives used in any dyeing process, the following, namely:—					
	Dyes belonging to the class of Rapid Fast colours, Rapidogens and Rapid-azols.	Protective	12 per cent. <i>ad valorem</i> .	..	..	December 31st, 1964.
	Fast colour Salts.	Protective	12 per cent. <i>ad valorem</i> .	..	..	December 31st, 1964.
	Solubilised Vats.	Protective	12 per cent. <i>ad valorem</i> .	..	..	December 31st, 1964.
30(16)	Dyes, derived from coal-tar, the following, namely:—					
	Acid Azo Dyes (including Acid Fast Red A).	Protective	20 per cent. <i>ad valorem</i> .	..	..	December 31st, 1964.
	Direct Azo Dyes (including Congo Red).	Protective	20 per cent. <i>ad valorem</i> .	..	..	December 31st, 1964.
	Sulphur Black.	Protective	20 per cent. <i>ad valorem</i> .	..	..	December 31st, 1964."

(vii) for Item No. 71(11), the following Item shall be substituted, namely:—

"71 (11)	Oil Pressure lamps, hurricane and hanging types, irrespective of candle power.	Protective	3½ per cent. <i>ad valorem</i> .	..	..	December 31st, 1957.
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(viii) in Item No. 72(1), in the entry in the second column, the words "and looms" "tape looms" and "silk looms" shall be omitted;

(ix) for Item No. 72(34), the following Item shall be substituted, namely:—

"72(34)	The following cotton textile machinery and apparatus and parts thereof (other than tin rollers and fluted rollers) by whatever power operated, namely, spinning ring frames, spinning ring spindles and spinning rings.	Protective	10½ per cent. <i>ad valorem</i> .	..	..	December 31st, 1957.
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(x) after Item No. 72(39), the following Item shall be inserted, namely:—

"72(40)	The following textile machinery and parts thereof, by whatever power operated, namely,—					
	(a) Fluted rollers of all kinds.	Protective	10½ per cent. <i>ad valorem</i> .	..	..	December 31st, 1957.
	(b) Looms of all kinds.	Protective	10½ per cent. <i>ad valorem</i> .	..	..	December 31st, 1957."

(xi) in the Note below Item No. 75(3), for the word, figures and brackets "or 75(11)", the word, figures and brackets "75(11), 75(12), 75(14), 75(15) or 75(16)", shall be substituted;

(xii) in Item No. 75(5), in the entry in the second column, for the words and brackets "Cycles (other than motor cycles) imported entire or in sections", the words and brackets "Cycles (other than motor cycles) imported in sections or otherwise, but excluding saddles, rubber tyres and tubes and accessories, such as carriers and stands, bells, lamps, pumps, gear cases, chain guards and tool kits" shall be substituted;

(xiii) in Item No. 75(11)(ii); in the entry in the second column, after the words "sparkling plugs", the words "not otherwise specified" shall be inserted;

(xiv) after item No. 75(15), the following Items shall be inserted, namely:—

"75(16)	<p>The following articles and parts thereof, adapted for use as parts and accessories of motor vehicles other than motor cycles and motor scooters, namely:—</p> <p>Sparkling plugs of 14 mm. and 18 mm. sizes, including the resistor types but excluding integrally screened types.</p>	Protective	92½ per cent. <i>ad valorem</i> .	..	..	December 31st, 1955.
75(17)	<p>Hand operated tyre inflators and connections and parts thereof, adapted for use as accessories of motor vehicles.</p>	Protective	45 per cent. <i>ad valorem</i> .	..	..	December 31st, 1957.

Repealed by Act 58 of 1960, S. 24 S.A. I (W. of 26-12-60)

Industrial and State Financial Corporations (Amendment)

[ACT 28

**THE INDUSTRIAL AND STATE FINANCIAL CORPORATIONS (AMENDMENT) ACT, 1955**

**ACT No. 28 OF 1955**

[10th September, 1955]

An Act further to amend the Industrial Finance Corporation Act, 1948, and the State Financial Corporations Act, 1951.

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

Short title and commencement.

1. (1) This Act may be called the Industrial and State Financial Corporations (Amendment) Act, 1955.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1.

2. In sub-section (2) of section 1 of the Industrial Finance Corporation Act, 1948 (hereinafter referred to as the principal Act), the words "except the State of Jammu and Kashmir" shall be omitted.

Amendment of section 2.

3. In clause (c) of section 2 of the principal Act, for the words "and engaged", the words "which is engaged or is to be engaged" shall be, and shall be deemed always to have been, substituted.

Amendment of section 3.

4. In sub-section (2) of section 3 of the principal Act, for the words "acquire and hold", the words "acquire, hold and dispose of" shall be substituted.

Amendment of section 6.

5. In sub-section (1) of section 6 of the principal Act, the words "with the assistance of an Executive Committee and a Managing Director" shall be omitted.

Omission of sections 7, 8 and 9.

6. Section 7, section 8 and section 9 of the principal Act, shall be omitted.

Amendment of section 10.

7. In section 10 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (a), the following clauses shall be substituted, namely:—

"(a) a Chairman to be appointed by the Central Government after consultation with the Board;

(aa) four Directors nominated by the Central Government;"

(ii) clauses (f) and (g) shall be omitted;

(iii) the provisos shall be omitted;

(b) sub-section (2) shall be omitted.

<sup>1</sup> 18th September, 1955, vide Notification No. S.R.O. 1983, dated 12th September, 1955, Gazette of India Extraordinary, Part II, Section 3, p. 1995.

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

Insertion of  
new section  
10A.

"10A. (1) The Chairman of the Board shall receive such salary and allowances as may be determined by the Board with the approval of the Central Government.

Chairman  
of the Board.

(2) The Chairman shall hold office for three years or until his successor is appointed and shall be eligible for reappointment.

(3) The Chairman shall exercise such powers and discharge such duties as are assigned to him by this Act or as may be delegated to him by the Board.

(4) If the Chairman is of opinion that circumstances exist which render it necessary for him to take immediate action in respect of any matter which is within the competence of the Board or of the Central Committee and that the interests of the Corporation may be prejudicially affected if such action is deferred until after the next meeting of the Board or of the Central Committee, as the case may be, then, notwithstanding anything contained in sub-section (3), the Chairman may take such action in respect of that matter as he deems necessary and for such purpose, he may exercise all powers and do all acts and things which may be exercised or done by the Board or the Central Committee, but in every such case, he shall, as soon as may be, after the action is taken, make a written report to the Board or the Central Committee containing a statement of the action taken and the circumstances under which it was taken."

9. For sub-section (4) of section 11 of the principal Act, the following sub-section shall be substituted, namely:—

Amendment  
of section 11.

"(4) Directors shall be paid such fees for attending the meetings of the Board, and, if they are members thereof, of the Central Committee, as may be prescribed:

Provided that nothing in this sub-section shall apply to the Chairman or to any other Director who is a servant of the Government."

10. In clause (a) of section 12 of the principal Act, for the words "the Managing Director or the Deputy Managing Director", the words "the Chairman" shall be substituted.

Amendment  
of section 12.

11. For sub-section (1) of section 13 of the principal Act, the following sub-section shall be substituted, namely:—

Amendment  
of section 13.

"(1) The Central Government may at any time remove the Chairman from office."

Substitution of new section for section 13A. 12. For section 13A of the principal Act, the following section shall be substituted, namely:—

Casual vacancy of Chairman.

“13A. If the Chairman of the Board is by infirmity or otherwise rendered incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Central Government may, after consultation with the Board, appoint another person to act in his place during his absence.”

Substitution of new sections for sections 14, 15 and 16.

13. For section 14, section 15 and section 16 of the principal Act, the following sections shall be substituted, namely:—

Central Committee.

“14. (1) There shall be established a Central Committee which shall consist of—

(a) a Chairman,

(b) two Directors elected by the nominated Directors, and

(c) two Directors elected by the elected Directors.

(2) The Chairman of the Board shall be the Chairman of the Central Committee.

(3) A Director elected to be a member of the Central Committee shall hold office as such for the rest of his term of office as Director for which he is so elected.

(4) Subject to such general and special directions as the Board may from time to time give, the Central Committee shall be competent to deal with any matter within the competence of the Board.

(5) The minutes of every meeting of the Central Committee shall be laid before the Board at its next following meeting.

Advisory Committees.

15. The Corporation may from time to time appoint one or more Advisory Committee or Committees for the purpose of assisting the Corporation in the efficient performance of its functions and in particular, for the purpose of securing that those functions are exercised with due regard to the circumstances of, conditions prevailing in, and requirements of, particular areas or industries.

Appointment of officers; advisers, etc.

16. The Corporation may appoint a General Manager and such other officers, employees and advisers as it considers necessary for the efficient performance of its functions under this Act.”



14. In section 17 of the principal Act,—

Amendment  
of section 17.

(a) in sub-section (1),—

(i) for the words "Executive Committee", the words "Central Committee" shall be substituted;

(ii) in the proviso, for the words "the Managing Director", the words "the Chairman" shall be substituted

(b) in clause (b) of sub-section (2), for the words "Executive Committee", the words "Central Committee" shall be substituted;

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

"(3) At a meeting of the Board or of the Central Committee each Director or member of the Committee, as the case may be, shall have one vote, and in the event of an equality of votes, the Chairman or, in his absence, any other person presiding shall have a second or casting vote."

(d) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) If for any reason the Chairman is unable to be present at a meeting of the Board or of the Central Committee, a director or member of the Committee as the case may be, authorised by the Chairman in writing in this behalf, shall preside at that meeting and in default of such authorisation, the Board or the Central Committee may elect a Director or member of the Committee, as the case may be, to preside at that meeting."

15. In section 21 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

Amendment  
of section 21.

"(3) The Corporation may, for the purpose of carrying out its functions under this Act, borrow money from the Reserve Bank,—

(a) repayable on demand or on the expiry of fixed periods not exceeding ninety days from the date on which the money is so borrowed, against securities of the Central Government or of any State Government; or

(b) repayable on the expiry of fixed periods not exceeding eighteen months from the date on which the money is so borrowed, against securities of the Central Government of any maturity or against bonds and debentures issued by the Corporation under sub-section (1) and guaranteed by the Central Government and maturing within a period not

exceeding eighteen months from the date on which the money is so borrowed:

Provided that the amount borrowed by the Corporation under clause (b) shall not at any time exceed three crores of rupees in the aggregate.

(4) The Corporation may also, for the purpose of carrying out its functions under this Act, borrow money from the Central Government on such terms and conditions as may be agreed upon:

Provided that the total amount borrowed by the Corporation from the Central Government under this sub-section and from the Reserve Bank under clause (b) of sub-section (3) together with the amount of bonds and debentures issued under sub-section (1) and outstanding shall not at any time in the aggregate exceed five times the amount of the paid-up share capital and the reserve fund of the Corporation."

**Amendment of section 23.** 16. In clause (d) of sub-section (1) of section 23 of the principal Act, for the words "and in any case within a period of seven years from the date of such acquisition", the words "but in no case, the stocks, shares, bonds or debentures so acquired shall be retained beyond a period of seven years from the date of such acquisition, except with the permission of the Central Government" shall be substituted.

**Amendment of section 25.** 17. In sub-section (2) of section 25 of the principal Act, for the words "a Director", the words "one or more Directors" shall be substituted.

**Amendment of section 26.** 18. In section 26 of the principal Act, in the proviso, for the words "any shares", the words "any stock, shares" shall be substituted.

**Amendment of section 28.** 19. In section 28 of the principal Act,—

- (a) in sub-section (1), for the words "right to sell", the words "right to transfer by way of lease or sale" shall be substituted;
- (b) in sub-section (2),—
  - (i) the words "of sale and realisation" shall be omitted;
  - (ii) for the words "as if the sale", the words "as if the transfer" shall be substituted;
- (c) in sub-section (3A),—
  - (i) for the words "sold or realised", the words "transferred and realised" shall be substituted;
  - (ii) for the words "sale or realisation" occurring in both places, the words "or transfer and realisation" shall be substituted.

20. In section 30 of the principal Act,—

Amendment  
of section 30:

(a) in sub-section (1), after the words "without prejudice to the provisions", the words and figures "of section 28 of this Act and" shall be inserted;

(b) after sub-section (10), the following sub-section shall be inserted, namely:—

"(10A) An order under this section transferring the management of an industrial concern to the Corporation shall be carried into effect, as far as may be practicable, in the manner provided in the Code of Civil Procedure, 1908 for the possession of immovable property or the delivery of movable property in execution of a decree, as if the Corporation were the decree-holder."

V of 1908.

21. After section 40 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
40A.

"40A. The Board may, by general or special order, delegate to the Chairman or any officer of the Corporation, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and duties under this Act as it may deem necessary."

Delegation  
of powers.

22. In sub-section (2) of section 43 of the principal Act,—

Amendment  
of section 43.

(a) in clause (e), for the words "Executive Committee", the words "Central Committee" shall be substituted;

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

"(ee) the delegation of powers and functions of the Board to the Chairman or to officers of the Corporation;"

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

"(k) the duties and conduct, salaries, allowances and conditions of service of officers and other employees and of advisers and agents of the Corporation;"

(d) in clause (n), after the words "this Act", the words "fees for attending meetings thereof and the conduct of business thereat" shall be inserted.

63  
of 1951.

23. In clause (c) of section 2 of the State Financial Corporations Act, 1951, after the word "engaged", the words "or to be engaged" shall be, and shall be deemed always to have been, inserted.

Amendment  
of section 2.

Parent Act repealed. Sp. by Act. This should be  
repealed. It has been repealed along with the parent Act.  
Hence need not be included in R.A. Bill

Industrial Disputes (Appellate Tribunal) Amendment [ACTS 29 & 30

## THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) AMENDMENT ACT, 1955

ACT No. 29 OF 1955

[12th September, 1955]

An Act to amend the Industrial Disputes (Appellate Tribunal)  
Act, 1950.

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

Short  
title.

1. This Act may be called the Industrial Disputes (Appellate  
Tribunal) Amendment Act, 1955.

Insertion of  
new section  
23A.

2. After section 23 of the Industrial Disputes (Appellate Tribunal)  
Act, 1950, the following section shall be inserted, namely:—

48 of  
1950.

Special  
provision  
for the dis-  
posal of  
certain pro-  
ceedings by  
the Chair-  
man or a  
member of  
an industrial  
tribunal.

“23A. (1) Where any proceeding under section 22 or section 23  
is pending before the Appellate Tribunal, the Chairman,  
without constituting any Bench for the purpose, may—

- (a) dispose of the proceeding himself sitting singly;
- (b) authorise any member to dispose of the proceeding  
sitting singly;
- (c) transfer the proceeding, whether pending before the  
Appellate Tribunal or himself or any member, to any  
one of the industrial tribunals specified for the disposal  
of such proceedings by the Central Government by  
notification in the Official Gazette;
- (d) withdraw any such proceeding from any industrial  
tribunal to which it has been transferred under clause  
(c) and dispose of the same himself sitting singly or  
authorise any member to dispose of the same sitting  
singly or transfer the same to any one of the other  
industrial tribunals so specified.

(2) Where the Chairman or any member sits singly to dispose  
of any proceeding under this section, he shall have all the  
powers of the Appellate Tribunal in the disposal of the  
proceeding.

(3) Where any proceeding is transferred to an industrial  
tribunal under this section, the industrial tribunal may,  
subject to any special directions in the order of transfer,  
proceed either *de novo* or from the stage at which it was

transferred, and shall dispose of the proceeding as if it were a proceeding under section 33 or, as the case may be, section 33A of the Industrial Disputes Act, 1947, and the provisions of that Act shall apply accordingly.

(4) Notwithstanding anything contained in section 7, no appeal shall lie to the Appellate Tribunal from any order or award of an industrial tribunal made in any proceeding transferred to it under this section."

3. (1) The Industrial Disputes (Appellate Tribunal) Amendment Ordinance, 1955, is hereby repealed. Repeal of Ordinance 3 of 1955.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

### THE ABDUCTED PERSONS (RECOVERY AND RESTORATION) CONTINUANCE ACT, 1955

Act No. 30 OF 1955

[17th September, 1955]

An Act to continue the Abducted Persons (Recovery and Restoration) Act, 1949, for a further period.

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

1. (1) This Act may be called the Abducted Persons (Recovery and Restoration) Continuance Act, 1955. Short title and commencement.

(2) It shall be deemed to have come into force on the 30th day of May, 1955.

2. In sub-section (3) of section 1 of the Abducted Persons (Recovery and Restoration) Act, 1949, for the words and figures "31st day of May, 1955", the words and figures "30th day of November, 1956" shall be substituted. Amendment of section 1.

3. The Abducted Persons (Recovery and Restoration) Continuance Ordinance, 1955, is hereby repealed. Repeal of Ordinance 2 of 1955.

14 of 1947.

3 of 1955.

45 of 1949.

2 of 1955.

*Part  
Act  
with  
by*

*Repealed by Act 58 of 1960, S. 2 & Sch. I (w.e.f. 26-12-60)*

**THE INDIAN COINAGE (AMENDMENT) ACT, 1955**

**Act No. 31 OF 1955**

[17th September, 1955]

An Act further to amend the Indian Coinage Act, 1906.

**B**E it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Indian Coinage (Amendment) Act, 1955.

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

Insertion of  
new section  
14.

2. After section 13 of the Indian Coinage Act, 1906, the following section shall be inserted, namely:—

Decimal sys-  
tem of coin-  
age.

"14. (1) The rupee shall be divided into one hundred units and the new coin representing such unit may be designated by the Central Government, by notification in the Official Gazette, under such name as it thinks fit, and the rupee, half-rupee and quarter-rupee shall be respectively equivalent to one hundred, fifty and twenty-five such new coins and shall, subject to the provisions of sub-section (1) and sub-section (2) of section 13 and to the extent specified therein, be a legal tender in payment or on account accordingly.

(2) All coins issued under the authority of this Act in any denominations of annas, pice and pies shall, to the extent specified in section 13, be a legal tender in payment or on account at the rate of sixteen annas, sixty-four pice or one hundred and ninety-two pies to one hundred new coins referred to in sub-section (1), calculated in respect of any such single coin or number of such coins, tendered at one transaction, to the nearest new coin, or where the new coin above and the new coin below are equally near, to the new coin below.

(3) All references in any enactment or in any notification, rule or order under any enactment or in any contract, deed or other instrument to any value expressed in annas, pice and pies shall be construed as references to that value expressed in new coins referred to in sub-section (1) converted thereto at the rate specified in sub-section (2)."

↓ 1-4-1957, vide notifi. NO. SRO 1112, dt. 11-5-1956, Gaz. of India, Ex. ord., Pt. II, Sec. 3, p. 883.

OF 1955]

Prisoner (Attendance in Courts)

*See India Code vol VI - B*

**THE PRISONERS (ATTENDANCE IN COURTS)  
ACT, 1955**

**ACT No. 32 OF 1955**

[20th September, 1955]

An Act to provide for the attendance in courts of persons confined in prisons for obtaining their evidence or for answering a criminal charge.

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

1. (1) This Act may be called the Prisoners (Attendance in Courts) Act, 1955. Short title, extent and commencement.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act,—

(a) 'confinement in a prison'—references to confinement in a prison, by whatever form of words, include references to confinement or detention in a prison under any law providing for preventive detention, Definition

(b) 'prison' includes—

(i) any place which has been declared by the State Government, by general or special order, to be a subsidiary jail; and

(ii) any reformatory, Borstal institution or other institution of a like nature;

~~(c) 'State Government', in relation to a Part C State, means the Lieutenant-Governor or, as the case may be, the Chief Commissioner of that State.~~

3. (1) Any civil or criminal court may, if it thinks that the evidence of any person confined in any prison is material in any matter pending before it, make an order in the form set forth in the First Schedule, directed to the officer in charge of the prison: Power of courts to require appearance of prisoners to give evidence or answer a charge.

Provided that no civil court shall make an order under this subsection in respect of a person confined in a prison situated outside the State in which the court is held.

<sup>1</sup>1st January, 1956 vide notification No. S.R.O. 3447, dated 8-11-1955, Gazette of India, 1955, Part II, Section 3, p. 2229.

*& Subs. by the A.O. (no. 3), 1956. [213]*

(2) Any criminal court may, if a charge of an offence against a person confined in any prison is made or pending before it, make an order in the form set forth in the Second Schedule, directed to the officer in charge of the prison.

(3) No order made under this section by a civil court which is subordinate to a district judge shall have effect unless it is countersigned by the district judge; and no order made under this section by a criminal court which is inferior to the court of a Magistrate of the first class shall have effect unless it is countersigned by the district Magistrate to whom that court is subordinate or within the local limits of whose jurisdiction that court is situate.

(4) For the purposes of sub-section (3), a court of small causes outside a presidency town or the city of Hyderabad shall be deemed to be subordinate to the district judge within the local limits of whose jurisdiction such court is situate.

Power of State Government to exempt certain persons from operation of section 3.

4. (1) The State Government may, having regard to the matters specified in sub-section (2), by general or special order, direct that any person or class of persons shall not be removed from the prison in which he or they may be confined, and thereupon so long as any such order remains in force, the provisions of section 3 shall not apply to such person or class of persons.

(2) Before making an order under sub-section (1), the State Government shall have regard to the following matters, namely:—

(a) the nature of the offence for which or the grounds on which the confinement has been ordered in respect of the person or class of persons;

(b) the likelihood of the disturbance of public order if the person or class of persons is allowed to be removed from the prison;

(c) the public interest, generally.

Prisoners to be brought up.

5. Upon delivery of any order made under section 3 to the officer in charge of the prison in which the person named therein is confined, that officer shall cause him to be taken to the court in which his attendance is required, so as to be present in the court at the time in such order mentioned, and shall cause him to be detained in custody in or near the court until he has been examined or until the judge or presiding officer of the court authorises him to be taken back to the prison in which he was confined.

Officer in charge of prison when to abstain from carrying out order.

6. Where the person in respect of whom an order is made under section 3—

(a) is, in accordance with the rules made in this behalf, declared to be unfit to be removed from the prison where he is confined by reason of sickness or other infirmity; or



(b) is under committal for trial; or

(c) is under remand pending trial or pending a preliminary investigation; or

(d) is in custody for a period which would expire before the expiration of the time required for removing him under this Act and for taking him back to the prison in which he is confined;

the officer in charge of the prison shall abstain from carrying out the order and shall send to the court from which the order had been issued a statement of reasons for so abstaining:

Provided that such officer as aforesaid shall not so abstain where—

(i) the order has been made by a criminal court; and

(ii) the person named in the order is confined under committal for trial or under remand pending trial or pending a preliminary investigation and is not declared in accordance with the rules made in this behalf to be unfit to be removed from the prison where he is confined by reason of sickness or other infirmity; and

(iii) the place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined.

7. In any of the following cases, that is to say,—

(a) where it appears to any civil court that the evidence of a person confined in a prison is material in any matter pending before it and that the attendance of such person in court cannot be secured by reason of the provisions of section 6 or of an order under section 4 or of the district judge declining under subsection (3) of section 3 to countersign an order for removal; or

(b) where it appears to any civil court as aforesaid that the evidence of a person confined in a prison which is situated outside the State in which, or is more than fifty miles distant from the place at which, such court is held is material in any such matter;

the court may, if it thinks fit, issue a commission under the provisions of the Code of Civil Procedure, 1908, for the examination of the person in the prison in which he is confined.

Commis-  
sions for  
examination  
of prisoners.

8. Save as otherwise provided in this Act and any rules made thereunder, the provisions of the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898, as the case may be, shall, so far as may be, apply in relation to the examination on commission or otherwise of any person confined in a prison as they apply in relation to the examination on commission of any other person.

Certain pro-  
visions of  
the Code of  
Criminal  
Procedure  
and the  
Code of  
Civil Proce-  
dure to  
apply.

5 of 1908.

5 of 1908.  
5 of 1898.

Power to  
make rules.

9. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

(a) the procedure for obtaining the countersignature of an order made under section 3;

(b) the authority by whom and the manner in which a declaration that a person confined in prison is unfit to be removed therefrom, may be made;

(c) the conditions, including payment of costs and charges, subject to which an order made under section 3 by a civil court may be executed;

(d) the manner in which a process directed against any person confined in a prison issued from any court may be served upon him;

(e) the escort of persons confined in a prison to and from courts in which their attendance is required and for their custody during the period of such attendance;

(f) the amount to be allowed for the costs and charges of such escort; and

(g) the guidance of officers in all other matters connected with the enforcement of this Act.

Repeal.

10. (1) Part IX of the Prisoners Act, 1900 and the First and Second Schedules to the said Act are hereby repealed.

3 of 1900.

(2) If immediately before the commencement of this Act, there is in force in any Part B State to which this Act extends any law corresponding to the provisions of this Act, that law shall, in so far as it relates to matters dealt with in this Act, stand repealed on such commencement:

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under this Act.

#### THE FIRST SCHEDULE

[See sub-section (1) of section 3]

Court of

To the officer in charge of the.....(State name of prison).

You are hereby required to produce \_\_\_\_\_, now confined in \_\_\_\_\_, under safe and sure conduct before the Court of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next by \_\_\_\_\_ of the \_\_\_\_\_ clock in the forenoon of the same day, there to give evidence in a matter now pending before the said Court, and after the said \_\_\_\_\_ has then and there given his evidence before the said Court or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.

The \_\_\_\_\_ day of \_\_\_\_\_

A.B.

(Countersigned) C.D.

THE SECOND SCHEDULE

[See sub-section (2) of section 3]

Court of \_\_\_\_\_

To the officer in charge of the.....(State name of prison).

You are hereby required to produce \_\_\_\_\_, now confined in \_\_\_\_\_, under safe and sure conduct before the Court of \_\_\_\_\_

at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next by \_\_\_\_\_ of the \_\_\_\_\_ clock in the forenoon of the same day, there to answer a charge now pending before the said Court, and after such charge has been disposed of or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the said prison.

The \_\_\_\_\_ day of \_\_\_\_\_

A.B.

(Countersigned) C.D.

THE STATE BANK OF INDIA (AMENDMENT)

ACT, 1955.

ACT NO. 33 OF 1955

[21st September, 1955]

*Repealed by Act 58 of 1960, S. 2 & Sch. I (Comp 26-12-60)*

An Act to amend the State Bank of India Act, 1955.

**B**E it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the State Bank of India (Amendment) Act, 1955. Short title.

Amendment of section 5. 2. In sub-section (1) of section 5 of the State Bank of India Act, 1955 (hereinafter referred to as the principal Act), for the words and figure "transferred to it by paragraph 2 of the First Schedule", the words and figure "transferred to and vested in it under section 6" shall be substituted.

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

"(3) Unless otherwise expressly provided by or under this Act, all contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which the Imperial Bank is a party or which are in favour of the Imperial Bank shall be of as full force and effect against or in favour of the State Bank, as the case may be, and may be enforced or acted upon as fully and effectually as if instead of the Imperial Bank the State Bank had been a party thereto or as if they had been issued in favour of the State Bank."

Amendment of section 16. 4. In sub-section (3) of section 16 of the principal Act, after the words "in existence", the words "in India" shall be inserted.

Substitution of new section for section 51. 5. For section 51 of the principal Act, the following section shall be substituted, namely:—

Requirements of foreign law to be complied with in certain cases.

"51. If, according to the laws of any country outside India, the provisions of this Act by themselves are not effective to transfer to and vest in the State Bank any asset or liability which forms part of the undertaking of the Imperial Bank and which is situate in that country, the Imperial Bank shall take all such steps as may be required by the laws of that country for the purpose of effecting or perfecting such transfer and vesting, and in connection therewith the Imperial Bank may realise any asset and discharge any liability and transfer the net proceeds thereof to the State Bank."

Insertion of new sections 54, 55, 56 and 57. 6. After section 53 of the principal Act, the following sections shall be inserted, namely:—

Amendment of Act 47 of 1920.

"54. The Imperial Bank of India Act, 1920, shall be amended in the manner directed in the Fifth Schedule.

47 of 1920.

No proceeding to lie in India against Imperial Bank after appointed day.

55. On and from the appointed day, no person shall make any claim or demand or take any proceeding in India against the Imperial Bank or a director, officer or other employee thereof in his capacity as such director, officer or employee except in so far as may be necessary for enforcing the provisions of this Act or except in so far as it relates to any offence committed by any such director, officer or employee.

*Rep. Act 5 8/60*

OF 1955]

*State Bank of India (Amendment)*

219

7 of 1920. 56. On and from the appointed day, any reference to the Imperial Bank or to the Bank of Bengal, the Bank of Madras or the Bank of Bombay in any law (other than this Act or the Imperial Bank of India Act, 1920) or in any contract or other instrument shall, except as otherwise provided in any general or special order made by the Central Government, be deemed to be a reference to the State Bank. References to the Imperial Bank, the Bank of Bengal, etc., in other laws.

7 of 1920. 57. (1) On such day as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Imperial Bank shall stand dissolved, and the Imperial Bank of India Act, 1920, shall stand repealed. Dissolution of Imperial Bank, etc.

(2) On the day specified in the notification under subsection (1), the State Bank shall pay to the Reserve Bank a sum of ten lakhs of rupees.

(3) If, on the day specified in the notification under subsection (1), the Imperial Bank has in its possession or custody any assets created on or after the appointed day, such assets shall be disposed of in accordance with directions issued by the Central Government in this behalf."

7. After the Fourth Schedule to the principal Act, the following Schedule shall be added:— Insertion of new Schedule.

#### "THE FIFTH SCHEDULE

[See section 54]

#### AMENDMENTS TO THE IMPERIAL BANK OF INDIA ACT, 1920.

Section 2.—(a) Omit clauses (c), (d), (f), (g) and (ii)

(b) For clauses (j), (k), (l) and (m), substitute—

“(j) ‘State Bank’ means the State Bank of India constituted under the State Bank of India Act, 1955.”

Section 3.—(a) In sub-section (2), for the words “Every person who, immediately before the appointed day, was registered as a shareholder or as a holder of stock in any of the Presidency Banks, together with such other persons as may from time to time become shareholders in the Bank in accordance with the provisions of this Act, shall, as long as they are shareholders in the Bank,” substitute the following, namely:—

“The persons who for the time being are holding office as Chairman, Vice-Chairman and Managing Director of the State Bank shall”.

1955.

(b) For sub-section (3), substitute—

“(3) The capital of the Bank shall consist of ten lakhs of rupees which shall be paid to the Bank by the Reserve Bank of India on the 1st day of July, 1955.”.

(c) Omit sub-section (4).

Omit sections 4, 5, 6, 7, 13, 13A, 14, 15, 16, 17, 18, 19 and 20.

For section 23, substitute the following:—

Head Office  
of the Bank.

“23. The Bank shall have its Head Office in Bombay.”.

For section 24, substitute—

General  
superinten-  
dence of  
affairs and  
business of  
Bank.

“24. (1) The general superintendence of the affairs and business of the Bank shall be entrusted to the Chairman for the time being of the State Bank who may exercise all powers and do all such acts and things as may be exercised or done by the Bank or which, immediately before the 1st day of July, 1955, were required or permitted to be exercised or done by the Central Board or by any Local Board of the Bank, and accordingly references to the Central Board, if any, in this Act or in any Regulations made thereunder shall be construed as references to the Chairman for the time being of the State Bank.

(2) Any of the powers or functions conferred on the Chairman of the State Bank by sub-section (1) may be exercised or performed by any such officer or other employee of the State Bank as may be authorised by the Chairman by general or special order.”.

Omit sections 25, 26, 27, 28 and 29.

Section 31.—In sub-section (2), omit clauses (a) to (j).

Section 32.—Omit sub-section (2).

After section 32, insert the following:—

Persons  
authorised  
to act on  
behalf of  
Bank.

“32A. (1) Every person (other than the Managing Director and Deputy Managing Director) who, immediately before the 1st day of July, 1955, had authority conferred by any notification issued under Regulation 51 of Schedule II or under bye-law 26 made under section 31 or under any power of attorney granted by the Bank to sign any instrument or perform or do any act or thing for and on behalf of the Bank, shall, on and from the aforesaid date, continue to have the same authority, and shall not, by reason of anything contained in the State Bank of India Act, 1955, be deemed to have vacated any office or employment held by him in the Bank immediately before

Rep. Act. 58/60

OF 1955]

State Bank of India (Amendment)

221

the aforesaid date in connection with which such authority had been conferred on him, but the Bank may at any time revoke any such authority.

(2) Without prejudice to any other provision contained in this Act, the Bank may, by power of attorney, empower any person for and on behalf of the Bank to execute any instrument or to exercise any right or to perform or do any act or thing which may be executed, exercised, performed or done by the Bank.”.

In Schedule II,—

(a) omit Regulations 1 to 48;

(b) for Regulation 49 substitute—

“49. The common seal of the Bank shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman or a Managing Director of the State Bank, who shall sign his name to the instrument in token of his presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness, and unless so signed, such instrument shall be of no validity.”

(c) in Regulation 51, for the words “The Managing Director and Deputy Managing Director, the secretaries and such other employees”, substitute the words “Such employees”, and omit the words “and to execute proxies to vote at meetings on behalf of shareholders from whom the Bank holds general powers-of-attorney” occurring at the end;

(d) to Regulation 52, add the following:—

“Provided that nothing contained in this Regulation shall have effect in relation to the holding of any office by, or the employment of any such person in, the State Bank.”;

(e) in Regulation 54(2), omit “signed by a majority of the Directors”;

(f) omit Regulations 55, 56, 57, 58, 60(2), 60A, 61, 62, 63 and 64;

(g) for Regulation 65, substitute the following:—

“65. A notice may be served on the Bank by leaving it at, or sending it by post to, the Head Office of the Bank.”

Service of  
notice on  
Bank.

*Handwritten notes:*  
for all copies of the Act...  
with the...  
of the...  
of the...

Amendments deemed always to have been made in the principal Act.

8. The amendments made by sections 2 to 7 shall be deemed always to have been made in the principal Act.

Repeal of Ordinance 4 of 1955.

9. The State Bank of India (Amendment) Ordinance, 1955, is hereby repealed.

## THE DELHI JOINT WATER AND SEWAGE BOARD (AMENDMENT) ACT, 1955

ACT No. 34 OF 1955

[24th September, 1955]

An Act further to amend the Delhi Joint Water and Sewage Board Act, 1926, for certain purposes.

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

Short title and commencement.

1. (1) This Act may be called the Delhi Joint Water and Sewage Board (Amendment) Act, 1955.

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

Amendment of section 12.

2. The proviso to sub-section (1) of section 12 of the Delhi Joint Water and Sewage Board Act, 1926 (hereinafter referred to as the principal Act), shall be omitted.

32 of  
1926.

Amendment of section 13.

3. The proviso to sub-section (4) of section 13 of the principal Act shall be omitted.

Amendment of section 14.

4. In section 14 of the principal Act,—

(i) in sub-section (1), the words "or, in the case of an excess over the three annas rate payable by the Delhi Municipal Committee, from the Central Government" shall be omitted;

(ii) in sub-section (2), the words, figures and brackets "or, in the case of any amount recovered in excess from the Central Government under sub-section (4) of section 13, to the Central Government" shall be omitted;

(iii) sub-sections (3) and (4) shall be omitted.

Omission of section 14B.

5. Section 14B of the principal Act shall be omitted.

Insertion of new section 14F.

6. After section 14E of the principal Act, the following shall be inserted, namely:—

"Manner of recovery of certain sums due to the Board.

x 1-4-56 vide S.O 707 dated 16-3-58, Gazette of India Part II sec. 3. P. 464.



14F. Any sums due under an agreement entered into under section 14A or in respect of the sale of any effluent or sludge under subsection (2) of section 14C may, on a certificate issued by the President of the Board to the effect that the sums are due and have remained unpaid for not less than three months, be recovered by the Collector of the Delhi District in the same manner as an arrear of land revenue, from the person with whom the agreement was made or from any other person who has benefited from the supply of water or, as the case may be, from the person to whom the effluent or sludge was sold.”

Recovery of certain sums due to the Board as arrears of land revenue.

*Repealed by Act 58 of 1960, S. 2 & Sch. I (w.e.f. 26-12-60)*  
THE LAND CUSTOMS (AMENDMENT) ACT, 1955

ACT No. 35 OF 1955

[24th September, 1955]

An Act further to amend the Land Customs Act, 1924.

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

1. This Act may be called the Land Customs (Amendment) Act, Short title, 1955.

XIX of 1924.

2. For the Schedule to the Land Customs Act, 1924, the following Schedule shall be substituted, namely:—

Substitution of new Schedule for existing Schedule.

**“THE SCHEDULE**

(See section 9)

*Provisions of the Sea Customs Act, 1878, which are made applicable for the purpose of the levy of duties of land customs.*

Sections 3A, 4, 8 to 10, 21, 23, 25, 26, 29, 29A, 29B, 30 to 36, 37 (except the proviso), 38 to 40, section 88, section 167, Nos. 1, 8, 9, 37 to 40, 72 to 76, 76A, 76B, 77 to 81, sections 168 to 170, sections 170A, 171, 171A, 172 to 176, section 178, section 178A, sections 179 to 181, 182 to 184, section 186, section 187, section 187A, sections 188 to 190, section 190A, sections 191 to 197, and sections 200 to 204.”

THE DURGAH KHAWAJA SAHEB ACT, 1955

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Act to override Act XX of 1863.
4. The Committee.
5. Composition of Committee.
6. Term of office and resignation and removal of members and casual vacancies.
7. President and vice-president.
8. Supersession of the Committee.
9. Power of Central Government to appoint Nazim.
10. Advisory Committee to advise Nazim.
11. Powers and duties of the Committee.
12. Remuneration of the Sajjadanashin.
13. Succession to the office of Sajjadanashin.
14. Power to solicit or receive offerings on behalf of the Durgah.
15. Committee to observe Muslim Law and tenets of the Chishti Saint.
16. Board of Arbitration.
17. Defect in the constitution of, or vacancy in, the Committee not to invalidate acts and proceedings.
18. Enforcement of final orders of Committee.
19. Audit of accounts and annual report.
20. Bye-laws.
21. Transitional provisions.
22. Repeal.

## THE DURGAH KHAWAJA SAHEB ACT, 1955

ACT No. 36 OF 1955

[14th October, 1955]

An Act to make provision for the proper administration of the Durgah and the Endowment of the Durgah of Khawaja Moin-ud-din Chishti, generally known as Durgah Khawaja Saheb, Ajmer.

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

1. (1) This Act may be called the Durgah Khawaja Saheb Act, 1955. Short title and commencement.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) "Chief Commissioner" means the Chief Commissioner of Ajmer, acting in his individual capacity;

(b) "Committee" means the Committee constituted under section 4;

(c) "Durgah" means the institution known as the Durgah Khawaja Saheb, Ajmer, and includes the premises called the Durgah Sharif with all buildings contained therein, together with all additions thereto or all alterations thereof which may hereafter be made from time to time;

(d) "Durgah Endowment" includes—

(i) the Durgah Khawaja Saheb, Ajmer;

(ii) all buildings and movable property within the boundaries of the Durgah Sharif;

(iii) Durgah Jagir, including all land, houses and shops and all immovable property wherever situated belonging to the Durgah Sharif;

(iv) all other property and all income derived from any source whatsoever dedicated to the Durgah or placed for any religious, pious or charitable purposes under the Durgah Administration, including the Jagirdari villages of Hokran and Kishanpur in Ajmer; and

<sup>1</sup>1st March, 1956; vide notification No. S.R.O. 482, dated 24-2-1956, Gazette of India, Extraordinary, Part II, Sec. 3, page 333.

(v) all such nazars or offerings as are received on behalf of the Durgah by the Nazim or any person authorised by him;

(e) "Nazim" means the Nazim appointed under section 9.

Act to over-  
ride Act XX  
of 1863.

3. This Act shall have effect notwithstanding anything inconsistent therewith contained in the Religious Endowments Act, 1863. XX of 1863.

The Com-  
mittee.

4. (1) The administration, control and management of the Durgah Endowment shall be vested in a Committee constituted in the manner hereinafter provided.

(2) The Committee shall, by the name of "The Durgah Committee, Ajmer", be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued through its president.

Composition  
of Commit-  
tee.

5. The Committee shall consist of not less than five and not more than nine members all of whom shall be Hanafi Muslims and shall be appointed by the Central Government.

Term of  
office and  
resignation  
and removal  
of members  
and casual  
vacancies.

6. (1) A member of the Committee shall hold office for a period of five years from the date of his appointment but may resign his office earlier by giving notice in writing thereof to the Central Government and shall cease to be a member on the resignation being accepted by that Government.

(2) The Central Government may remove from office any member of the Committee—

(a) who is of unsound mind and stands so declared by a competent court, or

(b) who has applied for being adjudged an insolvent, or is an undischarged insolvent, or

(c) who has been convicted of any offence involving moral turpitude, or

(d) who has absented himself for a period of twelve consecutive months from the meetings of the Committee, or

(e) whose presence on the Committee would, in the opinion of the Central Government, be prejudicial to the interests of the Durgah.

(3) Casual vacancies among members of the Committee shall be filled by appointment made by the Central Government in consultation with the remaining members of the Committee.

(4) The term of office of a member appointed to fill a casual vacancy shall be for so long only as the member whose place has been filled would have been entitled to hold office if the vacancy had not occurred.

7. (1) The Committee shall elect a president and a vice-president from among its members. President and vice-president.

(2) When the office of the president is vacant or in the absence of the president from any meeting, the vice-president shall perform the functions of the president.

(3) In the absence of the president and vice-president, a meeting of the Committee may be presided over by a member elected by the majority of the members present at the meeting.

8. If in the opinion of the Central Government the Committee is guilty of gross mismanagement of the affairs of the Durgah or of neglect in the performance of its functions, the Central Government may supersede the Committee and entrust any person with full powers of the Committee until a new Committee is constituted in accordance with the provisions of this Act. Supersession of the Committee.

9. (1) The Central Government may, in consultation with the Committee, appoint a person to be the Nazim of the Durgah and the Nazim shall in virtue of his office be the secretary of the Committee. Power of Central Government to appoint Nazim.

Provided that no such consultation shall be necessary in the case of the appointment of the first Nazim.

(2) The Nazim shall be paid such salary and allowances as the Central Government may fix out of the revenues of the Durgah Endowment.

(3) The Committee shall exercise its powers of administration, control and management of the Durgah Endowment through the Nazim.

10. For the purpose of advising the Nazim in the discharge of his functions under this Act and also for such other purposes as may be specified in any bye-laws of the Committee, the Central Government may, in consultation with the Chief Commissioner, constitute an Advisory Committee consisting of such number of persons, being Hanafi Muslims, not exceeding seven, as the Central Government may think fit, such persons being chosen from among the residents of the State of Ajmer or any of the neighbouring States. Advisory Committee to advise Nazim.

11. The powers and duties of the Committee shall be—

(a) to administer, control and manage the Durgah Endowment;

(b) to keep the buildings within the boundaries of the Durgah Sharif and all buildings, houses and shops comprised in the Durgah Endowment in proper order and in a state of good repair;

Powers and duties of the Committee.

- (c) to receive all moneys and other income of the Durgah Endowment;
- (d) to see that the Endowment funds are spent in the manner desired by the donors;
- (e) to pay salaries, allowances and perquisites and make all other payments due out of, or charged on, the revenues or income of the Durgah Endowment;
- (f) to determine the privileges of the Khadims and to regulate their presence in the Durgah by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do;
- (g) to define the powers and duties of the Advisory Committee;
- (h) to determine the functions and powers, if any, which the Sajjadanashin may exercise in relation to the Durgah;
- (i) to appoint, suspend or dismiss servants of the Durgah Endowment;
- (j) to make such provision for the education and maintenance of the indigent descendants of Khawaja Moin-ud-din Chishti and their families and the indigent Khadims and their families residing in India as the Committee considers expedient consistently with the financial position of the Durgah;
- (k) to delegate to the Nazim such powers and functions as the Committee may think fit;
- (l) to do all other such things as may be incidental or conducive to the efficient administration of the Durgah.

Remuneration of the Sajjadanashin.

12. There shall be paid to the person for the time being holding the office of the Sajjadanashin remuneration at the rate of rupees two hundred per mensem out of the revenues of the Durgah Endowment.

Succession to the office of Sajjadanashin.

13. (1) As soon as the office of the Sajjadanashin falls vacant, the Committee shall, with the previous approval of the Chief Commissioner, make such interim arrangements for the performance of the functions of the Sajjadanashin as it may think fit, and immediately thereafter publish a notice in such form and manner as may be determined by the Committee, inviting applications within one month of such publication from persons claiming to succeed to that office.

(2) Where only one person claims to succeed to the office of the Sajjadanashin and the Committee is satisfied as to his right to succeed, it shall, with the previous approval of the Chief Commissioner, pass an order in writing according recognition as Sajjadanashin to such person.

(3) Where more persons than one claim to succeed to the office of the Sajjadanashin, the Committee shall, after consultation with the Chief Commissioner, refer the dispute to the Judicial Commissioner of Ajmer for a decision regarding the claim to succeed to that office, and the Judicial Commissioner, after taking such evidence as he considers necessary and after giving an opportunity to the claimants to be heard in respect of their claims, shall communicate his decision to the Committee.

(4) The Committee, on the receipt of the decision, shall, with the previous approval of the Chief Commissioner, pass an order in writing in accordance with such decision declaring the person found entitled to succeed to the office of the Sajjadanashin and according recognition as Sajjadanashin to such person.

(5) An order passed by the Committee under sub-section (2) or sub-section (4) shall be final and shall not be questioned in any court.

[C]

14. It shall be lawful for the Nazim or any person authorised by him in this behalf to solicit and receive on behalf of the Durgah any nazars or offerings from any person, and notwithstanding anything contained in any rule of law or decision to the contrary, no person other than the Nazim or any person authorised by him in this behalf shall receive or be entitled to receive nazars or offerings on behalf of the Durgah.

Power to solicit or receive offerings on behalf of the Durgah.

15. Save as otherwise provided under any enactment for the time being in force, the Committee shall, in exercise of its powers and the discharge of its duties, follow the rules of Muslim Law applicable to Hanafi Muslims in India, and shall conduct and regulate the established rites and ceremonies in accordance with the tenets of the Chishti Saint.

Committee to observe Muslim Law and tenets of the Chishti Saint.

16. (1) If any dispute arises between the Committee on the one part and the Sajjadanashin, any Khadim, and any person claiming to be the servant of the Durgah under some hereditary right or any one or more of them on the other part and such dispute does not, in the opinion of the Committee, relate to any religious usage or custom or to the performance of any religious office, it shall, at the request of either party to the dispute, be referred to a Board of Arbitration consisting of—

Board of Arbitration.

(i) a nominee of the Committee;

(ii) a nominee of the other party to the dispute; and

(iii) a person who holds or has held the office of, or is acting or has acted as, a district judge, to be appointed by the Central Government,

and the award of the Board shall be final and shall not be questioned in any court.

↳ Reamended Bill by Act 20 of 1964, S. 2 (wef 1.6.64)

(2) No suit shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to a Board of Arbitration.

Defect in the constitution of, or vacancy in, the Committee not to invalidate acts and proceedings.

17. No act or proceeding of the Committee shall be invalidated merely by reason of the existence of a vacancy among its members or a defect in the constitution thereof.

Enforcement of final orders of Committee.

18. Where in the exercise of its powers and performance of its duties the Committee passes any final order against any person directing him to do, or to abstain from doing, something, the person against whom the order is directed shall be bound to comply with the order and in case of non-compliance with such order any civil court within the local limits of whose jurisdiction the person against whom the order has been passed, resides or carries on business may execute the order in the same manner and by the same procedure as if it were a decree or order passed by itself in a suit.

Audit of accounts and annual report.

19. (1) The accounts of the Durgah shall be audited every year by such persons and in such manner as the Central Government may direct.

(2) The Committee shall every year prepare a report on the administration of the Durgah, which, together with the accounts of the Durgah and the report of the auditor thereon, shall be published in the Official Gazette.

Byelaws.

20. (1) The Committee may make bye-laws to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such bye-laws may provide for—

(a) the division of duties among the president and the members of the Committee;

(b) the time and place of, the quorum for, and procedure and conduct of business at, the meetings of the Committee;

(c) the security, if any, to be taken from the employees of the Committee;

(d) the books and accounts to be kept at the office of the Committee;

(e) the custody and investment of the property and the funds of the Durgah;

(f) the details to be included in or excluded from the budget of the Durgah;



(g) the persons by whom receipts may be granted for money paid to the Committee;

(h) the maintenance of peace and order within the Durgah compound and regulating the conduct of persons within the precincts of the Durgah;

(i) the duties and powers of the employees of the Durgah;

(j) the regulation of the cooking of *degs* and distribution of the food so cooked, notwithstanding any judicial decision relating to the right of any person or class of persons to participate in such cooking or distribution;

(k) the powers and functions of the Advisory Committee and the matters in which the advice of the Advisory Committee may be sought by the Nazim;

(l) the manner of entering into contracts by or on behalf of the Committee.

(3) Any power to make bye-laws conferred by this section is conferred subject to the condition of the bye-laws being first published in draft for objections by being hung up on the premises of the Durgah and of their not taking effect until they have been approved and confirmed by the Central Government and published in the Official Gazette.

(4) The Central Government in approving and confirming a bye-law may make any change therein which appears to be necessary.

(5) The Central Government may, after previous publication of its intention, cancel any bye-law which it has approved and confirmed, and thereupon the bye-law shall cease to have effect.

21. The person holding the office of Sajjadanashin immediately before the commencement of this Act shall, on and from such commencement, continue to hold that office subject to the other provisions of this Act and to the final decision in the suit relating to that office which is pending on such commencement and to which the said person is a party. Transitional provisions.

22. The Durgah Khawaja Saheb Act, 1936 and the Durgah Khawaja Saheb (Emergency Provisions) Act, 1950 are hereby repealed.

*Repealed by Act 58 of 1960, s. 2 & sch. I (w.e.f. 26-12-60)*

**THE NEGOTIABLE INSTRUMENTS (AMENDMENT)  
ACT, 1955**

**ACT No. 37 OF 1955**

[15 October, 1955]

An Act further to amend the Negotiable Instruments Act, 1881.

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

Short title and commencement.

1. (1) This Act may be called the Negotiable Instruments (Amendment) Act, 1955.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.

2. In section 3 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the principal Act), for the definition of the word "banker", the following definition shall be substituted, namely:—

XXVI of 1881.

"'banker' includes any person acting as a banker and any post office savings bank".

Amendment of section 25.

3. In section 25 of the principal Act, in the *Explanation*, the words "New Year's day, Christmas day: if either of such days falls on a Sunday, the next following Monday: Good Friday;" shall be omitted.

**THE APPROPRIATION (No. 3) ACT, 1955**

**ACT No. 38 OF 1955**

[15th October, 1955]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56.

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

Short title.

1. This Act may be called the Appropriation (No. 3) Act, 1955.

Issue of Rs. 1,69,84,000 out of the Consolidated Fund of India for the year 1955-56.

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 crore sixty-nine lakhs and eighty-four thousand rupees towards:

<sup>1st April</sup> 1st January, 1956, vide notification No. S.R.O. 688 dated 13-3-1956, Gazette of India, Part II, Sec. 3, p. 430.

defraying the several charges which will come in course of payment during the financial year 1955-56, 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. Appropriation.

**THE SCHEDULE**  
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
22	External Affairs	20,60,000	..	20,60,000
24	Miscellaneous Expenditure under the Ministry of External Affairs	1,60,000	..	1,60,000
25	Ministry of Finance	3,87,000	..	3,87,000
61	Miscellaneous Departments and Expenditure under the Ministry of Home Affairs	6,62,000	..	6,62,000
107	Capital Outlay of the Ministry of Commerce and Industry	..	4,50,000	4,50,000
115	Capital Outlay on Currency	1,32,63,000	..	1,32,63,000
119	Other Capital Outlay of the Ministry of Finance	1,000	..	1,000
138	Other Capital Outlay of the Ministry of Works, Housing and Supply	1,000	..	1,000
	<b>TOTAL</b>	<b>1,65,34,000</b>	<b>4,50,000</b>	<b>1,69,84,000</b>

*See India Code Volume III A*

**THE SPIRITUOUS PREPARATIONS (INTER-STATE TRADE AND COMMERCE) CONTROL ACT, 1955**

**ACT No. 39 OF 1955**

[15th October, 1955]

An Act to make provision for the imposition in the public interest of certain restrictions on inter-State trade and commerce in spirituous medicinal and other preparations and to provide for matters connected therewith.

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

1. (1) This Act may be called the Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955.

Short title, extent and commencement.

(2) It extends to the whole of India.

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

Definitions.

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

(a) 'alcohol' means ethyl alcohol of any strength and purity having the chemical composition  $C_2H_5OH$ ;

(b) 'prescribed' means prescribed by rules made under this Act;

(c) 'prohibition State' means any State which the Central Government may, by notification in the Official Gazette, specify as being a State in which or in any part of which the consumption of alcoholic liquors is generally prohibited by law;

(d) 'spirituous preparation' means—

(i) any medicinal preparation containing alcohol, whether self-generated or otherwise; or

(ii) any mixture or compound of wine with medicinal substances, whether the wine is fortified with spirit or not; or

(iii) any other substance notified under section 4 to be a spirituous preparation.

Control of  
inter-State  
trade and  
commerce in  
spirituous  
preparations.

3. (1) No person shall, in the course of inter-State trade and commerce,—

(a) import into a prohibition State any spirituous preparation; or

(b) export from any State or transport from one place to another or sell any spirituous preparation for the purpose of its importation into a prohibition State;

save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The Central Government may, by notification in the Official Gazette, make rules regulating such import, export, transport or sale, and such rules may prescribe the form and conditions of licences therefor, the authorities by which such licences may be granted and the fees that may be charged with respect thereto, and any other matter required to render effective the control over such import, export, transport or sale.

(3) Save in so far as may be expressly provided in the rules made under sub-section (2), nothing in this section shall apply to spirituous preparations which are the property of the Government.

4. If the Central Government is satisfied, after making such inquiry in this behalf as it may think fit and after taking into account such representations as may be made in the matter, that control of inter-State trade and commerce in any preparation containing alcohol other than a preparation referred to in sub-clause (i) or sub-clause (ii) of clause (d) of section 2 is necessary in the public interest, it may, by notification in the Official Gazette, declare such preparation to be a spirituous preparation within the meaning of this Act and thereupon the provisions of this Act shall apply thereto.

Other preparations containing alcohol may be notified as spirituous preparations.

5. If any person contravenes any of the provisions of this Act or of any rules made thereunder, or the terms and conditions of any licence granted under such rules, he shall, for every such offence, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalties.

6. In all trials for offences under this Act or the rules made thereunder, the magistrate shall follow the procedure prescribed in the Code of Criminal Procedure, 1898, for the trial of summary cases in which an appeal lies.

Procedure to be followed by magistrate.

V of 1898.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act and the rules made thereunder shall be cognisable.

Offences under this Act cognisable.

V of 1898.

8. (1) Any officer of the department of prohibition, excise, police, revenue or public health authorised in this behalf by the State Government, by general or special order, who has reasons to believe from personal knowledge or from information given by any person and taken down in writing that any spirituous preparation in respect of which an offence punishable under section 5 has been committed is kept or concealed in any house, building or enclosed space, or is being transported in any vehicle, vessel or aircraft to any place or is in transit may—

Power to enter, search, seize, arrest without warrant and investigate offences.

(a) enter at any time by day or by night into any such house, building or enclosed space, or vehicle, vessel or aircraft;

(b) in case of resistance, break open any door and remove any other obstacle to such entry;

(c) seize such preparation and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder; and

(d) detain and search any person whom he has reason to believe to be guilty of an offence punishable under this Act or the rules made thereunder, and if such person has any

spirituous preparation in his possession and such possession appears to him to be unlawful, arrest him.

(2) Where an officer takes down any information in writing under sub-section (1), he shall forthwith send a copy thereof to his immediate official superior.

(3) The State Government may empower any officer of the prohibition or excise department to investigate offences under this Act and the rules made thereunder.

(4) An officer empowered under sub-section (3) shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a V of 1898. police station for the investigation of cognisable offences.

Vexatious search, seizure, etc., by officers exercising powers under the Act.

9. (1) Any officer exercising powers under this Act or under the rules made thereunder who—

(a) without reasonable ground for believing that it is necessary so to do, searches or causes to be searched any house, building or enclosed place or any vehicle, vessel or aircraft;

(b) vexatiously or unnecessarily seizes any spirituous preparation or any document or other article;

(c) vexatiously or unnecessarily detains, searches or arrests any person; or

(d) commits, as such officer, any other act to the injury of any person without having reason to believe that such act is required for the execution of his duty.

shall for every such offence 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 be punishable with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to one year, or with both.

Offences by companies.

10. (1) If the person committing an offence under section 5 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 the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

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

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

*Explanation.*—For the 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. In trials under this Act, it may be presumed unless and until the contrary is proved, that the accused has committed an offence under this Act or the rules made thereunder in respect of any spirituous preparations for the possession of which he fails to account satisfactorily. Presumption from possession of spirituous preparations.

12. The Central Government may, by notification in the Official Gazette, direct that the power to make rules under section 3 shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by a State Government. Delegation of powers.

13. The Central Government may, by notification in the Official Gazette, and subject to such conditions as it may think fit to impose, exempt any spirituous preparation from all or any of the provisions of this Act on the ground that the spirituous preparation is ordinarily required for medicinal, scientific, industrial or such like purposes. Power to exempt.

XLV  
1860.

14. All officers empowered to exercise any powers or to perform any officer or person empowered to exercise powers or to perform within the meaning of section 21 of the Indian Penal Code. Officers acting under this Act to be public servants.

15. No suit, prosecution or other legal proceeding shall lie against any officer or person empowered to exercise powers or to perform duties under this Act for anything in good faith done or intended to be done under this Act or the rules made thereunder. Protection of action taken in good faith.

16. Nothing in this Act or in the rules made thereunder shall affect the validity of any Provincial Act or a State Act for the time being in force, or of any rule, regulation or order made thereunder, which imposes any restriction not imposed by or under this Act, or imposes a restriction greater in degree than a corresponding restriction imposed by or under this Act on the traffic in any spirituous preparations within the territories of the State. Saving of local and special laws.

THE CHARTERED ACCOUNTANTS (AMENDMENT)

ACT, 1955

ACT No. 40 OF 1955

*Repealed by Act 58 of  
1960, s. 2 & Sch. I  
(Wef. 26-12-60)*

[21st October, 1955]

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

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

Short title. 1. This Act may be called the Chartered Accountants (Amendment) Act, 1955.

Amendment of section 4. 2. In section 4 of the Chartered Accountants Act, 1949, for clause (v) of sub-section (1), the following clause shall be substituted, namely:—

XXXVIII  
of 1949.

“(v) any person who has passed such other examination and completed such other training without India as is recognised by the Central Government or the Council as being equivalent to the examination and training prescribed for members of the Institute:

Provided that in the case of any person who is not permanently residing in India, the Central Government or the Council, as the case may be, may impose such further conditions as it may deem fit;”.

THE INDUSTRIAL DISPUTES (BANKING COMPANIES)

DECISION ACT, 1955

ACT No. 41 OF 1955

*See India Code, Vol. V B.*

[21st October, 1955]

An Act to provide for the modification of the decision of the Labour Appellate Tribunal, dated the 28th day of April, 1954, in accordance with the recommendations of the Bank Award Commission and for giving effect to the award accordingly.

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

Short title. 1. This Act may be called the Industrial Disputes (Banking Companies) Decision Act, 1955.



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

(a) "appellate decision" means the decision of the Labour Appellate Tribunal, dated the 28th day of April, 1954, in the matter of the appeals filed before it against the award of the All India Industrial Tribunal (Bank Disputes), Bombay;

(b) "award" means the award of the All-India Industrial Tribunal (Bank Disputes), Bombay, constituted by the notification of the Government of India in the Ministry of Labour No. S.R.O. 35, dated the 5th day of January, 1952;

(c) "Bank Award Commission" means the person appointed by the Resolution of the Government of India in the Ministry of Labour No. LR. 100(9)/55, dated the 25th day of February, 1955, to enquire into and report upon the terms of reference specified in the Resolution of the Government of India in the Ministry of Labour No. LR. 100(56)/54, dated the 17th day of September, 1954;

(d) "modification order" means the order of the Government of India in the Ministry of Labour No. S.R.O. 2732, dated the 24th day of August, 1954, modifying the appellate decision under section 15 of the Industrial Disputes (Appellate Tribunal) Act, 1950.

XLVIII of  
1950.

3. The appellate decision shall have effect as if the modifications recommended in Chapter XI of the Report of the Bank Award Commission, dated the 25th day of July, 1955, had actually been made therein, and the appellate decision as so modified shall be the decision of the Appellate Tribunal within the meaning of the Industrial Disputes (Appellate Tribunal) Act, 1950, and the award shall have effect accordingly.

Appellate decision to have effect subject to the modifications recommended by the Bank Award Commission.

XLVIII of  
1950.

XIV of  
1947.  
XLVIII of  
1950.

4. Notwithstanding anything contained in the Industrial Disputes Act, 1947, or the Industrial Disputes (Appellate Tribunal) Act, 1950, the award as now modified by the decision of the Appellate Tribunal in the manner referred to in section 3 shall remain in force until the 31st day of March, 1959.

Duration of the award.

5. The provisions of the modification order shall not have, and shall be deemed never to have had, any force or effect except in so far as any of such provisions has become incorporated in the award by reason of the provisions contained in section 3.

Modification order to have no effect except in certain cases.

6. (1) If in the opinion of the Central Government any difficulty or doubt has arisen as to the interpretation of any provision of the award as now modified by the decision of the Appellate Tribunal in the manner referred to in section 3, it shall refer for decision the matter in respect of which such difficulty or doubt has arisen to a single member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act,

Power to remove difficulties.

XLVIII of  
1950.

1950, or to such Industrial Tribunal constituted under the Industrial Disputes Act, 1947, as it may, by notification in the Official Gazette, specify in this behalf.

(2) The tribunal to which such matter is referred shall, after giving the parties a reasonable opportunity of being heard, decide such matter and its decision shall be final and binding on all such parties.

## THE PRIZE COMPETITIONS ACT, 1955

### ARRANGEMENT OF SECTIONS

#### SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Interpretation.
4. Prohibition of prize competitions where the prize offered exceeds one thousand rupees a month.
5. Licensing of prize competitions where the prize offered does not exceed one thousand rupees a month.
6. Licences for prize competitions.
7. Promoters of prize competitions to keep accounts and submit the same to the licensing authority.
8. Power to cancel or suspend licences.
9. Penalty for promoting or conducting any prize competition in contravention of the provisions of sections 4 and 5.
10. Penalty for failure to keep and submit accounts.
11. Penalty for other offences in connection with prize competitions.
12. Offences by Corporations.
13. Power of licensing authority to call for and inspect accounts and documents.
14. Power of entry and search.
15. Forfeiture of newspapers and publications containing prize competitions.
16. Appeals.
17. Licensing authority and other officers to be public servants.

*see India Code,  
Vol. III*

18. Jurisdiction to try offences.
19. Protection of action taken under this Act.
20. Power to make rules.

THE PRIZE COMPETITIONS ACT, 1955  
ACT No. 42 OF 1955

[22nd October, 1955]

*See India Code,  
Vol. III*

An Act to provide for the control and regulation of prize competitions

WHEREAS it is expedient to provide for the control and regulation of prize competitions;

AND WHEREAS the Legislatures of the States of Andhra, Bombay, Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat, Patiala and East Punjab States Union and Saurashtra have passed resolutions in terms of clause (1) of article 252 of the Constitution in relation to the above-mentioned matter and matters ancillary thereto in so far as such matters are matters enumerated in List II in the Seventh Schedule to the Constitution;

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

1. (1) This Act may be called the Prize Competitions Act, 1955.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the States of Andhra, Bombay, Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat, Patiala and East Punjab States Union and Saurashtra and all Part C States.

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

*1-4-1956*

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

Definitions.

(a) 'licensing authority' means any officer or authority appointed by the State Government, by notification in the Official Gazette, for the purpose of granting licences under this Act;

(b) 'money' includes a cheque, postal order or money order;

(c) 'prescribed' means prescribed by rules made under this Act;

(d) 'prize competition' means any competition (whether called a cross-word prize competition, a missing-word prize competition, a picture prize competition or by any other name) in which prizes are offered for the solution of any puzzle based upon the building up, arrangement, combination or permutation, of letters, words or figures.

Interpre-  
tation.

3. For the purposes of this Act,—

(a) references to printing shall be construed as including references to writing and other modes of representing or reproducing letters, words or figures in a visible form; and

(b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places within or outside the territories to which this Act extends and the word 'distribution' shall be construed accordingly.

Prohibition  
of prize com-  
petitions  
where the  
prize offered  
exceeds one  
thousand  
rupees a  
month.

4. No person shall promote or conduct any prize competition or competitions in which the total value of the prize or prizes (whether in cash or otherwise) to be offered in any month exceeds one thousand rupees; and in every prize competition, the number of entries shall not exceed two thousand.

Licensing of  
prize com-  
petitions  
where the  
prize offered  
does not  
exceed one  
thousand  
rupees a  
month.

5. Subject to the provisions of section 4, no person shall promote or conduct any prize competition or competitions in which the total value of the prize or prizes (whether in cash or otherwise) to be offered in any month does not exceed one thousand rupees unless he has obtained in this behalf a licence granted in accordance with the provisions of this Act and the rules made thereunder.

Licences for  
prize com-  
petitions.

6. (1) Every person desiring to obtain a licence referred to in section 5 shall make an application in writing to the licensing authority in such form and manner as may be prescribed.

(2) On the receipt of such application, the licensing authority, after making such inquiry as it considers necessary, shall, by order in writing, either grant the licence or refuse to grant the licence.

(3) Where the licensing authority refuses to grant a licence it shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant.

(4) The fees on payment of which, the period for which, the conditions subject to which, and the form in which, a licence may be granted shall be such as may be prescribed.

Promoters of  
prize com-  
petitions  
to keep  
accounts and  
submit the  
same to the  
licensing  
authority.

7. Every person who promotes or conducts a prize competition in accordance with the provisions of this Act and the rules made thereunder shall keep accounts relating to such competition and submit to the licensing authority a statement of accounts in such form and at such intervals as may be prescribed.

Power to  
cancel or

8. (1) The licensing authority may, after giving the holder of any licence under this Act a reasonable opportunity of being heard,

cancel or suspend the licence on any one or more of the following grounds, namely:—

(a) that there has been a breach of any of the conditions subject to which the licence was granted;

(b) that the holder of the licence has contravened any of the provisions of section 7.

(2) Whenever a licence is cancelled or suspended the licensing authority shall record a brief statement of the reasons for such cancellation or suspension and furnish a copy thereof to the person whose licence has been cancelled or suspended.

9. If any person promotes or conducts any prize competition in contravention of the provisions of section 4 or section 5, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Penalty for promoting or conducting any prize competition in contravention of the provisions of sections 4 and 5.

10. If any person liable under section 7 to keep accounts or to submit statements of accounts fails to keep accounts or to submit statements of accounts as required by that section or keeps accounts or submits statements of accounts which are false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both, but nothing contained in this section shall affect the provisions contained in section 8.

Penalty for failure to keep and submit accounts.

11. If any person with a view to the promotion or conduct of any prize competition except in accordance with the provisions of a licence under this Act or in contravention of the provisions of this Act or in connection with any prize competition promoted or conducted except in accordance with such provisions—

Penalty for other offences in connection with prize competitions

(a) prints or publishes any ticket, coupon or other document for use in the prize competition; or

(b) sells or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution any ticket, coupon or other document for use in the prize competition; or

(c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution,—

(i) any advertisement of the prize competition, or

(ii) any list (whether complete or not) of prize winners in the prize competition, or

(iii) any such matter descriptive of, or otherwise relating to, the prize competition as is calculated to act as an inducement to persons to participate in that prize competition or any other prize competition; or

(d) brings, or invites any person to send, into the territories to which this Act extends, for the purpose of sale or distribution, any ticket, coupon or other document for use in, or any advertisement of, the prize competition; or

(e) sends, or attempts to send, out of the territories to which this Act extends any money or valuable thing received in respect of the sale or distribution of any ticket, coupon or other document for use in the prize competition; or

(f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the prize competition; or

(g) causes or procures or attempts to procure any person to do any of the above-mentioned acts, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Offences by  
Corporations.

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

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

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

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

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

(b) 'director' in relation to a firm means a partner in the firm.

**13.** The licensing authority may—

(a) require any person promoting or conducting a prize competition to produce before it the accounts and other documents kept by such person or to furnish to it such other information relating to the prize competition as it may require;

Power of licensing authority to call for and inspect accounts and documents.

(b) inspect at all reasonable times the accounts and other documents kept by such person.

**14. (1)** It shall be lawful for any police officer not below the rank of sub-inspector authorised by the State Government in this behalf by general or special order in writing,—

Power of entry and search.

(a) to enter, if necessary by force, whether by day or night, with such assistants as he considers necessary any premises which he has reason to suspect are being used for purposes connected with the promotion or conduct of any prize competition in contravention of the provisions of this Act;

(b) to search the premises and the persons whom he may find therein;

(c) to take into custody and produce before a magistrate all such persons as are concerned or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the user of such premises for purposes connected with, or with the promotion or conduct of, any prize competition in contravention of the provisions of this Act; and

(d) to seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such prize competition.

**(2)** All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898.

V of 1898.

**15.** Where any newspaper or other publication contains any prize competition promoted or conducted in contravention of the provisions of this Act or except in accordance with the provisions of a licence under this Act or any advertisement in relation thereto, the State Government may, by notification in the Official Gazette, declare every copy of the newspaper and every copy of the publication containing the prize competition or the advertisement, to be forfeited to Government.

Forfeiture of newspapers and publications containing prize competitions.

**16.** Any person aggrieved by the decision of the licensing authority refusing to grant a licence or cancelling or suspending a licence may, within such time as may be prescribed, prefer an appeal to the State Government and the decision of the State Government on such appeal shall be final.

Appeals.

Licensing authority and other officers to be public servants.

Jurisdiction to try offences.

Protection of action taken under this Act.

Power to make rules.

17. The licensing authority and any other officer acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

18. No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act.

19. No suit, prosecution or other legal proceeding shall lie against the licensing authority or any other officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

20. (1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

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

(a) the form and manner of application for a licence and the fees, if any, for such licence;

(b) the period for which, the conditions subject to which and the form in which, a licence may be granted;

(c) the form in which and the intervals at which statements of accounts shall be submitted to the licensing authority;

(d) the time within which an appeal against a decision of the licensing authority may be preferred to the State Government;

(e) any other matter which is to be or may be prescribed.

### THE INDIAN STAMP (AMENDMENT) ACT, 1955

*Repealed by Art 58 of ACT No. 43 OF 1955*

*1960, S. 2 + Sch. I*

[16th December, 1955]

*(wef 26-12-60)* An Act further to amend the Indian Stamp Act, 1899

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

Short title and commencement.

1. (1) This Act may be called the Indian Stamp (Amendment) Act, 1955.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

<sup>1</sup>1st April, 1956, vide notification No. S.R.O. 636, dated 17-3-1956, Gazette of India, Part II, Sec. 3, p. 348.



Rep. Act 58/60

OF 1955]

Indian Stamp (Amendment)

247

II of 1899.

2. In the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act), unless otherwise expressly provided, for the words "the States" wherever they occur, the word "India" shall be substituted.

Substitution of "India" for "the States".

3. In section 1 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of section 1.

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

Provided that it shall not apply to Part B States (excluding the State of Jammu and Kashmir) except to the extent to which the provisions of this Act relate to rates of stamp duty in respect of the documents specified in entry 91 of List I in the Seventh Schedule to the Constitution."

4. In section 2 of the principal Act,—

Amendment of section 2.

(a) after clause (13), the following clause shall be inserted, namely:—

"(13A) 'India' means the territory of India excluding the State of Jammu and Kashmir;";

(b) after clause (19), the following clause shall be inserted, namely:—

"(19A) 'policy of group insurance' means any instrument covering not less than fifty or such smaller number as the Central Government may approve, either generally or with reference to any particular case, by which an insurer, in consideration of a premium paid by an employer or by an employer and his employees jointly, engages to cover, with or without medical examination and for the sole benefit of persons other than the employer, the lives of all the employees or of any class of them, determined by conditions pertaining to the employment, for amounts of insurance based upon a plan which precludes individual selection;";

(c) clause (26) shall be omitted.

5. In clause (c) of sub-section (2) of section 10 of the principal Act, the words "written in any Oriental language" shall be omitted.

Amendment of section 10.

6. In sub-section (1) of section 57 of the principal Act,—

Amendment of section 57.

(i) in clause (a), for the words and letter "Part A State", the words and letters "Part A State or a Part B State" shall be substituted;

(ii) in clause (b), for the word "Ajmer", the words "Ajmer or Vindhya Pradesh" shall be substituted;

(iii) in clause (d), for the words "Bilaspur, Delhi and Himachal Pradesh", the words "Delhi or Himachal Pradesh" shall be substituted;

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

"(ff) if it arises in Manipur or Tripura, to the High Court of Assam;"

Amendment  
of Schedule  
I.

7. In Schedule I to the principal Act,—

(i) in entry 13, for item (c), the following item shall be substituted, namely:—

Description of Instrument	Proper Stamp-duty
"(c) where payable at more than one year after date or sight.	
where the amount does not exceed Rs. 10	Two annas.
where it exceeds Rs. 10 and does not exceed Rs. 50	Four annas.
Ditto 50 ditto 100	Eight annas.
Ditto 100 ditto 200	One rupee.
where it exceeds Rs. 200 and does not exceed Rs. 300	One rupee eight annas.
Ditto 300 ditto 400	Two rupees.
Ditto 400 ditto 500	Two rupees eight annas.
Ditto 500 ditto 600	Three rupees.
Ditto 600 ditto 700	Three rupees eight annas.
Ditto 700 ditto 800	Four rupees.
Ditto 800 ditto 900	Four rupees eight annas.
Ditto 900 ditto 1,000	Five rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000	Two rupees eight annas.";

(ii) for entry 27, the following entry shall be substituted, namely:—

Description of Instrument	Proper Stamp-duty
"27. DEBENTURE (whether a mortgage debenture or not), being a marketable security transferable—	
(a) by endorsement or by a separate instrument of transfer—	
where the amount or value does not exceed Rs. 10	Three annas.
where it exceeds Rs. 10 and does not exceed Rs. 50	Six annas.
Ditto 50 ditto 100	Twelve annas.

*Rep. Act 58/60*

OF 1955]

Indian Stamp (Amendment)

249

Description of Instrument		Proper Stamp-duty
where it exceeds Rs. 100 and does not exceeds Rs. 200 . . .		One rupee eight annas.
Ditto	200 ditto 300 . . .	Two rupees four annas.
Ditto	300 ditto 400 . . .	Three rupees.
Ditto	400 ditto 500 . . .	Three rupees twelve annas.
Ditto	500 ditto 600 . . .	Four rupees eight annas.
Ditto	600 ditto 700 . . .	Five rupees four annas.
Ditto	700 ditto 800 . . .	Six rupees.
Ditto	800 ditto 900 . . .	Six rupees twelve annas.
Ditto	900 ditto 1,000 . . .	Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rs. 1,000 . . .		Three rupees twelve annas.
<i>(b) by delivery—</i>		
where the amount or value of the consideration for such debenture as set forth therein does not exceed Rs. 50.		Twelve annas.
where it exceeds Rs. 50 but does not exceed Rs. 100. . .		One rupee eight annas.
Ditto	100 ditto 200 . . .	Three rupees.
Ditto	200 ditto 300 . . .	Four rupees eight annas.
Ditto	300 ditto 400 . . .	Six rupees.
Ditto	400 ditto 500 . . .	Seven rupees eight annas.
Ditto	500 ditto 600 . . .	Nine rupees.
Ditto	600 ditto 700 . . .	Ten rupees eight annas.
Ditto	700 ditto 800 . . .	Twelve rupees.
Ditto	800 ditto 900 . . .	Thirteen rupees eight annas.
Ditto	900 ditto 1,000 . . .	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000 . . .		Seven rupees eight annas.
<p><i>Explanation—</i>The term "Debenture" includes any interest coupons attached thereto but the amount of such coupons shall not be included in estimating the duty.</p>		

Rep. Act 58/60

Description of Instrument.	Proper Stamp-duty
<p style="text-align: center;"><i>Exemption</i></p> <p>A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture holders :</p> <p>Provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed." ;</p>	

(iii) in entry 47, in Division D,—

(a) in the column headed "Description of Instrument", for the words "OR OTHER INSURANCE", the words "OR GROUP INSURANCE OR OTHER INSURANCE" shall be substituted;

(b) in the column headed "Proper Stamp-duty", after the table of duties, the following note shall be inserted, namely:—

"N.B.—If a policy of group insurance is renewed or otherwise modified whereby the sum insured exceeds the sum previously insured on which stamp duty has been paid, the proper stamp must be borne on the excess sum so insured.";

(iv) in entry 62, for clause (a), the following clause shall be substituted, namely:—

Description of Instrument	Proper Stamp-duty
“(a) of shares in an incorporated company or other body corporate;	Twelve annas for every hundred rupees or part thereof of the value of the share.”.

Repeals and savings.

8. (1) If, immediately before the commencement of this Act, there is in force in any State any law fixing rates of stamp duty in respect of the documents specified in entry 91 of List I in the Seventh Schedule to the Constitution such law, to the extent to which it is inconsistent with the principal Act as amended by this Act, shall on such commencement stand repealed.

(2) For the removal of doubts it is hereby declared that section 6 of the General Clauses Act, 1897, shall apply upon such repeal as if such law had been an enactment.

X of 1897.

**THE ABOLITION OF WHIPPING ACT, 1955**

*See India Code,  
Vol. III* ACT No. 44 OF 1955

[19th December, 1955]

An Act to provide for the abolition of whipping as a punishment by repealing the Whipping Act, 1909, and further amending the Code of Criminal Procedure, 1898.

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

1. This Act may be called the Abolition of Whipping Act, 1955.

Short title.

IV of 1909.

2. The Whipping Act, 1909, is hereby repealed.

Repeal of Act IV of 1909.

V of 1898.

3. In the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act),—

Amendment of Act V of 1898.

(a) in section 32, in sub-section (1), the entry "Whipping" against item (a) shall be omitted;

(b) sections 390 to 395 shall be omitted;

(c) in section 396, in sub-section (1), for the words "fine or whipping", the words "or fine" shall be substituted.

IV of 1909.

4. If at the commencement of this Act any sentence of whipping imposed upon an offender by a Court under the Whipping Act, 1909, has not been executed for any reason, whether wholly or partially, the offender shall be dealt with in the manner provided in section 395 of the principal Act as if that section had not been repealed.

Provision for sentences of whipping pending execution at commencement of Act.

**THE WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT, 1955**

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

**CHAPTER I**

**PRELIMINARY**

1. Short title and extent.
2. Definitions.

*See India Code,  
Vol. V-B*

## CHAPTER II

### WORKING JOURNALISTS

3. Act XIV of 1947 to apply to working journalists.
4. Special provisions in respect of certain cases of retrenchment.
5. Payment of gratuity.
6. Hours of work.
7. Leave.
8. Constitution of Wage Board.
9. Fixation of Wages.
10. Publication of decision of Board and its commencement.
11. Powers and procedure of Board.
12. Decision of Board to be binding on all employers.
13. Power of Government to fix interim rates of wages.

## CHAPTER III

### APPLICATION OF CERTAIN ACTS TO NEWSPAPER EMPLOYEES

14. Act XX of 1946 to apply to newspaper establishments.
15. Act XIX of 1952 to apply to newspaper establishments.

## CHAPTER IV

### MISCELLANEOUS

16. Effect of laws and agreements inconsistent with this Act.
17. Recovery of money due from an employer.
18. Penalty.
19. Indemnity.
20. Power to make rules.
21. Repeal of Act I of 1955.

THE WORKING JOURNALISTS (CONDITIONS OF  
SERVICE) AND MISCELLANEOUS PROVISIONS  
ACT, 1955

ACT No. 45 OF 1955

[20th December, 1955]

An Act to regulate certain conditions of service of working journalists and other persons employed in newspaper establishments.

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

*See India Code,  
Vol. V B*

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. Short title and Commencement.

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

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

(a) "Board" means the Wage Board constituted under section 8;

(b) "newspaper" means any printed periodical work containing public news or comments on public news and includes such other class of printed periodical work as may, from time to time, be notified in this behalf by the Central Government in the Official Gazette;

(c) "newspaper employee" means any working journalist, and includes any other person employed to do any work in, or in relation to, any newspaper establishment;

(d) "newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate;

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

(f) "working journalist" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment, and includes an editor, a leader-writer, news editor, sub-editor, feature-writer, copy-taster, reporter, correspondent, cartoonist, news-photographer and proof-reader, but does not include any such person who—

(i) is employed mainly in a managerial or administrative capacity, or

(ii) being employed in a supervisory capacity, performs, either by the nature of the duties attached to his office or by reason of the powers vested in him, functions mainly of a managerial nature;

(g) all words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act.

See A 1 R  
1961 SC  
528  
Same  
meaning  
with regard  
to "avocation"  
"avocation"  
has reference to  
time occupied  
and not to  
earning

CHAPTER II

WORKING JOURNALISTS

Act XIV of 1947 to apply to working journalists.

3. (1) The provisions of the Industrial Disputes Act, 1947, as in XIV of 1947. force for the time being, shall, subject to the modification specified in sub-section (2), apply to, or in relation to, working journalists as they apply to, or in relation to, workmen within the meaning of that Act.

(2) Section 25F of the aforesaid Act, in its application to working journalists, shall be construed as if in clause (a) thereof, for the period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a working journalist had been substituted, namely:—

- (a) six months, in the case of an editor, and
- (b) three months, in the case of any other working journalist.

Special provisions in respect of certain cases of retrenchment.

4. Where at any time between the 14th day of July, 1954, and the 12th day of March, 1955, any working journalist had been retrenched, he shall be entitled to receive from the employer—

(a) wages for one month at the rate to which he was entitled immediately before his retrenchment, unless he had been given one month's notice in writing before such retrenchment; and

(b) compensation which shall be equivalent to fifteen days' average pay for every completed year of service under that employer or any part thereof in excess of six months.

Payment of gratuity.

5. (1) Where—

(a) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than three years in any newspaper establishment, and—

(i) his services are terminated by the employer in relation to that newspaper establishment for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, or

(ii) he retires from service on reaching the age of superannuation, or

(iii) he voluntarily resigns from service from that newspaper establishment, or

(b) any working journalist dies while he is in service in any newspaper establishment,

the working journalist or, as the case may be, his heirs shall, without prejudice to any benefits or rights accruing under the Industrial



XIV of Disputes Act, 1947, be paid, on such termination, retirement,  
1947. resignation or death, by the employer in relation to that establish-  
ment gratuity which shall be equivalent to fifteen days' average  
pay for every completed year of service or any part thereof in  
excess of six months.

(2) Notwithstanding anything contained in sub-section (1),  
where a working journalist is employed in any newspaper establish-  
ment wherein not more than six working journalists were employed  
on any day of the twelve months immediately preceding the  
commencement of this Act, the gratuity payable to a working  
journalist employed in any such newspaper establishment for any  
period of service before such commencement shall be equivalent  
to—

(a) three days' average pay for every completed year of  
service or any part thereof in excess of six months, if the period  
of such past service does not exceed five years;

(b) five days' average pay for every completed year of ser-  
vice or any part thereof in excess of six months, if the period of  
such past service exceeds five years but does not exceed ten  
years; and

(c) seven days' average pay for every completed year of  
service or any part thereof in excess of six months, if the period  
of such past service exceeds ten years.

6. (1) Subject to any rules that may be made under this Act, no <sup>Hours of</sup> working journalist shall be required or allowed to work in any <sup>work.</sup> newspaper establishment for more than one hundred and forty-four hours during any period of four consecutive weeks, exclusive of the time for meals.

(2) Every working journalist shall be allowed during any period of seven consecutive days rest for a period of not less than twenty-four consecutive hours, the period between 10 p.m. and 6 a.m. being included therein.

*Explanation.*—For the purposes of this section, 'week' means a period of seven days beginning at mid-night on Saturday.

7. Without prejudice to such holidays, casual leave or other <sup>Leave.</sup> kinds of leave as may be prescribed, every working journalist shall be entitled to—

(a) earned leave on full wages for not less than one-eleventh of the period spent on duty;

(b) leave on medical certificate on one-half of the wages for not less than one-eighteenth of the period of service.

Constitution of Wage Board.

8. (1) The Central Government may, by notification in the Official Gazette, constitute a Wage Board for fixing rates of wages in respect of working journalists in accordance with the provisions of this Act.

(2) The Board shall consist of an equal number of persons nominated by the Central Government to represent employers in relation to newspaper establishments and working journalists, and an independent person shall be appointed by the Central Government as the Chairman thereof.

Fixation of wages.

9. (1) In fixing rates of wages in respect of working journalists, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employments, the circumstances relating to the newspaper industry in different regions of the country, and to any other circumstances which to the Board may seem relevant.

(2) The Board may fix rates of wages for time work and for piece work.

(3) The decision of the Board fixing rates of wages shall be communicated as soon as practicable to the Central Government.

Publication of decision of Board and its commencement.

10. (1) The decision of the Board shall, within a period of one month from the date of its receipt by the Central Government, be published in such manner as the Central Government thinks fit.

(2) The decision of the Board published under sub-section (1) shall come into operation with effect from such date as may be specified in the decision, and where no date is so specified, it shall come into operation on the date of its publication.

Powers and procedure of Board.

11. Subject to any rules of procedure which may be prescribed, the Board may, for the purpose of fixing rates of wages, exercise the same powers and follow the same procedure as an Industrial Tribunal constituted under the Industrial Disputes Act, 1947, exercises or follows for the purpose of adjudicating an industrial dispute referred to it.

Decision of Board to be binding on all employers.

12. The decision of the Board shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the rate of wages fixed by the Board.

Power of Government to fix interim rates of wages.

13. (1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may, after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rate of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the interim rate of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the decision of the Board comes into operation under sub-section (2) of section 10.

### CHAPTER III

#### APPLICATION OF CERTAIN ACTS TO NEWSPAPER EMPLOYEES

XX of 1946 14. The provisions of the Industrial Employment (Standing Orders) Act, 1946, as in force for the time being, shall apply to every newspaper establishment wherein twenty or more newspaper employees are employed or were employed on any day of the preceding twelve months as if such newspaper establishment were an industrial establishment to which the aforesaid Act has been applied by a notification under sub-section (3) of section 1 thereof, and as if a newspaper employee were a workman within the meaning of that Act. Act XX of 1946 to apply to newspaper establishments. ✓

XIX of 1952 15. The Employees' Provident Funds Act, 1952, as in force for the time being, shall apply to every newspaper establishment in which twenty or more persons are employed on any day, as if such newspaper establishment were a factory to which the aforesaid Act had been applied by a notification of the Central Government under sub-section (3) of section 1 thereof, and as if a newspaper employee were an employee within the meaning of that Act. Act XIX of 1952 to apply to newspaper establishments.

### CHAPTER IV

#### MISCELLANEOUS

✓ 16. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act: Effect of laws and agreements inconsistent with this Act.

Provided that where under any such award, agreement, contract of service or otherwise, a newspaper employee is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the newspaper employee shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude any newspaper employee from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act.

Recovery of  
money due  
from an  
employer.

17. Where any money is due to a newspaper employee from an employer under any of the provisions of this Act, whether by way of compensation, gratuity or wages, the newspaper employee may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any money is so due, it shall issue a certificate for that amount to the collector and the collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

Penalty.

18. (1) If any employer contravenes the provisions of section 6, he shall be punishable with fine which may extend to two hundred rupees.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this section.

(3) No court shall take cognizance of an offence under this section, unless the complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Indemnity.

19. No suit, prosecution or other legal proceeding shall lie against the Chairman or any other member of the Board for any thing which is in good faith done or intended to be done.

Power to  
make rules.

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

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

- (a) payment of gratuity to working journalists;
- (b) hours of work of working journalists;
- (c) holidays, earned leave, leave on medical certificate, casual leave or any other kind of leave admissible to working journalists;
- (d) the procedure to be followed by the Board in fixing rates of wages;

(e) the manner in which the decision of the Board may be published;

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

(3) All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament.

I of 1955.

21. The Working Journalists (Industrial Disputes) Act, 1955. Repeal of Act I of 1955.  
is hereby repealed.

## THE APPROPRIATION (No. 4) ACT, 1955

ACT No. 46 OF 1955

[20th December, 1955]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56.

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

1. This Act may be called the Appropriation (No. 4) Act, 1955. **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 fifteen crores twenty-five lakhs and twelve thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1955-56, in respect of the services specified in column 2 of the Schedule. **Issue of Rs. 15,25,12,000 out of the Consolidated Fund of India for the year 1955-56.**

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.
4	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry	5,00,000	..	5,00,000
9	Aviation	..	8,000	8,000

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.
22	External Affairs . . . .	23,48,000	..	23,48,000
37	Miscellaneous Departments and Other Expenditure under the Ministry of Finance. . . .	..	5,000	5,000
40	Pre-partition Payments . . .	..	21,85,000	21,85,000
46	Ministry of Health . . . .	1,27,000	..	1,27,000
65	Ministry of Irrigation and Power	6,87,000	..	6,87,000
76	Ministry of Natural Resources and Scientific Research . . .	3,50,000	..	3,50,000
82-A	Exploration of Oil and Natural Gas . . . . .	41,76,000	..	41,76,000
85	Ministry of Production . . . .	4,27,000	..	4,27,000
90	Ministry of Rehabilitation . .	2,93,000	..	2,93,000
91	Expenditure on Displaced Per- sons . . . . .	2,85,00,000	..	2,85,00,000
	<i>Charged—Staff Household and Allowances of the President.</i>	..	56,000	56,000
120	Loans and Advances by the Central Government. . . . .	11,28,49,000	..	11,28,49,000
131	Capital Outlay of the Ministry of Production . . . . .	1,000	..	1,000
	TOTAL . . . . .	15,02,58,000	22,54,000	15,25,12,000

## THE APPROPRIATION (No. 5) ACT, 1955

### ACT No. 47 OF 1955

[20th December, 1955]

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, 1951, in excess of the amounts authorised or granted for the said services.

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

Short title.

1. This Act may be called the Appropriation (No. 5) Act, 1955,

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 four crores, thirty-one lakhs and ninety-one thousand rupees shall be deemed to have been 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, 1951, in excess of the amounts authorised or granted for those services for that year.

Issue of Rs. 4,31,91,000 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 1951.

3. The sums deemed to have been paid and applied from and out of the Consolidated Fund of India under this Act shall be appropriated, and 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, 1951.

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3		
		Excess		
		Voted Portion	Charged Portion	Total
		Rs.	Rs.	Rs.
8	Indian Posts and Telegraphs Department	..	13,273	13,273
28-A	Ministry without Portfolio	1,097	..	1,097
40	Botanical Survey	6,384	..	6,384
51	Agriculture	28,30,744	..	28,30,744
54	Salt	28,88,199	..	28,88,199
64	Miscellaneous Departments	23,52,190	..	23,52,190
65	Currency	..	3,158	3,158
69	Other Civil Works	..	42,729	42,729
74	Expenditure on Displaced Persons	6,25,810	..	6,25,810
78	Defence Services Non-effective	..	832	832
80	Miscellaneous Adjustments between the Union and the State Governments	47,864	..	47,864
82	Civil Defence	8,287	..	8,287
83	Pre-partition Payments	58,62,358	32,89,050	91,51,408
89-A	Vindhya Pradesh	2,83,049	..	2,83,049
	Charged—Interest on debt, etc.	..	1,04,40,054	1,04,40,054
	Charged—Union Public Service Commission	..	43,012	43,012

1 No. of Vote	2 Services and purposes	3 Excess		
		Voted Portion	Charged Portion	Total
		Rs.	Rs.	Rs.
96	Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue)	30,79,935	..	30,79,935
97	Indian Posts and Telegraphs—Stores suspenses (Not met from Revenue)	1,13,72,975	..	1,13,72,975
	TOTAL	2,93,58,892	1,38,32,108	4,31,91,000

*Repealed by Act 58 of 1960, s. 2 & sch. I (wef. 26-12-60)*  
**THE INDIAN TARIFF (SECOND AMENDMENT)**  
**ACT, 1955**

**ACT NO. 48 OF 1955**

[24th December, 1955]

An Act further to amend the Indian Tariff Act, 1934.

Short-title  
and com-  
mencement

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

1. (1) This Act may be called the Indian Tariff (Second Amendment) Act, 1955.

(2) The provisions of clause (ii) of section 2 [relating to Item No. 28(15)] shall come into force on the first day of January, 1956; and the remaining provisions shall come into force at once.

Amendment  
of the first  
Schedule.

2. In the First Schedule to the Indian Tariff Act, 1934,—

32 of 1934.

(i) in Items Nos. 28(4), 48(1), 48(4), 48(5), 48(7) and 72(14)(b), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1955", wherever they occur, the word, figures and letters "December 31st, 1958" shall be substituted;

(ii) in Item No. 28(15),—

(a) in the third column, for the word "Protective" wherever it occurs, the word "Revenue" shall be substituted; and

(b) the entries in the last column headed "Duration of protective rates of duty" shall be omitted;

(iii) in Item No. 28(32), in the last column headed "Duration of protective rates of duty", for the word, figures and letters



"December 31st, 1955", wherever they occur, the word, figures and letters "December 31st, 1959" shall be substituted;

(iv) in Item No. 30(14),—

(a) in the entries in the fourth column, for the figures and words "25 1/5 per cent. *ad valorem*" and "35 1/5 per cent. *ad valorem*", the figures and words "34 per cent. *ad valorem*" and "44 per cent. *ad valorem*" shall, respectively, be substituted; and

(b) in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1955", wherever they occur, the word, figures and letters "December 31st, 1957" shall be substituted;

(v) in Item No. 63(33)(b), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1955", the word, figures and letters "December 31st, 1957" shall be substituted;

(vi) in Item No. 70(4), for the entry in the second column, the following entry shall be substituted, namely:—

"Brass unwrought, ingots, billets, cakes, slabs, blooms (excluding scrap), that is to say, ingots, billets, cakes, slabs, blooms (excluding scrap), containing (1) 55 to 74 per cent. of copper, (2) 26 to 42 per cent. of zinc and (3) not more than 3 per cent. of components (including impurities) other than copper and zinc.";

(vii) for Item No. 71(8), the following Item shall be substituted, namely:—

"71(8)	Grinding wheels and segments made of synthetic abrasive grains, excluding the following, namely:—  (i) grinding wheels—  (a) of any thickness or bore but more than 24 inches in diameter, or  (b) of any diameter or bore but more than 9 inches or less than 1/32 inch in thickness; and  (ii) diamond impregnated wheels.	Protective	25 per cent. <i>ad valorem</i> .	..	December 31st, 1957";
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(viii) after Item No. 71(13), the following Item shall be inserted, namely:—

"71(14)	Steel files and rasps (including saw files but excluding jewelers' files, watchmakers' files, other needle files, mill tooth files, rotary power files and ampoule files) of the following sizes, namely:—					
	not less than 4 inches but less than 6 inches.	Protective	Rs. 7 per dozen.	..	..	December 31st, 1959.
	not less than 6 inches but less than 8 inches.	Protective	Rs. 8 per dozen.	..	..	December 31st, 1959.
	not less than 8 inches but less than 10 inches.	Protective	Rs. 11 per dozen.	..	..	December 31st, 1959.
	not less than 10 inches but less than 12 inches.	Protective	Rs. 15 per dozen.	..	..	December 31st, 1959.
	not less than 12 inches but less than 14 inches.	Protective	Rs. 19 per dozen.	..	..	December 31st, 1959.
	not less than 14 inches but less than 16 inches.	Protective	Rs. 26 per dozen.	..	..	December 31st, 1959.
not less than 16 inches but not exceeding 18 inches.	Protective	Rs. 34 per dozen.	..	..	December 31st, 1959."	

(ix) in Item No. 72(3), in the entry in the second column, after the figures and brackets "72(2)", the words "and not otherwise specified" shall be inserted;

(x) for Item No. 72(14)(a), the following Item shall be substituted, namely:—

"72(14)	(a) The following electric motors, namely, Squirrel cage induction motors of a brake-horse-power not exceeding 100 but not less than one-quarter of one brake-horse-power and slip ring motors of a brake-horse-power not exceeding 100 but not less than one brake-horse-power; excluding flame proof motors and variable speed commutator motors.	Protective	15 per cent. <i>ad valorem</i> .	..	..	December 31st, 1958";
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(xi) in Item No. 73(16), in the entry in the second column, after the words "lamp holders", the words "designed for use in circuits of less than ten amperes" shall be inserted;

(xii) in the Note below Item No. 75(3), for the word, figures and brackets "or 75(16)", the word, figures and brackets "75(16) or 75(18)(b)", shall be substituted;

(xiii) after Item No. 75(7), the following Item shall be inserted, namely:—

"75 (7A)	Rollers chains of size $\frac{1}{4} \times \frac{1}{8}$ used as parts and accessories of cycles (other than motor cycles), whether imported cut to length or in rolls—					
	(a) of British manufacture,	Protective	60 per cent. <i>ad valorem.</i>	..	..	December 31st, 1956.
	(b) not of British manufacture:	Protective	70 per cent. <i>ad valorem.</i>	..	..	December 31st, 1956";
	Provided that such chains capable of being used as parts and accessories of motor cycles or in an industrial system shall be deemed to be dutiable at the appropriate rate specified above.					

(xiv) in Item No. 75(12), in the entry in the second column, for the word, figures and brackets "and 75(11)", the figures, brackets, word and letter "75(11), 75(14), 75(15), 75(16) and 75(18)(b)" shall be substituted;

(xv) after Item No. 75(17), the following Item shall be inserted, namely:—

"75(18)	(a) Single cylinder fuel injection pumps for stationary diesel engines, and component parts thereof excluding elements and delivery valves.	Protective	60 per cent. <i>ad valorem.</i>	..	..	December 31st, 1956.
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(b) Nozzleholders with a clamping capacity upto 1 inch clamping diameter for nozzles (atomisers) for use on stationary or automobile diesel-engines, and component parts (excluding nozzles) thereof.	Protective	60 per cent <i>advalorem.</i>	..	..	December 31st, 1956."
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*Repealed by Art 58 of 1960, S 2 + Sch. I (wef. 26-12-60)*

**THE INDIAN TARIFF (THIRD AMENDMENT) ACT,  
1955**

**ACT NO. 49 OF 1955**

[24th December, 1955]

An Act further to amend the Indian Tariff Act, 1934.

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

Short title

1. This Act may be called the Indian Tariff (Third Amendment) Act, 1955.

Amendment  
of the First  
Schedule.

2. (1) In the First Schedule to the Indian Tariff Act, 1934 (here- XXXII of  
inafter referred to as the said Schedule),— 1934.

(i) in Items Nos. 11(2), 11(4), 11(5), 30(9), 30(10), 63(30)  
and 73(15),—

(a) in the third column, for the word "Protective"  
wherever it occurs, the word "Revenue" shall be substituted;  
and

(b) the entries in the last column headed "Duration of  
protective rates of duty" shall be omitted;

(ii) for Item No. 21(3), the following Item shall be substi-  
tuted, namely:—

"21(3)	Glucose, liquid or solid, in which the reducing sugars, expressed as anhydrous dextrose, amount to 80 per cent. or below by weight.	Revenue	30 per cent. <i>advalorem.</i>	..	..	..";
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*Rep Act 58/60*

OF 1955]

Indian Tariff (Third Amendment)

267

(iii) for Item No. 28(18), the following Item shall be substituted, namely:—

"28(18)	The following sodium compounds, namely:—					
	(a) Sodium phosphates.	Preferential Revenue.	36 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>	..
	(b) Sodium sulphite.	Preferential Revenue.	36 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>	..
	(c) Sodium bisulphite.	Preferential Revenue.	36 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>	..
	(d) Sodium thiosulphate.	Preferential Revenue.	36 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>	..";

(iv) for Item No. 63(34), the following Item shall be substituted, namely:—

"63(34)	Iron or steel hoops—					
	(a) Jute baling hoops.	Preferential Revenue.	24 per cent. <i>ad valorem.</i>	12 per cent. <i>ad valorem.</i>	..	..
	(b) Cotton baling hoops.	Preferential Revenue.	24 per cent. <i>ad valorem.</i>	12 per cent. <i>ad valorem.</i>	..	..
	(c) Coir baling hoops.	Preferential Revenue.	24 per cent. <i>ad valorem.</i>	12 per cent. <i>ad valorem.</i>	..	..";

(v) in Items Nos. 64, 64(3), 64(4), 65(a), 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(4), 70(5), 70(6), 70(9), 72(12), 72(35), 72(36), 72(37), 72(39), 73(16), 82(3) and 85(c), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1955", wherever they occur, the word, figures and letters "December 31st, 1956" shall be substituted;

(vi) in Items Nos. 66(a) and 66(1), in the last column headed "Duration of protective rates of duty" for the word, figures and letters "December 31st, 1955", wherever they occur, the word, figures and letters "December 31st, 1958" shall be substituted;

(vii) after Item No. 66(1), the following Item shall be inserted, namely:—

"66(2)	Aluminium scrap	Revenue	25 per cent. <i>ad valorem.</i>	..	..	..";
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(viii) in Item No. 75, in the entry in the second column, for the words "motor vehicles and batteries", the words, figures, brackets and letter "motor vehicles, batteries and articles specified in Item No. 75(12A)" shall be substituted;

(ix) in Item No. 75(2), in the entry in the second column, for the brackets and words "(other than rubber tyres, tubes and batteries)", the brackets, words, figures and letter "[other than rubber tyres and tubes, batteries and articles specified in Items Nos. 75(12A) and 75(16)]" shall be substituted;

(x) in the Note below Item No. 75(3), for the figures and brackets "75(12)", the figures, brackets and letter "75(12), 75(12A)" shall be substituted;

(xi) in Item No. 75(10) (i), in the entry in the second column, for the words and brackets "piston assembly (*viz.*, pistons, piston rings and gudgeon pins)", the words, figures, brackets and letter "piston assembly, pistons, piston rings and gudgeon pins, other than those specified in Item No. 75(12A)" shall be substituted;

(xii) after Item No. 75(12), the following Item shall be inserted, namely:—

75(12A)	<p>The following articles adapted for use as parts and accessories of internal combustion engines of all kinds but excluding such articles as are adapted for use exclusively as parts and accessories of internal combustion engines of agricultural tractors and aeroplanes, namely:—</p> <p>Trunk piston assembly of diameter 6 inches and below, trunk pistons of diameter 6 inches and below, trunk piston rings (excluding chromium plated rings) of diameter 6 inches and below and gudgeon pins for trunk pistons of diameter 6 inches and below.</p>	Protective.	50 per cent. <i>ad valorem.</i>	..	..	December 31st, 1957";
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Rep. Act 5/56

OF 1955]

Prevention of Corruption (Amendment)

269

(xiii) for Item No. 75(16), the following Item shall be substituted, namely:—

"75(16)	<p>The following articles and parts thereof adapted for use as parts and accessories of motor vehicles, but excluding such articles and parts thereof as are adapted for use exclusively as parts and accessories of agricultural tractors, namely :—</p> <p>Sparking plugs of 14 mm. and 18 mm. sizes, including the resistor types but excluding integrally screened types.</p>	Protective.	92½ per cent. ad valorem.	..	..	December 31st, 1960";
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(2) The amendments made in the said Schedule by clauses (i), (ii), (iii) and (iv) of sub-section (1) shall come into force on the first day of January, 1956.

Repealed by Act 58 of 1960, S.24 Sch. I (w.e.f. 26-12-60)

THE PREVENTION OF CORRUPTION (AMENDMENT) ACT, 1955

ACT No. 50 OF 1955

[24th December, 1955]

An Act further to amend the Prevention of Corruption Act, 1947, and to make a consequential amendment in the Criminal Law Amendment Act, 1952.

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

1. (1) This Act may be called the Prevention of Corruption (Amendment) Act, 1955. 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.

11 of 1947\* 2. In section 3 of the Prevention of Corruption Act, 1947 (hereinafter referred to as the principal Act), the words and figures "section 161 or section 165 or" shall be omitted. Amendment of section 3.

3. In section 6 of the principal Act, in sub-section (1), after the words and figures "under section 161", the words and figures "or section 164" shall be inserted. Amendment of section 6.

1-1-56 Vide S.R.O. No. 3812 dt 20.12.55, Gov. of India, Pt. II, Sec. 3, Extraordinary, P. 2563.

Amendment  
of section 6.

4. In section 6 of the Criminal Law Amendment Act, 1952, in clause (a) of sub-section (1), after the words and figures "under section 161", the words and figures "section 162, section 163, section 164," shall be inserted.

XLVI of  
1952.

THE RAILWAY STORES (UNLAWFUL POSSESSION)

ACT, 1955

ACT NO. 51 OF 1955

[24th December, 1955]

An Act to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions.

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

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Railway Stores (Unlawful Possession) Act, 1955.

(2) It extends to the whole of India.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, 'railway stores' means any article—

(a) which is the property of any railway administration; and

(b) which is used or intended to be used in the construction, operation or maintenance of a railway.

Unlawful  
possession  
of railway  
stores.

3. If any person is found, or is proved to have been, in possession of any article of railway stores reasonably suspected of being stolen or unlawfully obtained, and cannot account satisfactorily how he came by the same, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Repeals and  
savings.

4. (1) The Railway Stores (Unlawful Possession) Ordinance, 1944, is hereby repealed.

XIX of 1944.

(2) If, immediately before the commencement of this Act, there is in force in any part B State, to which this Act now extends, any law which corresponds to this Act, that corresponding law also shall, on such commencement, stand repealed.

<sup>1</sup>5th April, 1956 vide Notification No. E. 530 D/1 3 dated 5-4-56 Gazette of India Extraordinary Part II Sec. 1 p-533.

see India Code,  
Vol. VII-A



X of 1897. (3) Section 6 of the General Clauses Act, 1897, shall apply to the repeal by this Act of the Railway Stores (Unlawful Possession) Ordinance, 1944, or of any corresponding law as if the Ordinance or the corresponding law, as the case may be, were an enactment.

THE PREVENTION OF DISQUALIFICATION (PARLIAMENT AND PART C STATES LEGISLATURES) AMENDMENT ACT, 1955

ACT No. 52 OF 1955

[24th December, 1955]

An Act further to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953.

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

1. This Act may be called the Prevention of Disqualification (Parliament and Part C States Legislatures) Amendment Act, 1955.

1 of 1954 2. In section 4 of the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, for the words and figures "31st day of December, 1955", the words and figures "31st day of December, 1957" shall be substituted.

THE DELHI (CONTROL OF BUILDING OPERATIONS) ACT, 1955

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent, commencement and duration.
2. Definitions.
3. The Delhi Development Provisional Authority.
4. Declaration of controlled area.
5. Power to issue directions in respect of controlled areas.
6. Control of development and building operations in controlled areas.
7. Application for permission.

*Repealed by Act 61 of 1957*

*deemed to have repealed*

## SECTIONS

8. Powers of entry on buildings or land.
9. Penalties.
10. Order of demolition of buildings in certain cases.
11. Jurisdiction of courts.
12. Previous sanction of the Authority or officer authorized by it for prosecution.
13. Magistrate's power to impose enhanced penalties.
14. Power to delegate.
15. Orders granting or refusing permission to be final.
16. Protection of action taken in good faith.
17. Effect of provisions of the Act inconsistent with other laws.
18. Savings.
19. Power to make regulations.
20. Repeal of Ordinance 5 of 1955.

THE DELHI (CONTROL OF BUILDING OPERATIONS)  
ACT, 1955

ACT NO. 53 OF 1955

[28th December, 1955]

An Act to provide for the control of building operations in Delhi.

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

Short title,  
extent, com-  
mencement  
and duration.

1. (1) This Act may be called the Delhi (Control of Building Operations) Act, 1955.

(2) It extends to the whole of the ~~State of Delhi~~ <sup>[Union Territory of Delhi]</sup>.

(3) It shall be deemed to have come into force on the 22nd day of October, 1955, and shall cease to have effect on the ~~1st day of January, 1957~~ <sup>[1st day of January, 1958]</sup>, except as respects things done or omitted to be done before such cesser of operation of this Act, and section 6 of the General Clauses Act, 1897, shall apply upon such cesser of operation as if it had then been repealed by a Central Act. X of 1897.

Definitions.

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

(a) 'amenity' includes roads, water supply, street lighting, drainage, sewerage, public parks and any other convenience which the Authority constituted under section 3 may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

↓ Subs. by the A.O. (no. 3), 1956.  
↓ Subs. by Act 98 of 1956, s. 2.

(b) 'building' means any structure or erection or part of a structure or erection which is intended to be used for residential, commercial, industrial or other purposes, whether in actual use or not;

(c) 'controlled area' means any area in respect of which a declaration has been made under section 4;

(d) 'Delhi', except where it occurs in the expression '~~State of Delhi~~', means such area in the ~~State of Delhi~~ as the Central Government may, by notification in the Official Gazette, specify;

↓ [Union Territory of Delhi]

(e) 'development', with its grammatical variations and cognate expressions, means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any buildings or land;

(f) 'prescribed' means prescribed by regulations made under this Act;

(g) 'to erect' in relation to any building has the same meaning as the expression 'to erect or re-erect' in clause (5) of section 3 of the Punjab Municipal Act, 1911.

Punjab Act  
III of 1911.

3. (1) The Central Government shall, as soon as may be after the commencement of this Act, constitute for the purposes of this Act an authority to be called the Delhi Development Provisional Authority (hereafter in this Act referred to as the Authority). The Delhi Development Provisional Authority. ✓

(2) The Authority shall consist of the following members, namely:—

(a) the Chief Commissioner of the ~~State of Delhi~~, *ex-officio*, who shall be the Chairman of the Authority;

↓ [Union Territory of Delhi]

(b) three representatives of the Central Government to be nominated by that Government, one from the Ministry of Finance, one from the Ministry of Health and one from the Ministry of Works, Housing and Supply;

(c) two representatives of the Delhi State Government to be nominated by that Government;

(d) the President of the New Delhi Municipal Committee, *ex-officio*;

(e) the President of the Delhi Municipal Committee, *ex-officio*;

(f) the Chairman of the Delhi Improvement Trust, *ex-officio*;

1005 M. of Law.

↓ Subs. by the A.O. (no: 3), 1956.

35

(g) three members of Parliament, two to be elected by the members of the Lok Sabha from among themselves and one to be elected by the members of the Rajya Sabha from among themselves.

(3) The number of members necessary to form a quorum and the procedure to be followed by the Authority in the conduct of its business shall be such as may be prescribed.

(4) The functions of the Authority may be exercised notwithstanding any vacancy therein.

(5) The Chairman of the Delhi Improvement Trust besides being a member of the Authority shall also be the Secretary thereof; and the Central Government shall provide the Authority with such clerical and other staff as that Government considers necessary.

(6) All action taken by the Authority shall be expressed to be taken in the name of the Authority; and orders and other instruments made and executed in the name of the Authority shall be authenticated in such manner as may be prescribed and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Authority.

Declaration  
of controlled  
area.

4. If, in the opinion of the Authority, any area within Delhi requires to be controlled under this Act with a view to the prevention of bad laying out of land, haphazard erection of buildings or growth of sub-standard colonies or with a view to the development and expansion of Delhi according to proper planning, it may, by notification in the Official Gazette, declare the area to be a controlled area.

Power to  
issue direc-  
tions in res-  
pect of  
controlled  
areas.

5. The Authority may, by notification in the Official Gazette, issue in relation to any controlled area such directions as may be considered necessary regarding any one or more of the following matters, namely :—

(a) the division of any site into plots for the erection of buildings and the manner in which such plots may be allotted to intending purchasers or lessees;

(b) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;

(c) the development of any site into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;

(d) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and the height and character of buildings;

- (e) the alignment of buildings on any site;
- (f) the architectural features of the elevation or frontage of any building to be erected on any site;
- (g) the number of residential buildings which may be erected on any site;
- (h) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom such amenities are to be provided;
- (i) the prohibition or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in any locality;
- (j) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;
- (k) the restrictions regarding the use of any site for purposes other than the erection of buildings;
- (l) any other matter which is necessary for the proper planning of any controlled area and for preventing buildings being erected haphazardly in such area.

6. No person shall undertake or carry out the development of any site in any controlled area or erect any building or make or extend any excavation or lay out any means of access to a road in such area except in accordance with the directions, if any, issued under section 5 and with the previous permission of the Authority in writing.

Control of  
Development  
and building  
operations  
in controlled  
areas.

7. (1) Every person desiring to obtain the permission referred to in section 6 shall make an application in writing to the Authority in such form and containing such information as may be prescribed in respect of the development, building, excavation or means of access to which the application relates.

Application  
for permis-  
sion.

(2) On receipt of such application the Authority, after making such enquiry as it considers necessary in relation to any direction which may have been issued under section 5 or in relation to any other matter, shall, by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission.

(3) Where permission is refused, the grounds of such refusal shall be communicated to the applicant in the prescribed manner.

Powers of  
entry on  
buildings or  
land.

8. The Authority may authorize any person to enter into or upon any site or building with or without assistants or workmen for the purpose of—

(a) making any enquiry, inspection, measurement or survey or taking levels of such site or buildings;

(b) examining works under construction or ascertaining the course of sewers or drains;

(c) ascertaining whether any site is being or has been developed or any building is being or has been erected in contravention of any direction issued under section 5 or without the permission referred to in section 6 or in contravention of any condition subject to which such permission has been granted :

Provided that no entry shall be made except between the hours of sun-rise and sun-set and without giving not less than twenty-four hours written notice to the occupier, or if there be no occupier, to the owner of the building or land.

Penalties.

9. (1) Any person who undertakes or carries out the development of any site or erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of any direction issued under section 5 or without the permission referred to in section 6 or in contravention of any condition subject to which such permission has been granted shall be punishable with fine which may extend to ten thousand rupees and in the case of a continuing offence, with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

(2) Any person who obstructs the entry of a person authorized under section 8 to enter into or upon any building or land or molests such person after such entry shall be punishable with fine which may extend to one thousand rupees.

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

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

(4) Notwithstanding anything contained in sub-section (3), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

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

(b) 'director' in relation to a firm means a partner in the firm.

10. Where the erection of any building has been commenced, or is being carried on, or has been completed in contravention of any direction issued under section 5 or without the permission referred to in section 6 or in contravention of any condition subject to which such permission has been granted, the Authority may, in addition to any prosecution that may be instituted under this Act, make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order the Authority may itself cause the erection to be demolished and the expenses of such demolition shall be recoverable from the owner in the same manner as an arrear of land revenue :

Order of demolition of buildings in certain cases.

Provided that no such order shall be made unless the owner has been given an opportunity of being heard.

11. No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act.

Jurisdiction of courts. ✓

12. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or an officer authorized by the Authority in this behalf.

Previous sanction of the Authority or officer authorized by it for prosecution. ✓

V of 1898. 13. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any court of a magistrate of the first class to pass any sentence authorized by this Act, in excess of its powers under the said section.

Magistrate's power to impose enhanced penalties.

14. The Authority may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised in such cases and subject to such conditions, if any, as may be specified in the notification, by such officer or local authority as may be mentioned therein.

Power to delegate.

Orders granting or refusing permission to be final.

15. Any order made under sub-section (2) of section 7 refusing or granting any permission shall be final and shall not be questioned in any court :

Provided that where the power exercisable under sub-section (2) of section 7 has been delegated to any officer or local authority referred to in section 14, any person aggrieved by an order of such officer may, within thirty days from the date of such order; prefer an appeal to the Authority; and the order of the Authority on appeal shall be final and shall not be questioned in any court.

Protection of action taken in good faith.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the regulations made thereunder.

Effect of provisions of the Act inconsistent with other laws.

17. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Savings.

18. Nothing in this Act shall apply to—

(a) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building ;

(b) the carrying out by any local authority in the ~~State of Delhi~~ or the Delhi Improvement Trust or any Department of the Central Government or of the Delhi State Government of any works for the purpose of inspecting, repairing, or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose ;

(c) the erection of a building, not being a dwelling house if such building is required for the purposes subservient to agriculture ;

(d) the erection of buildings upon land included in the inhabited site of any village as defined in revenue records ;

(e) the erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or *samadhi*, on land which at the commencement of this Act is occupied by or for the purposes of such place of worship, tomb, cenotaph, graveyard or *samadhi* ;

(f) excavations (including wells) made in the ordinary course of agricultural operations ;

(g) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

Power to make regulations.

19. (1) The Authority, with the previous approval of the Central Government, may, by notification in the Official Gazette, make regulations to carry out the purposes of this Act :

[Union territory of Delhi]

Subs. by the A.O. (no. 3), 1956.



Provided that the Central Government may make the first regulations under this section and any regulation so made may be altered or rescinded by the Authority in exercise of the powers conferred by this section.

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

(a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the procedure to be followed by the Authority, the conduct of all business to be transacted by the Authority and the number of members necessary to form a quorum;

(b) the manner of authentication of orders and other instruments of the Authority;

(c) the form in which an application under sub-section (1) of section 7 shall be made and the information to be furnished in such application;

(d) the regulation of the laying out of means of access to roads;

(e) the principles under which applications for permission under this Act may be granted;

(f) the officers or local authorities to whom powers may be delegated under section 14;

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

(3) All regulations made under this Act shall, as soon as may be after they are made, be laid before both Houses of Parliament.

20. The Delhi (Control of Building Operations) Ordinance, 1955, is hereby repealed.

Repeal of  
Ordinance  
5 of 1955.

*Repealed by Act 58 of 1960, S. 2 & Sch. I (w.e.f. 26-12-60)*

**THE INSURANCE (SECOND AMENDMENT) ACT, 1955**

**ACT NO. 54 OF 1955**

[29th December, 1955]

An Act further to amend the Insurance Act, 1938.

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

1. (1) This Act may be called the Insurance (Second Amendment) Act, 1955.

Short title  
and com-  
mencement.

(2) It shall be deemed to have come into force on the first day of November, 1955.

Insertion of  
new section  
52 BB.

2. In the Insurance Act, 1938 (hereinafter referred to as the principal Act), after section 52B, the following section shall be inserted, namely:—

IV of 1938.

Powers of  
Administra-  
tor respect-  
ing property  
liable to  
attachment  
under  
section 106.

"52BB. (1) If the Administrator is satisfied that any person has rendered himself liable to be proceeded against under section 106, he may, pending the institution of proceedings against such person under that section, by order in writing, prohibit him or any other person from transferring or otherwise disposing of any property which, in the opinion of the Administrator, would be liable to attachment in proceedings under that section.

(2) Any person aggrieved by an order made by the Administrator under sub-section (1) may, within fourteen days from the date on which the order is served on him, appeal against such order to the Central Government, and the Central Government may pass such order thereon as it thinks fit.

(3) An order made by the Administrator under sub-section (1) shall, subject to any order made by the Central Government on appeal, be in force for a period of three months from the date of the order unless, before the expiry of the said period, an application is made under sub-section (1) of section 106 to the court competent to exercise jurisdiction under that sub-section, and when such an application is made, the order shall, subject to any order made by that court, continue in force as if it were an order of attachment made by that court in proceedings under that section.

(4) An order made by the Administrator under this section shall,—

(a) in the case of an order affecting a corporation or firm, be served in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908, and

V of 1908.

(b) in the case of an order affecting a person not being a corporation or firm, be served on such person—

(i) personally, by delivering or tendering to him the order, or

(ii) by post, or

(iii) where the person cannot be found, by leaving a copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part

of the premises in which he is known to have last resided or carried on business or personally worked for gain,

and every such order shall also be published in the Official Gazette.

(5) If any question arises whether a person was duly served with an order under sub-section (4), the publication of the order in the Official Gazette shall be conclusive proof that the order was so served, and a failure to comply with the provisions of clause (a) or clause (b) of sub-section (4) shall not affect the validity of the order.

(6) Notwithstanding anything contained in this section, any property in respect of which an order has been made by the Administrator may, with the previous permission of the Administrator and subject to such terms and conditions as he may impose, be transferred or otherwise disposed of.

(7) Notwithstanding anything contained in any other law for the time being in force, the transfer or other disposition of any property in contravention of any order made by the Administrator under this section or of any terms and conditions imposed by him shall be void.

(8) For the purpose of enabling him to form an opinion as to whether any property would be liable to attachment in proceedings under section 106 or for the purpose of enabling him to institute proceedings under that section, the Administrator may require any person to furnish information on such points or matters as, in the opinion of the Administrator, may be relevant for the purpose, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 of the Indian Penal Code.

XLV of 1860.

(9) The Administrator 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:—

V of 1908.

(a) summoning and enforcing the attendance of witnesses and examining them on oath;

(b) requiring the production of documents; and

(c) receiving evidence on affidavits;

and any proceeding before the Administrator under this section shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

XLV of 860.

1005 M of Law

(10) Save as provided in this section or in section 106, and notwithstanding anything contained in any other law for the time being in force,—

(a) no suit or other legal proceeding shall lie in any court to set aside or modify any order of the Administrator or the Central Government made under this section, and

(b) no court shall pass any decree, grant any injunction or make any other order which shall have the effect of nullifying or affecting in any way any such order.”.

Amendment  
of section  
52G.

3. In section 52G of the principal Act, in sub-section (1), for the words and figures “sections 52A to 52C inclusive”, the following shall be substituted, namely:—

“section 52A, section 52B, section 52BB or section 52C”.

Substitution  
of new sec-  
tion for sec-  
tion 106.

4. For section 106 of the principal Act, the following section shall be, and shall be deemed always to have been, substituted, namely:—

Power of  
court to  
order  
restoration  
of property  
of insurer or  
compensa-  
tion in cer-  
tain cases.

“106. (1) If, on the application of the Controller or an Administrator appointed under section 52A or an insurer or any policy-holder or any member of an insurance company or the liquidator of an insurance company (in the event of the insurance company being in liquidation), the court is satisfied—

(a) that any insurer (including in any case where the insurer is an insurance company any person who has taken part in the promotion or formation of the insurance company or any past or present director, managing agent, manager, secretary or liquidator) or any officer, employee or agent of the insurer,—

(i) has misapplied or retained or become liable or become accountable for any money or property of the insurer; or

(ii) has been guilty of any misfeasance or breach of trust in relation to the insurer; or

(b) that any person, whether he is or has been in any way connected with the affairs of the insurer or not, is in wrongful possession of any money or property of the insurer or having any such money or property in his possession wrongfully withholds it or has converted it to any use other than that of the insurer; or

(c) that by reason of any contravention of the provisions of this Act, the amount of the life insurance fund has been diminished;

the court may examine any such insurer, director, managing agent, manager, secretary or liquidator or any such officer, employee or agent of the insurer or such other person, as the case may be, and may compel him to contribute such sums to the assets of the insurer by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the court thinks fit, or to pay such sum as may be found due from him in respect of any money or property of the insurer for which he is liable or accountable or to restore any money or property of the insurer or any part thereof, as the case may be; and where the amount of the life insurance fund has been diminished by reason of any contravention of the provisions of this Act, the court shall have power to assess the sum by which the amount of the fund has been diminished and to order the person guilty of such contravention to contribute to the fund the whole or any part of that sum by way of compensation; and in any of the aforesaid cases the court shall have power to order interest to be paid at such rate and from such time as the court may deem fit.

(2) Without prejudice to the provisions contained in sub-section (1) or sub-section (3), where it is proved that any money or property of an insurer has disappeared or has been lost, the court shall presume that every person in charge of, or having a disposing power over, such money or property at the relevant time (whether a director, manager, principal officer or any other officer) has become accountable for such money or property within the meaning of sub-clause (i) of clause (a) of sub-section (1), and the provisions of that sub-section shall apply accordingly, unless such person proves that the money or property has been utilised or disposed of in the ordinary course of the business of the insurer and for the purpose of that business or that he took all reasonable steps to prevent the disappearance or loss of such money or property or otherwise satisfactorily accounts for such disappearance or loss.

(3) Where the insurer is an insurance company and any of the acts referred to in clauses (a), (b) and (c) of sub-section (1) has been committed by any person, every person who was at the relevant time a director, managing agent, manager, liquidator, secretary or other officer of the insurance company shall, for the purposes of that sub-section, be deemed to be liable for that act in the same manner and to the same extent as the person who has committed the act, unless he proves that the act was committed without his consent or connivance and was not facilitated by any neglect or omission on his part.

(4) Where at any stage of the proceedings against any person under this section (hereinafter referred to as the delinquent), the court is satisfied by affidavit or otherwise—

(a) that a *prima facie* case has been made out against the delinquent; and

(b) that it is just and proper so to do in the interests of the policy-holders of an insurer or of the members of an insurance company,

the court may direct the attachment of—

(i) any property of the insurer in the possession of the delinquent;

(ii) any property of the delinquent which belongs to him or is deemed to belong to him within the meaning of sub-section (5);

(iii) any property transferred by the delinquent within two years before the commencement of proceedings under sub-section (1) or during the pendency of such proceedings, if the court is satisfied by affidavit or otherwise that the transfer was otherwise than in good faith and for consideration.

(5) For the purposes of sub-section (4), the following classes of property shall be deemed to belong to a delinquent,—

(a) any property standing in the name of any person which by reason of the person being connected with the delinquent, whether by way of relationship or otherwise, or on account of any other relevant circumstances appears to belong to the delinquent;

(b) the property of a private company in respect of the affairs of which the delinquent, by himself or through his nominees, relatives, partners or persons interested in any shares of the company is able to exercise or is entitled to acquire control, whether direct or indirect.

*Explanation.*—For the purposes of this section a person shall be deemed to be a nominee of a delinquent, if, whether directly or indirectly, he possesses on behalf of the delinquent, or may be required to exercise on the direction or on behalf of the delinquent, any right or power which is of such a nature as to enable the delinquent to exercise or to entitle the delinquent to acquire control over the company's affairs.

(6) Any claim to any property attached under this section or any objection to such attachment shall be made by an application to the court, and it shall be for the claimant or objector to adduce evidence to show that the property is not liable to attachment under this section, and the court shall proceed to investigate the claim or objection in a summary manner.

(7) When disposing of an application under sub-section (1), the court shall, after giving all persons who appear to it to be interested in any property attached under this section an opportunity of being heard, make such order as it thinks fit respecting the disposal of any such property for the purpose of effectually enforcing any liability under this section, and all such persons shall be deemed to be parties to the proceedings under this section.

(8) In any proceedings under this section the court shall have full power and exclusive jurisdiction to decide all questions of any nature whatsoever arising thereunder and, in particular, with respect to any property attached under this section, and no other court shall have jurisdiction to decide any such question in any suit or other legal proceeding.

(9) In making any order with respect to the disposal of the property of any private company referred to in clause (b) of sub-section (5), the court shall have due regard to the interests of all persons interested in such property other than the delinquent and persons referred to in that clause.

(10) This section shall apply notwithstanding that the act is one for which the person concerned may be criminally liable.

(11) In proceedings under this section the court shall have all the powers which a court has under section 237 of the Indian Companies Act, 1913.

VII of 1913.

(12) This section shall apply in respect of a provident society as defined in Part III as it applies in respect of an insurer.

(13) On and from the commencement of the Insurance (Second Amendment) Act, 1955, the court entitled to exercise jurisdiction under this section shall be the High Court within whose jurisdiction the registered office of the insurer is situate (hereinafter referred to as the High Court) and any proceedings under this section pending at such commencement in any court other than the High Court shall, on such commencement, stand transferred to the High Court.

(14) The High Court may make rules providing for—

(a) the manner in which enquiries and proceedings may be held under this section;

(b) any other matter for which provision has to be made for enabling the High Court to effectively exercise its jurisdiction under this section.”

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<sup>1</sup>See now the Companies Act, 1956 (1 of 1956).

Amendment  
of section  
107.

5. In section 107 of the principal Act, in sub-section (1),—

(a) after the words “the Controller”, the words and figures “or an Administrator appointed under section 52A” shall be inserted;

(b) for the words, brackets and figures “any director, manager or other officer of an insurer or any person who is liable under sub-section (2) of section 41”, the words, brackets and figures “any director, managing agent, manager, secretary or other officer of an insurer or any liquidator or any employee or agent of an insurer or any person who is liable under sub-section (2) of section 41 or any other person” shall be substituted.

Repeal of  
Ordinance 6  
of 1955.

6. The Insurance (Amendment) Ordinance, 1955, is hereby repealed.

*Repealed by Act 58 of 1969 S. 2 & Sch. I (w.e.f. 26-12-60)*

THE PRESS AND REGISTRATION OF BOOKS (AMENDMENT) ACT, 1955

ACT No. 55 OF 1955

[29th December, 1955]

An Act further to amend the Press and Registration of Books Act, 1867.

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

Short title  
and com-  
mencement.

1. (1) This Act may be called the Press and Registration of Books (Amendment) Act, 1955.

(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 of the Press and Registration of Books Act, 1867 (hereinafter referred to as the principal Act), after the word “books” occurring in both the places, the words “and newspapers” shall be inserted.

Amendment  
of preamble.

3. In the preamble to the principal Act, for the words “every book printed or lithographed in India and for the registration of such books”, the words “every book and newspaper printed in India and for the registration of such books and newspapers” shall be substituted.

Amendment  
of section 1.

4. In section 1 of the principal Act,—

(a) in the definition of “book”, the words “or lithographed” shall be omitted;

*↳ 1-7-1956, vide notfn. no. SRO. 1413-A, dt. 22-6-1956, Gazette of India, Pt. II, Sec. 3, ¶ 1442.*



(b) after the definition of "newspaper", the following definitions shall be inserted, namely:—

"paper" means any document, including a newspaper, other than a book;

"prescribed" means prescribed by rules made by the Central Government under section 20A;

"Press Registrar" means the Registrar of newspapers for India appointed by the Central Government under section 19A and includes any other person appointed by the Central Government to perform all or any of the functions of the Press Registrar;

"printing" includes cyclostyling and printing by lithography;

"Register" means the Register of newspapers maintained under section 19B.

5. Section 4 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:— Amendment of section 4.

"(2) As often as the place where a press is kept is changed, a new declaration shall be necessary:

Provided that where the change is for a period not exceeding sixty days and the place where the press is kept after the change is within the local jurisdiction of the Magistrate referred to in sub-section (1), no new declaration shall be necessary if—

(a) a statement relating to the change is furnished to the said Magistrate within twenty-four hours thereof; and

(b) the keeper of the press continues to be the same."

6. In section 5 of the principal Act,—

Amendment of section 5.

(a) in the declaration contained in rule (2), for the words "and printed or published, or printed and published", the words "and to be printed or published, or to be printed and published" shall be substituted;

(b) after rule (2), the following rule shall be inserted, namely:—

"(2A) Every declaration under rule (2) shall specify the title of the newspaper, the language in which it is to be published and the periodicity of its publication and shall contain such other particulars as may be prescribed.";

(c) to rule (3), the following proviso shall be added, namely:—

“Provided that where the change is for a period not exceeding thirty days and the place of printing or publication after the change is within the local jurisdiction of the Magistrate referred to in rule (2), no new declaration shall be necessary if—

(a) a statement relating to the change is furnished to the said Magistrate within twenty-four hours thereof; and

(b) the printer or publisher or the printer and publisher of the newspaper continues to be the same.”;

(d) in rule (4), for the words “shall leave India”, the words “shall leave India for a period exceeding thirty days” shall be substituted;

(e) after rule (4) and before the proviso, the following rules shall be inserted, namely:—

“(5) Every declaration made in respect of a newspaper shall be void, where the newspaper does not commence publication—

(a) within six weeks of the declaration, in the case of a newspaper to be published once a week or oftener; and

(b) within three months of the declaration, in the case of any other newspaper; and in every such case, a new declaration shall be necessary before the newspaper can be published.

(6) Where, in any period of three months, any daily, tri-weekly, bi-weekly, weekly or fortnightly newspaper publishes issues the number of which is less than half of what should have been published in accordance with the declaration made in respect thereof, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued.

(7) Where any other newspaper has ceased publication for a period exceeding twelve months, every declaration made in respect thereof shall cease to have effect, and a new declaration shall be necessary before the newspaper can be re-published.

(8) Every existing declaration in respect of a newspaper shall be cancelled by the Magistrate before whom a new declaration is made and subscribed in respect of the same.”.

7. In section 6 of the principal Act,—

Amendment  
of section 6.

(a) after the first paragraph, the following proviso shall be inserted, namely:—

“Provided that where any declaration is made and subscribed under section 5 in respect of a newspaper, the declaration shall not, save in the case of newspapers owned by the same person, be so authenticated unless the Magistrate is satisfied from such inquiry as he thinks fit to make from the Press Registrar or otherwise that the newspaper proposed to be published does not bear a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the same State.”;

(b) after the third paragraph, the following paragraph shall be inserted, namely:—

“A copy of the declaration attested by the official seal of the Magistrate shall be forwarded to the Press Registrar.”.

8. In section 8 of the principal Act,—

Amendment  
of section 8.

(a) for the first paragraph, the following paragraph shall be substituted, namely:—

“If any person has subscribed to any declaration in respect of a newspaper under section 5 and the declaration has been authenticated by a Magistrate under section 6 and subsequently that person ceases to be the printer or publisher of the newspaper mentioned in such declaration, he shall appear before any District, Presidency or Sub-divisional Magistrate, and make and subscribe in duplicate the following declaration:—

‘I, A.B., declare that I have ceased to be the printer or publisher or printer and publisher of the newspaper entitled———’.”;

(b) after the fourth paragraph, the following paragraph shall be inserted, namely:—

“A copy of the latter declaration attested by the official seal of the Magistrate shall be forwarded to the Press Registrar.”

9. In section 9 of the principal Act, the words “or lithographed” wherever they occur shall be omitted

Amendment  
of section 9.

10. After section 11A of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
11B.

“11B. Subject to any rules that may be made under this Act, the publisher of every newspaper in India shall deliver free of expense to the Press Registrar one copy of each issue of such newspaper as soon as it is published.”.

Copies of  
newspapers  
to be delivered  
to Press  
Registrar.

**Amendment of section 13.** 11. In section 13 of the principal Act, for the words "without making such a declaration as is required by section 4 of this Act", the words "in contravention of any of the provisions contained in section 4 of this Act" shall be substituted.

**Amendment of section 14.** 12. In section 14 of the principal Act, for the words "any declaration", the words "any declaration or other statement" shall be substituted.

**Insertion of new section 15A.** 13. After section 15 of the principal Act, the following section shall be inserted, namely:—

**Penalty for failure to make a declaration under section 8.**

"15A. If any person who has ceased to be a printer or publisher of any newspaper fails or neglects to make a declaration in compliance with section 8, he shall, on conviction before a Magistrate, be punishable by fine not exceeding two hundred rupees."

**Insertion of new section 16B.** 14. After section 16A of the principal Act, the following section shall be inserted, namely:—

**Penalty for failure to supply copies of newspapers to Press Registrar.**

"16B. If any publisher of any newspaper published in India neglects to deliver copies of the same in compliance with section 11B, he shall, on the complaint of the Press Registrar, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, by fine which may extend to fifty rupees for every default."

**Amendment of section 18.** 15. In section 18 of the principal Act, in item (12) of the particulars, for the words "or lithographed", the words "cyclostyled or lithographed" shall be substituted.

**Insertion of new Part VA.** 16. After Part V of the principal Act, the following Part shall be inserted, namely:—

#### "PART VA

##### REGISTRATION OF NEWSPAPERS

**Appointment of Press Registrar and other officers.**

19A. The Central Government may appoint a Registrar of newspapers for India and such other officers under the general superintendence and control of the Press Registrar as may be necessary for the purpose of performing the functions assigned to them by or under this Act, and may by general or special order, provide for the distribution or allocation of functions to be performed by them under this Act.

**Register of newspapers.**

19B. (1) The Press Registrar shall maintain in the prescribed manner a Register of newspapers.

(2) The Register shall, as far as may be practicable, contain the following particulars about every newspaper published in India, namely:—

- (a) the title of the newspaper;
- (b) the language in which the newspaper is published;

- (c) periodicity of the publication of the newspaper;
- (d) the name of the editor, printer and publisher of the newspaper;
- (e) the place of printing and publication;
- (f) the average number of pages per week;
- (g) the number of days of publication in the year;
- (h) the average number of copies printed, the average number of copies sold to the public and the average number of copies distributed free to the public, the average being calculated with reference to such period as may be prescribed;
- (i) retail selling price per copy;
- (j) the names and addresses of the owners of the newspaper and such other particulars relating to ownership as may be prescribed;
- (k) any other particulars which may be prescribed.

(3) On receiving information from time to time about the aforesaid particulars, the Press Registrar shall cause relevant entries to be made in the register and may make such necessary alterations or corrections therein as may be required for keeping the register up-to-date.

19C. On receiving from the Magistrate under section 6 a copy of the declaration in respect of a newspaper, the Press Registrar shall cause relevant entries to be made in the register in respect of the newspaper and shall, as soon as practicable thereafter, issue a certificate of registration in respect of that newspaper to the publisher thereof.

Certificates of registration.

19D. It shall be the duty of the publisher of every newspaper—

Annual statement, etc., to be furnished by newspapers.

(a) to furnish to the Press Registrar an annual statement in respect of the newspaper at such time and containing such of the particulars referred to in sub-section (2) of section 19B as may be prescribed;

(b) to publish in the newspaper at such times and such of the particulars relating to the newspaper referred to in sub-section (2) of section 19B as may be specified in this behalf by the Press Registrar.

19E. The publisher of every newspaper shall furnish to the Press Registrar such returns, statistics and other information with respect to any of the particulars referred to in sub-section (2) of section 19B as the Press Registrar may from time to time require.

Returns and reports to be furnished by newspapers.

Right of access to records and documents.

19F. The Press Registrar or any gazetted officer authorized by him in writing in this behalf shall, for the purpose of the collection of any information relating to a newspaper under this Act, have access to any relevant record or document relating to the newspaper in the possession of the publisher thereof, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of the relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

Annual report.

19G. The Press Registrar shall prepare, in such form and at such time each year as may be prescribed, an annual report containing a summary of the information obtained by him during the previous year in respect of the newspapers in India and giving an account of the working of such newspapers, and copies thereof shall be forwarded to the Central Government.

Furnishing of copies of extracts from register.

19H. On the application of any person for the supply of the copy of any extract from the register and on payment of such fee as may be prescribed, the Press Registrar shall furnish such copy to the applicant in such form and manner as may be prescribed.

Delegation of powers.

19I. Subject to the provisions of this Act and regulations made thereunder, the Press Registrar may delegate all or any of his powers under this Act to any officer subordinate to him.

Press Registrar and other officers to be public servants.

19J. The Press Registrar and all officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860

Penalty for contravention of section 19D or section 19E, etc.

19K. If the publisher of any newspaper—

(a) refuses or neglects to comply with the provisions of section 19D or section 19E; or

(b) furnishes or causes to be furnished to the Press Registrar any annual statement, returns, statistics or other information which he has reason to believe to be false; or

(c) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,

he shall be punishable with fine which may extend to five hundred rupees.

Penalty for improper disclosure of information.

19L. If any person engaged in connection with the collection of information under this Act wilfully discloses any information or the contents of any return given or furnished under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, he shall be punishable with XLV of 1860.

imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”.

17. In section 20 of the principal Act, after the words “make such rules”, the words and figures “not inconsistent with the rules made by the Central Government under section 20A” shall be inserted. Amendment of section 20.

18. After section 20 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 20A.

“20A. (1) The Central Government may, by notification in the Official Gazette, make rules— Power of Central Government to make rules.

(a) prescribing the particulars which a declaration made and subscribed under section 5 may contain;

(b) prescribing the manner in which copies of any declaration attested by the official seal of a Magistrate may be forwarded to the Press Registrar;

(c) prescribing the manner in which copies of any newspaper may be sent to the Press Registrar under section 11B;

(d) prescribing the manner in which a register may be maintained under section 19B and the particulars which it may contain;

(e) prescribing the particulars which an annual statement to be furnished by the publisher of a newspaper to the Press Registrar may contain;

(f) prescribing the form and manner in which an annual statement under clause (a) of section 19D, or any returns, statistics or other information under section 19E, may be furnished to the Press Registrar;

(g) prescribing the fees for furnishing copies of extracts from the register and the manner in which such copies may be furnished;

(h) prescribing the manner in which a certificate of registration may be issued in respect of a newspaper;

(i) prescribing the form in which, and the time within which, annual reports may be prepared by the Press Registrar and forwarded to the Central Government.

(2) All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament.”.

19. After section 21 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 22

“22. This Act extends to the whole of India except the State of Jammu and Kashmir.”. Extent.

**THE MANIPUR (COURTS) ACT, 1955****ARRANGEMENT OF SECTIONS****CHAPTER I****PRELIMINARY****SECTIONS**

1. Short title, extent and commencement.
2. Definitions.

**CHAPTER II****COURT OF THE JUDICIAL COMMISSIONER**

3. Establishment of the Court of the Judicial Commissioner.
4. Appointment of Judicial Commissioner and Additional Judicial Commissioner.
5. Casual vacancy in the office of the Judicial Commissioner.
6. Rank, precedence and responsibility of Judicial Commissioner.
7. Exercising of jurisdiction by Judicial Commissioner and Additional Judicial Commissioner.
8. Civil and criminal jurisdiction of the Court of the Judicial Commissioner.
9. Registrar and ministerial officers of the Court of the Judicial Commissioner.
10. Superintendence and control of subordinate court.
11. Registers, books, accounts and statements to be kept by the Judicial Commissioner.
12. Procedure of the Court of the Judicial Commissioner.
13. Admission and removal of advocates, vakils and pleaders.
14. Court of the Judicial Commissioner to be a court of record.
15. Place of sitting of the Court of the Judicial Commissioner.

**CHAPTER III****SUBORDINATE COURTS**

16. Classes of subordinate civil courts.
17. Civil districts and district judges.
18. Additional district judges.
19. Subordinate judges and munsiffs.



## SECTIONS

20. District court to be principal civil court of original jurisdiction.
21. Original jurisdiction of district courts.
22. Original jurisdiction of courts of subordinate judges and munsiffs.
23. Local limits of the jurisdiction of courts of subordinate judges and munsiffs.
24. Small causes jurisdiction of subordinate judges and munsiffs.
25. Exercise by subordinate judges and munsiffs of jurisdiction of district courts in certain proceedings.
26. Place of sittings of courts.
27. Administrative control of courts.
28. District Judge's power to distribute business.
29. Seals of courts.
30. Ministerial officers of the courts.
31. Delegation of powers of district judges and district courts in certain cases.
32. Appeals from original decrees.
33. Appeals from appellate decrees.
34. Revisional powers of the Court of the Judicial Commissioner.
35. Court fees payable on applications for revision.
36. Temporary vacancy in the office of district judge.
37. Delegation of powers of district judges.
38. Temporary vacancy in the office of a subordinate judge or munsiff.

## CHAPTER IV

## SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

39. Power to confer powers of civil courts on officers in Hill Areas and procedure before the courts of such officers.
40. Power of the Judicial Commissioner to make rules.
41. Presiding officers of courts not to try suits and cases in which they are interested.
42. Certain decisions to be according to custom or personal law.
43. Holidays.
44. Pending proceedings.
45. Repeals and savings.
46. Declaration of the Judicial Commissioner's Court as a High Court for certain purposes.

## THE MANIPUR (COURTS) ACT, 1955

ACT No. 56 OF 1955

[30th December, 1955]

An Act to provide for the establishment of a Judicial Commissioner's Court and other Courts in Manipur.

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

## CHAPTER I

## PRELIMINARY

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Manipur (Courts) Act, 1955.

(2) It extends to the whole of the ~~State of Manipur~~ <sup>If Union territory of Manipur</sup>.

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

Definitions.

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

(i) "Chief Commissioner" means the Chief Commissioner of Manipur;

(ii) "civil suit" includes every suit of a civil nature not expressly or impliedly classed otherwise by any law for the time being in force;

(iii) "district court" means the court of the district judge and includes the court of the additional district judge;

If Union  
territory  
of Manipur

(iv) "hill areas" mean such areas in the hill tracts of the ~~State of Manipur~~ as the Chief Commissioner may, by notification in the Official Gazette, declare to be hill areas;

(v) "small cause suit" means a suit of the nature cognizable by a court of small causes under the Provincial Small Cause Courts Act, 1887;

IX of 1887.

(vi) "value" in relation to a suit means the amount or value of the subject-matter of the suit.

## CHAPTER II

## COURT OF THE JUDICIAL COMMISSIONER

Establish-  
ment of the  
Court of the  
Judicial  
Commis-  
sioner.

3. There shall be established for the ~~State of Manipur~~ <sup>If Union territory of Manipur</sup> a court to be known as the Court of the Judicial Commissioner for Manipur which shall consist of the Judicial Commissioner and the Additional Judicial Commissioner, if any.

1-3-1956, vide ~~no~~ Chief Commissioner, Manipur's notifica-  
no. J/12/56, dt. 3-2-1956.  
Subs. by the A.D. (no. 3) 1956.

4. (1) The Judicial Commissioner and the Additional Judicial Commissioner, if any, shall be appointed by, and shall hold office during the pleasure of, the President. Appointment of Judicial Commissioner and Additional Judicial Commissioner.

(2) A person shall not be appointed as Judicial Commissioner or Additional Judicial Commissioner unless he is qualified to be appointed as a Judge of a High Court under clause (2) of article 217 of the Constitution or unless he was, immediately before the commencement of this Act, the Judicial Commissioner of Manipur.

5. On the occurrence of a vacancy in the office of the Judicial Commissioner, the Additional Judicial Commissioner, if any, or if there is no Additional Judicial Commissioner, the senior-most district judge shall, pending the appointment of the Judicial Commissioner, act as the Judicial Commissioner. Casual vacancy in the office of the Judicial Commissioner.

6. The Judicial Commissioner shall have rank and precedence before the Additional Judicial Commissioner and shall be responsible for the administration of, and generally for the distribution of business in, the Court of the Judicial Commissioner. Rank, precedence and responsibility of Judicial Commissioner.

7. Subject to such orders as the Judicial Commissioner may make as regards the distribution of business between himself and the Additional Judicial Commissioner, the jurisdiction of the Court of the Judicial Commissioner may be exercised by the Judicial Commissioner or by the Additional Judicial Commissioner. Exercise of jurisdiction by Judicial Commissioner and Additional Judicial Commissioner.

8. Save as otherwise provided by this Act or any other law for the time being in force, the Court of the Judicial Commissioner shall, with reference to any civil or criminal proceeding under any law for the time being in force in the State of Manipur, be the highest court of appeal, revision or reference. Civil and criminal jurisdiction of the Court of the Judicial Commissioner.

*[Union territory of Manipur]*

9. (1) The Judicial Commissioner may appoint a Registrar and such other ministerial officers as may be necessary for the administration of justice by the Court of the Judicial Commissioner and for the exercise of the powers and the performance of the duties conferred or imposed on the Court by or under this Act or any other law for the time being in force. Registrar and ministerial officers of the Court of the Judicial Commissioner.

(2) The Judicial Commissioner may make rules for delegating to the Registrar such powers and duties of a judicial, quasi-judicial or non-judicial nature as he thinks fit; and the ministerial officers shall exercise such powers and perform such duties of a quasi-judicial or non-judicial nature as the Judicial Commissioner may direct. [Union territory of Manipur]

10. (1) The general superintendence and control of all courts in the State of Manipur shall vest in, and all such courts shall be subordinate to, the Court of the Judicial Commissioner. Superintendence and control of subordinate courts.

(2) In exercise of the powers of general superintendence and control vested in it but without prejudice to the generality of such powers, the Court of the Judicial Commissioner may,—

(a) call for returns from such courts;

(b) direct the transfer of any suit, proceeding, case or appeal from any subordinate court to any other court of equal or superior jurisdiction;

(c) make rules and issue general directions and prescribe forms for regulating practice and procedure of subordinate courts;

(d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

Registers, books, accounts and statements to be kept by the Judicial Commissioner.

11. (1) The Court of the Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court and shall forward to the Chief Commissioner such of these registers, books and accounts and such statements of the work done in the Court as may, from time to time, be required by the Chief Commissioner.

(2) The Court of the Judicial Commissioner shall also comply with such requisitions as may be made by the Central Government or the Chief Commissioner for certified copies of, or extracts from, the records of the Court of the Judicial Commissioner or any court subordinate thereto.

Procedure of the Court of the Judicial Commissioner.

12. Notwithstanding anything contained in the Code of Civil Procedure, 1908, or the Code of Criminal Procedure, 1898, the Court of the Judicial Commissioner shall record evidence and judgments in such manner and prescribe such forms to be used in proceedings before it, as it may direct by rules made by it with the sanction of the Chief Commissioner. V of 1908.  
V of 1898.

Admission and removal of advocates, vakils and pleaders.

13. (1) The Court of the Judicial Commissioner may, subject to such rules as it may with the sanction of the Chief Commissioner make, admit proper persons to be advocates, vakils and pleaders in any court in the State of Manipur and may remove or suspend from practice on reasonable cause any person so admitted and may authorize such advocates, vakils and pleaders to plead or to act or to plead and act for parties and accused persons. ✓

↓ [Union territories of Manipur]

(2) No person other than an advocate, vakil or pleader shall be allowed to plead or to act for parties and accused persons except that any party may appear, plead or act on his own behalf or on behalf of another party if so authorized.

Court of the Judicial Commissioner to be a court of record.

14. The Court of the Judicial Commissioner shall be a court of record and shall have all powers of such court including the power to punish for contempt of itself.

↓ Subs. by the A.O. (no. 3) 1956.

15. The Court of the Judicial Commissioner shall sit at Imphal or at such other place or places, if any, as the Judicial Commissioner may, with the approval of the Chief Commissioner, from time to time, appoint.

Place of sitting of the Court of the Judicial Commissioner.

### CHAPTER III

#### SUBORDINATE COURTS

IX of 1887. 16. In addition to the Court of the Judicial Commissioner and the courts of small causes established under the Provincial Small Cause Courts Act, 1887, and the courts established under any other law for the time being in force, there shall be the following classes of civil courts in the State of Manipur, namely:— [Union territory of Manipur]

Classes of subordinate civil courts.

- (i) the district court;
- (ii) the court of a subordinate judge;
- (iii) the court of a munsiff:

Provided that the court of a subordinate judge shall be established only with effect from such date as the Chief Commissioner may, by notification in the Official Gazette, specify.

[Union territory of Manipur]

17. (1) For the purposes of this Chapter, the Chief Commissioner may, by notification in the Official Gazette, divide the State of Manipur into civil districts and sub-divisions, alter the limits or the number of these districts and sub-divisions and determine the headquarters of each district and sub-division.

Civil districts and district judges.

(2) The Chief Commissioner shall, after consultation with the Judicial Commissioner, appoint as many persons as he thinks necessary to be district judges and shall post one of these persons to each district as district judge of that district:

Provided that the same person may, if the Chief Commissioner thinks fit, be appointed to be district judge of two or more districts.

18. (1) When the business pending before the court of a district judge requires the aid of an additional district judge for its speedy disposal, the Chief Commissioner may, after consultation with the Judicial Commissioner, appoint such number of additional district judges as may be necessary.

Additional district judges.

(2) The additional district judges so appointed shall discharge any of the functions of a district judge which the district judge may assign to them and in the discharge of those functions they shall exercise the same powers as the district judge.

19. (1) The Chief Commissioner may, after consultation with the Judicial Commissioner, fix the number of subordinate judges and munsiffs to be appointed and if there is a vacancy in that number,

Subordinate judges and munsiffs.

& Subs. by the A.O. (no:3), 1956.

may, subject to the rules, if any, made under sub-section (2), appoint such person as is nominated by the Judicial Commissioner to the vacancy.

(2) The Chief Commissioner may, after consultation with the Judicial Commissioner, make rules as to the qualifications of persons to be appointed as subordinate judges and munsiffs.

District court to be principal civil court of original jurisdiction.

20. The district court shall be the principal civil court of original jurisdiction in the district.

Original jurisdiction of district courts.

21. Save as otherwise provided by any other law for the time being in force, the district court, shall, subject to the provisions of section 15 of the Code of Civil Procedure, 1908, have original jurisdiction in all civil suits without limit as regards the value.

V of 1908.

Original jurisdiction of courts of subordinate judges and munsiffs.

22. The jurisdiction in original civil suits as regards the value to be exercised by a subordinate judge or a munsiff shall be determined by the Chief Commissioner in such manner as he thinks fit, after consultation with the Judicial Commissioner:

Provided that in no case shall the jurisdiction of a munsiff be without limit.

Local limits of the jurisdiction of courts of subordinate judges and munsiffs.

23. (1) The local limits of the jurisdiction of the court of a subordinate judge or a munsiff shall be such as the Chief Commissioner may, by notification in the Official Gazette, define.

(2) When the Chief Commissioner posts a subordinate judge to a district, the local limits of the district shall, in the absence of any direction to the contrary, be the local limits of his jurisdiction.

Small causes jurisdiction of subordinate judges and munsiffs.

24. The Judicial Commissioner may, by notification in the Official Gazette, confer within such local limits as he thinks fit, upon any district judge, subordinate judge or munsiff, the jurisdiction of a judge of the court of small causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits of the nature cognizable by such courts upto such value not exceeding five hundred rupees, as he thinks fit and may withdraw any jurisdiction so conferred.

IX of 1887.

Exercise by subordinate judges and munsiffs of jurisdiction of district courts in certain proceedings.

25. (1) The Judicial Commissioner may, by general or special order, authorize any subordinate judge or munsiff to take cognizance of, or any district judge to transfer to a subordinate judge or a munsiff under his administrative control, any proceeding or class of proceedings specified in such order; under—

- (a) the Indian Succession Act, 1925; or
- (b) the Guardians and Wards Act, 1890; or
- (c) the Provincial Insolvency Act, 1920.

XXXIX  
1925.

VIII of 1890.

V of 1920.

(2) The district judge may withdraw any such proceeding taken cognizance of by, or transferred to, a subordinate judge or a munsiff.

and may either himself dispose of them or transfer it for disposal to any other competent court under his administrative control.

(3) Proceedings taken cognizance of by, or transferred to, a subordinate judge or a munsiff under this section shall be disposed of by him subject to the rules applicable to like proceedings when disposed of by the district judge:

Provided that an appeal from an order of the munsiff in any such proceedings shall lie to the district judge.

(4) An appeal from the order of the district judge on appeal from the order of a munsiff under this section shall lie to the Court of the Judicial Commissioner if a further appeal from the order of the district judge is allowed by the law for the time being in force.

26. (1) The Chief Commissioner may, by order, fix a place or places at which any court constituted under this Chapter is to be held. Place of sittings of courts.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the court.

(3) Save as otherwise provided by an order under this section, a court constituted under this Act may be held at any place within the local limits of its jurisdiction.

27. Subject to the general superintendence and control of the Court of the Judicial Commissioner, the district judge shall have administrative control over all the civil courts under this Chapter within the local limits of his jurisdiction. Administrative control of courts.

V of 1908. 28. Notwithstanding anything contained in the Code of Civil Procedure, 1908, the district judge may, by written order, direct that any business cognizable by his court and the courts under his control shall be distributed among such courts, and in such manner, as he thinks fit: District judge's power to distribute business.

Provided that no direction issued under this section shall empower any court to exercise any power and deal with any business beyond the limits of its jurisdiction.

29. Every court under this Chapter shall use a seal of such form and dimension as are prescribed by the Chief Commissioner. Seals of courts.

30. (1) Ministerial officers of the district court shall be appointed by the district judge. Ministerial officers of the courts.

(2) Ministerial officers of civil courts under the administrative control of the district judge shall be appointed by the district judge.

(3) Every appointment under this section shall be subject to such rules as the Judicial Commissioner may make in this behalf.

(4) Any order passed by the district judge under this section shall be liable to be reversed or modified by the Judicial Commissioner.

Delegation of powers of district judges and district courts in certain cases.

31. The district judge may, with the previous sanction of the Judicial Commissioner, delegate to the judge of any court under his administrative control all or any of the powers conferred on a district judge by section 27 and section 28 of this Act and on a district court by section 24 of the Code of Civil Procedure, 1908, V of 1908. to be exercised by the judge in any specified portion of the district subject to the control of the district judge.

Appeals from original decrees.

32. Save as otherwise provided by any law for the time being in force, appeals from decrees or orders of courts exercising original jurisdiction shall lie as follows:—

(a) from a decree or order of a munsiff in any suit and of a subordinate judge in a suit the value of which does not exceed five thousand rupees, to the court of the district judge; and

(b) in all other cases, to the court of the Judicial Commissioner.

Appeals from appellate decrees.

33. A second appeal shall lie to the court of the Judicial Commissioner from an appellate decree or order of a district court on any ground on which a second appeal lies under section 100 of the Code of Civil Procedure, 1908.

Revisional powers of the Court of the Judicial Commissioner.

34. In addition to the powers conferred by section 115 of the Code of Civil Procedure, 1908, the Court of the Judicial Commissioner may, on application made to it, call for the record of any case which has been decided by a civil court subordinate to it and in which no appeal lies to it and if the Court of the Judicial Commissioner is of opinion that there is an important question of law or custom and the question requires further consideration, the Court of the Judicial Commissioner may make such order in the case as it thinks fit:

Provided that—

(i) no application shall be admitted after the expiration of ninety days from the date of the decision in respect of which the application is made unless the applicant satisfies the Court of the Judicial Commissioner that he had sufficient cause for not making application within that period;

(ii) on any such application the Court of the Judicial Commissioner shall not revise the decision of the court below except in so far as such decision involves a question of law or custom in respect of which the application has been admitted; and

(iii) when any such application has been admitted the Court of the Judicial Commissioner shall, subject to clause (ii) of this proviso, treat the matter of the application as if it were an appeal.



*Explanation 1.*—The question of procedure is not a question of law or custom within the meaning of this section.

*Explanation 2.*—In computing the period of limitation mentioned in clause (i) of this proviso and in all other respects not herein specified, the period of limitation of the application shall be governed by the provisions of the Indian Limitation Act, 1908.

35. (1) The court fees payable on applications to the Court of the Judicial Commissioner for the exercise of its jurisdiction under section 34 shall be such as are prescribed by the Chief Commissioner in consultation with the Judicial Commissioner.

Court fees payable on applications for revision.

(2) If the Court of the Judicial Commissioner, on an application in respect of which the court fee payable under sub-section (1) has been paid, sets aside or modifies a decree or order of the court below or remands the case for further decision, the Court of the Judicial Commissioner may grant to the applicant a certificate authorizing him to receive back from the Collector of the district in which the court below is situated or from such other officer as the Chief Commissioner may authorise by notification in the Official Gazette, the full amount of such court fee or such part thereof as the Court of the Judicial Commissioner having regard to the circumstances of the case may think fit.

36. In the event of death of a district judge or of his being prevented from performing his duties by illness or other cause or of his absence from the civil district on leave, the additional district judge, if any, in the district or where there is no additional district judge, the senior-most subordinate judge, or as the case may be, the senior-most munsiff in the district shall assume charge of the district court without interruption of his ordinary jurisdiction and being so in charge shall perform the duties of the district judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated as the additional district judge or the subordinate judge or the munsiff, as the case may be, in charge of the district and shall continue in such charge until the office of the district judge has been resumed by him or assumed by an officer duly appointed thereto.

Temporary vacancy in the office of district judge.

37. Any district judge leaving headquarters and proceeding on duty to any place in the district may delegate to the additional district judge, if any, or where there is no such additional district judge, to a subordinate judge or, as the case may be, to a munsiff at the headquarters, the power of performing such duties enumerated in section 36 as may be emergent and such officer shall be designated as the additional district judge or the subordinate judge or the munsiff, as the case may be, in charge of the headquarters.

Delegation of powers of district judges.

Temporary vacancy in the office of a subordinate judge or munsiff.

38. In the event of death, suspension or temporary absence of a subordinate judge or a munsiff, the district judge may empower any other subordinate judge or munsiff of the same civil district to continue the duties of the vacated court of the subordinate judge or munsiff either at the place of such court or of his own court but in every such case the register and record of the court shall be kept distinct.

#### CHAPTER IV

##### SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Power to confer powers of civil courts on officers in Hill Areas and procedure before the courts of such officers.

39. (1) The Chief Commissioner after consultation with the Judicial Commissioner may, by notification in the Official Gazette, invest, by name or in virtue of office, any officer in the hill areas with the powers of any civil court under this Act and upon such investiture the provisions of this Act shall, so far as they can be made applicable, apply to him as if he were a judge of the court with the powers of which he is invested.

(2) Where the place at which the court of an officer invested with powers under sub-section (1) is to be held, has not been fixed under section 26, the court may be held at any place within the local limits of its jurisdiction.

(3) The Code of Civil Procedure, 1908, shall apply to all suits and proceedings before the court of an officer invested with powers under sub-section (1) subject to the following exceptions, namely:—

(a) a defendant in a suit may, instead of filing a written statement, make an oral statement of his defence which shall be recorded by the court;

(b) all applications by parties in any suit or proceeding may be made orally before the court;

(c) no appearance, application or act in or to the court, required or authorized by law to be made or done by a party in such court shall be made or done by a pleader (as defined in the Code of Civil Procedure, 1908) save with the permission of the court;

(d) it shall be sufficient for the court to make a memorandum of the substance of the evidence of any witness examined by it and it shall not be necessary for the court to take down evidence of any witness in writing at length unless the court is, on the application of any party or otherwise, satisfied that there is any special reason for so doing.

Power of the Judicial Commissioner to make rules.

40. The Court of the Judicial Commissioner may make rules consistent with this Act and any other law for the time being in force, providing for all or any of the following matters, namely:—

(a) the supervision of all courts subordinate to the Court of the Judicial Commissioner and their inspection;

(b) the translation of any papers filed in the Court of the Judicial Commissioner and the preparation of paper-books for the hearing of appeals and the copying, typing or printing of any such papers or translations and the recovery from the persons at whose instance or on whose behalf papers are filed, all the expenses thereby incurred;

(c) the fees to be charged for processes issued by a civil court or by any officer of any such court and the fee payable in any suit or proceeding, in any such court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceeding;

(d) the manner in which the proceedings of civil courts shall be kept and recorded, and the manner in which paper-books for the hearing shall be prepared and the granting of copies;

(e) the various matters relating to the officers of the court;

(f) the persons to be permitted to act as petition-writers in the court subordinate thereto or act as pleaders' clerks;

(g) the issue of licences to persons referred to in clause (f), the conduct of business by them and the scale of fees to be charged by them;

(h) the authority by which breaches of such rules shall be investigated and the penalty which may be imposed.

41. (1) The presiding officer of a court shall not try any suit, proceeding or other case, or hear any appeal, to which he is a party or in which he is personally interested.

(2) No presiding officer shall hear an appeal from any judgment, decree, sentence or order passed or made by himself.

(3) Where any such suit, proceeding, case or appeal as is referred to in sub-section (1) or sub-section (2) comes before any such officer, he shall transmit forthwith the record of such suit, proceeding, case or appeal as the case may be, to the court to which he is immediately subordinate with the report of the circumstances attending the reference.

(4) The superior court may transfer the suit, proceeding, case or appeal either to itself or to any court under its administrative control competent to decide it.

42. (1) Where in any suit or proceeding, it is necessary for any court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, any custom (if such there be) having the force of law, or

Presiding officers of courts not to try suits and cases in which they are interested.

Certain decisions to be according to custom or personal law.

any personal law, governing the parties, or the property of the parties to such suit or proceeding shall form the rule of decision except in so far as such custom or personal law has, by legislative enactment, been altered or abolished.

(2) In cases not provided for by sub-section (1) or by any other law for the time being in force, the court shall decide the suit or proceeding according to justice, equity and good conscience.

Holidays.

43. (1) Subject to the approval of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as closed holidays in the Court of the Judicial Commissioner and the civil courts subordinate to that Court.

(2) The list of holidays shall be published in the Official Gazette.

(3) A judicial act done by a court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

Pending proceedings.

44. (1) Any suit, proceeding, case or appeal pending in a court immediately before the commencement of this Act shall, upon the commencement of this Act, be deemed to be transferred to the court exercising under this Act jurisdiction which corresponds, as far as may be, to the jurisdiction of the court in which the suit, proceeding, case or appeal was pending and the court to which the suit, proceeding, case or appeal is deemed to be transferred shall proceed to try, hear and determine the matter as if it had been pending in that court.

(2) Any appeal from a judgment, decree, sentence or order passed or made by a court and not appealed against before the commencement of this Act shall, after such commencement, lie to the court exercising under this Act jurisdiction which corresponds, as far as may be, to the jurisdiction of the court to which such appeal would have lain if this Act had not been passed and had not come into force.

(3) Any judgment, decree, sentence or order passed or made before the commencement of this Act by any court shall be deemed for the purpose of execution to have been passed by a court constituted under this Act which corresponds, as far as may be, to the court which passed or made the judgment, decree, sentence or order as the case may be:

Provided that nothing contained in sub-section (1) or sub-section (2) shall be construed as extending period of limitation to which any suit, proceeding, case or appeal may be subject.

Repeals and Savings.

45. (1) The Manipur State Courts Act, 1947, as amended by the Manipur State Courts (Amendment) Order, 1950, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any appointment or delegation made, order, instrument or direction issued, rule or regulation made under that Act) shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under the relevant provisions of this Act.

46. The Court of the Judicial Commissioner established under section 3 is hereby declared to be a High Court for the purposes of articles 132, 133 and 134 of the Constitution; and the provisions of the Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950, shall apply to that Court as they apply to a Judicial Commissioner's Court in existence at the commencement of this Act. Declaration of the judicial Commissioner's Court as a High Court for certain purposes.

## THE CITIZENSHIP ACT, 1955

ACT No. 57 OF 1955

[30th December, 1955]

*See India Code, Vol. II*  
~~An act to provide for the acquisition and termination of Indian citizenship.~~

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

1. This Act may be called the Citizenship Act, 1955. Short title.

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

(a) "a Government in India" means the Central Government or a State Government;

(b) "citizen", in relation to a country specified in the First Schedule, means a person who, under the citizenship or nationality law for the time being in force in that country, is a citizen or national of that country;

(c) "citizenship or nationality law", in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country:

Provided that no such notification shall be issued in relation to the Union of South Africa except with the previous approval of both Houses of Parliament;

(d) "Indian consulate" means the office of any consular officer of the Government of India where a register of births is kept, or where there is no such office, such office as may be prescribed;

(e) "minor" means a person who has not attained the age of eighteen years;

(f) "person" does not include any company or association or body of individuals, whether incorporated or not;

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

(h) "undivided India" means India as defined in the Government of India Act, 1935, as originally enacted.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after, the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

(4) For the purposes of this Act, a person shall be deemed to be of full age if he is not a minor, and of full capacity if he is not of unsound mind.

#### ACQUISITION OF CITIZENSHIP

Citizenship  
by birth.

3. (1) Except as provided in sub-section (2) of this section, every person born in India on or after the 26th January, 1950, shall be a citizen of India by birth.

(2) A person shall not be such a citizen by virtue of this section if at the time of his birth—

(a) his father possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and is not a citizen of India;  
or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

4. (1) A person born outside India on or after the 26th January, 1950, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth: Citizenship  
by descent.

Provided that if the father of such a person was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

(a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or

(b) his father is, at the time of his birth, in service under a Government in India.

(2) If the Central Government so directs, a birth shall be deemed for the purposes of this section to have been registered with its permission, notwithstanding that its permission was not obtained before the registration.

(3) For the purposes of the proviso to sub-section (1), any male person born outside undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only.

5. (1) Subject to the provisions of this section and such conditions and restrictions as may be prescribed, the prescribed authority may, on application made in this behalf, register as a citizen of India any person who is not already such citizen by virtue of the Constitution or by virtue of any of the other provisions of this Act and belongs to any of the following categories:— Citizenship  
by registra-  
tion.

(a) persons of Indian origin who are ordinarily resident in India and have been so resident for six months immediately before making an application for registration;

(b) persons of Indian origin who are ordinarily resident in any country or place outside undivided India;

(c) women who are, or have been, married to citizens of India;

(d) minor children of persons who are citizens of India; and

(e) persons of full age and capacity who are citizens of a country specified in the First Schedule:

Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens of India may, by law or practice of that country, become citizens of that country by registration.

*Explanation.*—For the purposes of this sub-section, a person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grand-parents, was born in undivided India.

(2) No person being of full age shall be registered as a citizen of India under sub-section (1) until he has taken the oath of allegiance in the form specified in the Second Schedule.

(3) No person who has renounced, or has been deprived of, his Indian citizenship, or whose Indian citizenship has terminated, under this Act shall be registered as a citizen of India under sub-section (1) except by order of the Central Government.

(4) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India.

(5) A person registered under this section shall be a citizen of India by registration as from the date on which he is so registered; and a person registered under the provisions of clause (b) (ii) of article 6 or article 8 of the Constitution shall be deemed to be a citizen of India by registration as from the commencement of the Constitution or the date on which he was so registered, whichever may be later.

Citizenship  
by naturalisation.

6. (1) Where an application is made in the prescribed manner by any person of full age and capacity who is not a citizen of a country specified in the First Schedule for the grant of a certificate of naturalisation to him, the Central Government may, if satisfied that the applicant is qualified for naturalisation under the provisions of the Third Schedule, grant to him a certificate of naturalisation:

Provided that, if in the opinion of the Central Government, the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.

(2) The person to whom a certificate of naturalisation is granted under sub-section (1) shall, on taking the oath of allegiance in the form specified in the Second Schedule, be a citizen of India by naturalisation as from the date on which that certificate is granted.

Citizenship  
by incorporation  
of territory.

7. If any territory becomes a part of India, the Central Government may, by order notified in the Official Gazette, specify the persons who shall be citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order.



## TERMINATION OF CITIZENSHIP

8. (1) If any citizen of India of full age and capacity, who is also a citizen or national of another country, makes in the prescribed manner a declaration renouncing his Indian citizenship, the declaration shall be registered by the prescribed authority; and, upon such registration, that person shall cease to be a citizen of India: Renunciation  
of citizen-  
ship

Provided that if any such declaration is made during any war in which India may be engaged, registration thereof shall be withheld until the Central Government otherwise directs.

(2) Where a male person ceases to be a citizen of India under sub-section (1), every minor child of that person shall thereupon cease to be a citizen of India:

Provided that any such child may, within one year after attaining full age, make a declaration that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India.

(3) For the purposes of this section, any woman who is, or has been, married shall be deemed to be of full age.

9. (1) Any citizen of India who by naturalisation registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India: Termination  
of citizen-  
ship.

Provided that nothing in this sub-section shall apply to a citizen of India who, during any war in which India may be engaged, voluntarily acquires the citizenship of another country, until the Central Government otherwise directs.

(2) If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf.

10. (1) A citizen of India who is such by naturalisation or by virtue only of clause (c) of article 5 of the Constitution or by registration otherwise than under clause (b) (ii) of article 6 of the Constitution or clause (a) of sub-section (1) of section 5 of this Act shall cease to be a citizen of India, if he is deprived of that citizenship by an order of the Central Government under this section: Deprivation  
of citizen-  
ship.

(2) Subject to the provisions of this section, the Central Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that—

(a) the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Constitution of India as by law established; or

(c) that citizen has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than two years; or

(e) that citizen has been ordinarily resident out of India for a continuous period of seven years, and during that period, has neither been at any time a student of any educational institution in a country outside India or in the service of a Government in India or of an international organisation of which India is a member, nor registered annually in the prescribed manner at an Indian consulate his intention to retain his citizenship of India.

(3) The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of India.

(4) Before making an order under this section, the Central Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and, if the order is proposed to be made on any of the grounds specified in sub-section (2) other than clause (e) thereof, of his right, upon making application therefor in the prescribed manner, to have his case referred to a committee of inquiry under this section.

(5) If the order is proposed to be made against a person on any of the grounds specified in sub-section (2) other than clause (e) thereof and that person so applies in the prescribed manner, the Central Government shall, and in any other case it may, refer the case to a Committee of Inquiry consisting of a chairman (being a person who has for at least ten years held a judicial office) and two other members appointed by the Central Government in this behalf.

(6) The Committee of Inquiry shall, on such reference, hold the inquiry in such manner as may be prescribed and submit its report to the Central Government; and the Central Government shall

ordinarily be guided by such report in making an order under this section.

#### SUPPLEMENTAL

11. Every person who is a citizen of a Commonwealth country specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India. Commonwealth citizenship.

12. (1) The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule. Power to confer rights of Indian citizen on citizens of certain countries.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith contained in any law other than the Constitution of India or this Act.

13. The Central Government may, in such cases as it thinks fit, certify that a person, with respect to whose citizenship of India a doubt exists, is a citizen of India; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date. Certificate of citizenship in case of doubt.

14. (1) The prescribed authority or the Central Government may, in its discretion, grant or refuse an application under section 5 or section 6 and shall not be required to assign any reasons for such grant or refusal. Disposal of application under sections 5 and 6.

(2) Subject to the provisions of section 15, the decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court.

15. (1) Any person aggrieved by an order made under this Act by the prescribed authority or any officer or other authority (other than the Central Government) may, within a period of thirty days from the date of the order, make an application to the Central Government for a revision of that order: Revision.

Provided that the Central Government may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) On receipt of any such application under sub-section (1), the Central Government shall, after considering the application of the aggrieved person and any report thereon which the officer or authority making the order may submit, make such order in relation to

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the application as it deems fit, and the decision of the Central Government shall be final.

**Delegation of powers.**

16. The Central Government may, by order, direct that any power which is conferred on it by any of the provisions of this Act other than those of section 10 and section 18 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be so specified.

**Offences.**

17. Any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly makes any representation which is false in a material particular shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

**Power to make rules.**

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

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

(a) the registration of anything required or authorized under this Act to be registered, and the conditions and restrictions in regard to such registration;

(b) the forms to be used and the registers to be maintained under this Act;

(c) the administration and taking of oaths of allegiance under this Act, and the time within which, and the manner in which, such oaths shall be taken and recorded;

(d) the giving of any notice required or authorized to be given by any person under this Act;

(e) the cancellation of the registration of, and the cancellation and amendment of certificates of naturalisation relating to, persons deprived of citizenship under this Act, and the delivering up of such certificates for those purposes;

(f) the registration at Indian consulates of the births and deaths of persons of any class or description born or dying outside India;

(g) the levy and collection of fees in respect of applications, registrations, declarations and certificates under this Act, in respect of the taking of an oath of allegiance, and in respect of the supply of certified or other copies of documents;

(h) the authority to determine the question of acquisition of citizenship of another country, the procedure to be followed by such authority and rules of evidence relating to such cases;

(i) the procedure to be followed by the committees of inquiry appointed under section 10 and the conferment on such committees of any of the powers, rights and privileges of civil courts;

(j) the manner in which applications for revision may be made and the procedure to be followed by the Central Government in dealing with such applications; and

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

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

(4) All rules made under this section shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid.

19. (1) The British Nationality and Status of Aliens Acts, 1914 Repeals to 1943, are hereby repealed in their application to India.

(2) All laws relating to naturalisation which are in force in any part of India are hereby repealed.

#### THE FIRST SCHEDULE

[See sections 2(1) (b) and 5(1)(e)]

A. The following Commonwealth countries:—

1. United Kingdom.
2. Canada.
3. Commonwealth of Australia.
4. New Zealand.
5. Union of South Africa.
6. Pakistan.
7. Ceylon.
8. Federation of Rhodesia and Nyasaland.

B. The Republic of Ireland.

*Explanation.*—In this Schedule, “United Kingdom” means the United Kingdom of Great Britain and Northern Ireland, and includes the Channel Islands, the Isle of Man and all Colonies; and “Commonwealth of Australia” includes the territories of Papua and the territory of Norfolk Island.

## THE SECOND SCHEDULE

[See sections 5(2) and 6(2)]

## OATH OF ALLEGIANCE

I, A. B.....do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfil my duties as a citizen of India.

## THE THIRD SCHEDULE

[See section 6(1)]

## QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person who is not a citizen of a country specified in the First Schedule are :—

(a) that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;

(b) that, if he is a citizen of any country, he has renounced the citizenship of that country in accordance with the law therein in force in that behalf and has notified such renunciation to the Central Government;

(c) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, throughout the period of twelve months immediately preceding the date of the application;

(d) that during the seven years immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than four years;

(e) that he is of good character;

(f) that he has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution; and

(g) that in the event of a certificate of naturalisation being granted to him, he intends to reside in India, or to enter into, or continue in, service under a Government in India or under an international organisation of which India is a member or under a society, company or body of persons established in India:

Provided that the Central Government may, if in the special circumstances of any particular case it thinks fit,—

(i) allow a continuous period of twelve months ending not more than six months before the date of the application to be

reckoned, for the purposes of clause (c) above, as if it had immediately preceded that date;

(ii) allow periods of residence or service earlier than eight years before the date of the application to be reckoned in computing the aggregate mentioned in clause (d) above.

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THE CONSTITUTION (THIRD AMENDMENT)  
ACT, 1954

[22nd February, 1955.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Third Amendment) Act, 1954. Short title.

2. In the Seventh Schedule to the Constitution, for entry 33 of List III, the following entry shall be substituted, namely:— Amendment of the Seventh Schedule.

“33. Trade and commerce in, and the production, supply and distribution of,—

(a) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products;

(b) foodstuffs, including edible oilseeds and oils;

(c) cattle fodder, including oilcakes and other concentrates;

(d) raw cotton, whether ginned or unginned, and cotton seed; and

(e) raw jute.”

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THE CONSTITUTION (FOURTH AMENDMENT)  
ACT, 1955

[27th April, 1955.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Fourth Amendment) Act, 1955. Short title.

Amendment of article 31. 2. In article 31 of the Constitution, for clause (2), the following clauses shall be substituted, namely:—

“(2) No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given; and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate.

(2A) Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property, notwithstanding that it deprives any person of his property.”.

Amendment of article 31A.

3. In article 31A of the Constitution,—

(a) for clause (1), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

“(1) Notwithstanding anything contained in article 13, no law providing for—

(a) the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights, or

(b) the taking over of the management of any property by the State for a limited period either in the public interest or in order to secure the proper management of the property, or

(c) the amalgamation of two or more corporations either in the public interest or in order to secure the proper management of any of the corporations, or

(d) the extinguishment or modification of any rights of managing agents, secretaries and treasurers, managing directors, directors or managers of corporations, or of any voting rights of shareholders thereof, or

(e) the extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence for the purpose of searching for, or winning, any mineral or mineral oil, or the premature termination or cancellation of any such agreement, lease or licence,



shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31:

Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.”; and

(b) in clause (2),—

(i) in sub-clause (a), after the word “grant”, the words “and in the States of Madras and Travancore-Cochin, any *janmam* right” shall be, and shall be deemed always to have been, inserted; and

(ii) in sub-clause (b), after the word “tenure-holder”, the words “*raiyat, under-raiyat*” shall be, and shall be deemed always to have been, inserted.

4. For article 305 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 305.

“305. Nothing in articles 301 and 303 shall affect the provisions of any existing law except in so far as the President may by order otherwise direct; and nothing in article 301 shall affect the operation of any law made before the commencement of the Constitution (Fourth Amendment) Act, 1955, in so far as it relates to, or prevent Parliament or the Legislature of a State from making any law relating to, any such matter as is referred to in sub-clause (ii) of clause (6) of article 19.”

Saving of existing laws and laws providing for State monopolies.

5. In the Ninth Schedule to the Constitution, after entry 13, the following entries shall be added, namely:—

Amendment of the Ninth Schedule.

“14. The Bihar Displaced Persons Rehabilitation (Acquisition of Land) Act, 1950 (Bihar Act 38 of 1950).

15. The United Provinces Land Acquisition (Rehabilitation of Refugees) Act, 1948 (U.P. Act 26 of 1948).

16. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (Act 60 of 1948).

17. Sections 52A to 52G of the Insurance Act, 1938 (Act 4 of 1938), as inserted by section 42 of the Insurance (Amendment) Act, 1950 (Act 47 of 1950).

18. The Railway Companies (Emergency Provisions) Act, 1951 (Act 51 of 1951).

19. Chapter III-A of the Industries (Development and Regulation) Act, 1951 (Act 65 of 1951), as inserted by section 13 of the Industries (Development and Regulation) Amendment Act, 1953 (Act 26 of 1953).

20. The West Bengal Land Development and Planning Act, 1948 (West Bengal Act 21 of 1948), as amended by West Bengal Act 29 of 1951.”.

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**THE CONSTITUTION (FIFTH AMENDMENT)  
ACT, 1955**

[24th December, 1955.]

**An Act further to amend the Constitution of India.**

**B**E it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

- Short title.      **1.** This Act may be called the Constitution (Fifth Amendment) Act, 1955.
- Amendment of article 3.      **2.** In article 3 of the Constitution, for the proviso, the following proviso shall be substituted, namely:—

“Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States specified in Part A or Part B of the First Schedule, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.”.

I N D E X

	Page No.
<b>A</b>	
<b>ABDUCTED PERSONS</b>	
—(Recovery and Restoration) Continuance Act	211
<b>ACCOUNTANTS</b>	
Chartered ——— (Amendment) Act	238
<b>APPROPRIATION</b>	
Andhra ——— Act	2
Andhra ——— (Vote on Account) Act	4
— Act	10
— (No. 2) Act	39
— (No. 3) Act	232
— (No. 4) Act	259
— (No. 5) Act	260
— (Vote on Account) Act	12
— (Railways) Act	7
— (Railways) No. 2 Act	9
<b>B</b>	
<b>BANKS</b>	
Reserve Bank of India (Amendment) Act	150
State Bank of India Act	118
State Bank of India (Amendment) Act	217
<b>BUILDING OPERATIONS</b>	
Delhi (Control of ——— ) Act	271
<b>C</b>	
<b>CHARTERED ACCOUNTANTS</b>	
— (Amendment) Act	238
<b>CITIZENSHIP</b>	
— Act	307
<b>COINAGE</b>	
Indian ———(Amendment) Act.	212
<b>COMMANDERS-IN-CHIEF</b>	
— (Change in Désignation) Act	100
<b>COMMODITIES</b>	
Essential ——— Act	20
<b>CONSTITUTION</b>	
— (Third Amendment) Act	317
— (Fourth Amendment) Act	317
— (Fifth Amendment) Act	320
<b>CORRUPTION</b>	
Prevention of ——— (Amendment) Act	269

	Page No.
<b>COURTS</b>	
Manipur (——) Act . . . . .	294
<b>CRIMINAL PROCEDURE</b>	
Code of —— (Amendment) Act . . . . .	166
<b>CUSTOMS</b>	
Land —— (Amendment) Act . . . . .	223
Sea —— (Amendment) Act . . . . .	103
<b>DELHI</b>	
—— (Control of Building Operations) Act . . . . .	271
—— Joint Water and Sewage Board (Amendment) Act . . . . .	222
<b>D</b>	
<b>DENTISTS</b>	
—— (Amendment) Act . . . . .	33
<b>DESIGNATION</b>	
Commanders-in-Chief (Change in —— ) Act . . . . .	100
<b>DISQUALIFICATION, PREVENTION OF</b>	
—— (Parliament and Part C States Legislatures) Amendment Act . . . . .	271
<b>DRUGS</b>	
—— (Amendment) Act . . . . .	27
<b>DURGAH KHAWAJA SAHEB</b>	
—— Act . . . . .	224
<b>E</b>	
<b>ESSENTIAL COMMODITIES</b>	
—— Act . . . . .	20
<b>EXCISE DUTIES</b>	
Medicinal and Toilet Preparations (——) Act . . . . .	88
<b>EXPORT DUTIES</b>	
Hyderabad —— (Validation) Act . . . . .	101
<b>EXPORTS</b>	
Imports and —— (Control) Amendment Act . . . . .	2
<b>F</b>	
<b>FINANCE</b>	
—— Act . . . . .	46
<b>FINANCE COMMISSION</b>	
—— (Miscellaneous Provisions) Amendment Act . . . . .	38
<b>FINANCIAL CORPORATIONS</b>	
Industrial and State —— (Amendment) Act . . . . .	204
<b>H</b>	
<b>HINDU MARRIAGE</b>	
—— Act . . . . .	153
<b>HYDERABAD</b>	
—— Export Duties (Validation) Act . . . . .	161

	Page No.
<b>IMPORTS AND EXPORTS</b>	
— (Control) Amendment Act . . . . .	2
<b>INDUSTRIAL DISPUTES</b>	
— (Appellate Tribunal) Amendment Act . . . . .	210
— (Banking Companies) Decision Act . . . . .	238
Working Journalists (—) Act . . . . .	I
<b>INDUSTRIAL AND FINANCE CORPORATIONS, AMENDMENT OF</b>	
Industrial and State Financial Corporations (Amendment) Act . . . . .	204
<b>INSURANCE</b>	
— (Amendment) Act . . . . .	
— (Second Amendment) Act . . . . .	279
<b>INTER-STATE TRADE AND COMMERCE</b>	
Spirituous Preparations (—) Control Act . . . . .	233
<b>J</b>	
<b>JOURNALISTS</b>	
Working — (Conditions of Service) and Miscellaneous Provisions Act . . . . .	251
Working — (Industrial Disputes) Act . . . . .	I
<b>L</b>	
<b>LAND CUSTOMS</b>	
— (Amendment) Act . . . . .	223
<b>M</b>	
<b>MANIPUR</b>	
— (Courts) Act . . . . .	294
<b>MARRIAGE</b>	
Hindu — Act . . . . .	153
<b>MEDICINAL AND TOILET PREPARATIONS</b>	
— (Excise Duties) Act . . . . .	88
<b>N</b>	
<b>NEGOTIABLE INSTRUMENTS</b>	
— (Amendment) Act . . . . .	232
<b>P</b>	
<b>PARLIAMENT</b>	
Prevention of Disqualification (— and Part C States Legislatures) Amendment Act . . . . .	271
Salaries and allowances of Members of — (Amendment) Act . . . . .	20
<b>PRESS</b>	
— and Registration of Books (Amendment) Act . . . . .	286
<b>PRISONERS</b>	
— (Attendance in Courts) Act . . . . .	213
<b>PRIZE COMPETITIONS</b>	
— Act . . . . .	240

<b>RAILWAYS</b>	
Appropriation (——) Act . . . . .	7
Appropriation (——) No. 2 Act . . . . .	9
Indian —— (Amendment) Act . . . . .	99
<b>RAILWAY STORES</b>	
—— (Unlawful Possession) Act . . . . .	270
<b>REGISTRATION OF BOOKS</b>	
Press and —— (Amendment) Act . . . . .	286
<b>RESERVE BANK OF INDIA</b>	
—— (Amendment) Act . . . . .	150
<b>S</b>	
<b>SALARIES AND ALLOWANCES</b>	
—— of Members of Parliament (Amendment) Act . . . . .	20
<b>SEA CUSTOMS</b>	
—— (Amendment) Act . . . . .	103
<b>SPIRITUOUS PREPARATIONS</b>	
—— (Inter-State Trade and Commerce) Control Act . . . . .	233
<b>STAMP</b>	
Indian —— (Amendment) Act . . . . .	246
<b>STATE BANK OF INDIA</b>	
—— Act . . . . .	118
—— (Amendment) Act . . . . .	217
<b>STATE FINANCIAL CORPORATIONS</b>	
Industrial and —— (Amendment) Act . . . . .	204
<b>T</b>	
<b>TARIFF</b>	
Indian —— (Amendment) Act . . . . .	199
Indian —— (Second Amendment) Act . . . . .	262
Indian —— (Third Amendment) Act . . . . .	266
<b>TRADE AND COMMERCE</b>	
Spirituos Preparation s (Inter-State ——) Control Act . . . . .	233
<b>U</b>	
<b>UNTOUCHABILITY</b>	
—— (Offences) Act . . . . .	111
<b>W</b>	
<b>WHIPPING</b>	
Abolition of —— Act . . . . .	251